What does the law say?
There is common misconception that there are specific byelaws that prohibit garden bonfires or specify times they can be lit. This is not the case - it is not illegal to have a bonfire. In the following circumstances the local authority may take legal action.

The Environmental Protection Act 1990
Places a duty on local authorities to investigate complaints of a statutory nuisance which includes “smoke, fumes or gases emitted from premises so as to be prejudicial to health or a nuisance.” This can be applied to both domestic and commercial premises.

In practice, to be considered a statutory nuisance, a bonfire would have to be a recurring problem, or interfering substantially with someone’s well being, comfort or enjoyment of their property. If the council is satisfied a nuisance exists an abatement notice can be served prohibiting future nuisance for which fines of up to £5,000 or £20,000 for business can be imposed. The act also allows the public to take private action in the magistrates court.

Highways Act 1980
Anyone lighting a fire and allowing smoke to drift across a road faces a fine if it endangers traffic. Please contact the police if this is the case.

How to complain
If bothered by smoke, first approach your neighbour and explain the problem. You might feel awkward, but they may not be aware of the distress they are causing and it will hopefully make them more considerate in the future.

If this fails contact the District Council’s Environmental Health team on 01609 779977 who will take details of your complaint and make sure you get correct advice for the type of problem reported. Depending on the nature of the complaint an officer may decide to visit; try and contact your neighbour by phone or send a letter advising of the complaint and providing information on the law. Your details will be kept confidential but if your complaint is a recurring problem you may be asked to keep a diary of events to assist officers investigating the matter.

For further information contact:
Hambleton District Council
Environmental Health Service, Civic Centre,
Stone Cross, Northallerton DL6 2UU
01609 779977
ehst@hambleton.gov.uk
hambleton.gov.uk
This information is available in alternative formats and languages
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What is wrong with a bonfire?
Bonfires can cause problems for your neighbours in the following ways:
- smoke and smell can be unpleasant and affect the enjoyment of their homes and gardens. It can alter behaviour such as closing windows or drying washing indoors. One off occasions will usually not cause problems but having bonfires frequently can cause a nuisance or be prejudicial to health
- bonfires release gases including carbon monoxide, dioxins and particulates which are harmful to people and the atmosphere and can become ingrained in clothing and furnishings
- smoke can aggravate breathing for asthma, bronchitis sufferers and young children; or cause problems for individuals with heart conditions
- plastics or rubber give off a cocktail of pollutants some of which may be toxic - even if the imminent health risk is slight the bonfire will add to general air pollution levels

What's the alternative?
- Hambleton have alternate weekly collections for garden waste with most households provided with a bin to take grass cuttings, hedge clippings, small branches, bark, windfalls, plants and weeds for recycling
- Some household waste - newspapers, magazines and plastic bottles - can be recycled through the kerbside box and bag recycling schemes
- There are numerous household waste recycling centres across the district where textiles or non recyclable items can be taken. These sites - managed by North Yorkshire County Council (0845 8727374) can be found at:
  - Yafforth Road, Northallerton
  - Ellerbeck Court, Stokesley
  - Tutin Road, Leeming Bar Industrial Estate
  - Oxmoor, Plantation Lane, Sowerby
  - Tholthorpe, Flaxwell Lane
- Collection of bulky refuse direct from a property can also be pre-arranged - there is a charge for this service

For further information on recycling and composting contact Hambleton District Council on 01609 779977.