

What to do if you are affected by bonfires

Often the best approach to resolve a problem is to talk about your concerns to the person causing the nuisance and try to agree to a solution. This may sound like a daunting task but people can get very upset if they are contacted by us with no prior warning, especially if they did not know they were causing a problem.

By trying to resolve the problem informally you can help to avoid unpleasant legal action which can sour the relationship between you and your neighbour, and sometimes the problem can be resolved more quickly.

How do we investigate a bonfire complaint?

Depending upon the exact circumstances of a case, when we receive a complaint regarding bonfire nuisance (we do not investigate 'one off' instances) a letter is sent to the person affected by the bonfire enclosing a Witness Report form to keep a record of the problem, noting down specific details of the bonfire dates and times. Please ensure you detail how the smoke is impacting on you within your property. This should be returned within an allocated timeframe. This will help us assess the situation and allow us to choose the best method of proceeding with an investigation. If you have any photos please send them with the log sheets

Please Note: We are unable to investigate anonymous complaints and we must have the address of where the smoke is coming from.

Once we have received your log sheets the case officer will assess them and contact you to discuss what will happen next. We may write to the alleged offender bringing their attention to the matter. We may also make visits in an attempt to witness the smoke. Officers will usually undertake a maximum of three visits to substantiate your complaint. If after the three visits no nuisance has been established, the Council will close the investigation.

Some of the things which help us decide if the bonfires are causing a nuisance are:

- How much smoke there is - Does it affect nearby properties?
- What is being burnt? The type of material burnt affects the production of smoke and how noxious the fumes from the smoke are.
- How often do the bonfires occur?

The success of our action will rely on the person who has complained assisting in gathering evidence by keeping the diary log forms, allowing access and carefully following instructions in respect of noise monitoring devices.

Legal action

Having considered all the evidence, the investigation will result in one of the following courses of action:

- a) No further action if no nuisance is substantiated
- b) Informal advice
- c) Service of formal statutory notice to abate the nuisance

If an abatement notice is served and not complied with legal action may be taken through the Courts.

If you require more information, you should contact:

Environmental Protection
88-90 Pier Avenue
Clacton on Sea
CO15 1TN

environmental.services@tendringdc.gov.uk

01255 686767