

Bonfires and Smoke nuisance Luton Borough Council

Bonfires can be seen as an easy way of getting rid of garden rubbish, but are not environmentally friendly.

There is no law against having bonfires. However, the smoke or the smell of the smoke could cause a statutory nuisance under section 79(1)(b) of the Environmental Protection Act 1990. A statutory nuisance is an activity that is prejudicial to health and unduly interferes with a person's enjoyment of their property and land. Bonfire smoke causes air pollution and can make people with breathing problems feel unwell. It can also upset your neighbours preventing them from opening windows, using their gardens, or hanging washing out.

If you feel comfortable speaking to your neighbour, try having a chat with them about the problem. It may be the case that your neighbour is unaware they are causing a problem.

If you don't feel able to talk to your neighbour, or talking to them hasn't worked, contact the Neighbourhood delivery team as below:

Neighbourhood Delivery
Luton Council, Town Hall, George Street, Luton, Bedfordshire, LU1 2BQ
Tel: 01582 510330
neighbourhooddelivery@luton.gov.uk

They will write to your neighbour to ask them not to have bonfires in future. They will also tell them about better ways of disposing of garden and other waste. Luton Borough Council has legal powers to stop a smoke nuisance caused by a bonfire. If a person causes a smoke nuisance, they can serve a notice. A person who ignores the notice commits a criminal offence which can result in a fine of up to £5,000.

If you do want Luton Borough Council to take action it would be useful to take photographs or video the impact that the smoke etc. is having on the wellbeing, comfort or enjoyment of your property as supporting evidence.

The Fire Service can only extinguish bonfires on private property without the land owner's permission if there is a risk of the fire spreading to other properties. If the bonfire is supervised by the land owner and is under control the Fire Service does not have the legal power to extinguish it even if it is causing a statutory nuisance.

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