

# Ashbourne Road and District Allotments Association

## Policy Title **Bonfire Policy**

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**The purpose of this policy is to identify how, when and where bonfires can be made on any allotment plot on this site.**

### **The Legal Position:**

The regular burning of bonfires is frowned upon by the City Council and could be judged to be a statutory nuisance under the Environmental Protection Act 1990. Under which, a Local Authority has the right to impose an Abatement Notice on the offender preventing them from having further bonfires. Also, under the Highways Act 1986, anyone causing smoke to drift across a road could face a fine of up to £2000 if it endangers traffic.

In addition, the whole of Derby is covered by a Smoke Control Area. Smoke Control Areas concern smoke from chimneys and not smoke from bonfires. In order to comply with this legislation, you must only burn authorised smokeless fuels or use an approved exempt appliance (log burner) in connection with a chimney, otherwise you may be committing an offence.

### **The Rules for this Association:**

1. No bonfire is to be lit between 30 April and 30 September.
2. No household rubbish, rubber tyres, carpets, or anything containing plastic, foam or paint is to be burnt.
3. No bonfire is to be made if the wind could take the smoke towards local housing or other buildings.
4. A bonfire must be attended and kept safe at all times and be made where it can do no harm to adjacent allotments or property.
5. Leaves and waste vegetation off the allotment must be composted wherever possible and if burnt because of disease must be dry and not create excessive smoke.
6. Wherever possible, remove allotment waste and/or rubbish to the local recycling facility.
7. Wherever possible, have bonfires at dusk, but a fire **MUST NOT** be left unattended.

### **The Consequences:**

**Where a Tenant contravenes this policy they will be liable for action under section 3 of the ARDAA Bye-Laws. The Tenant will be personally liable for any fines or legal action the Authorities may wish to take.**

**The committee will make available, to the Council's Environment and Regulatory Services Department, the details of any plot holder reported to them of causing a bonfire nuisance. As a result, the Council may take legal action which could involve prosecution.**

***Note: The Committee of Management may decide to temporarily suspend this Policy to allow for unusual conditions.***

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<b>Policy Revisions</b>			
<b>Date</b>	<b>Reason</b>	<b>Amendment</b>	<b>Approved</b>
18/04/15	Amended dates when fires can be lit,	Amended date from 31 April to 31 September to 30 April and 30 September.	20/04/15
09/11/14	<p>To improve clarity and formatting.</p> <p>For easy identification.</p> <p>To restrict the lighting of bonfires to exclude the summer period.</p> <p>For clarity.</p> <p>For clarity.</p> <p>For clarity.</p> <p>To clarify the action which will be taken should a Tenant ignore this policy.</p> <p>To allow for the Association to suspend the policy for special circumstances.</p>	<p>Under Legal Position; first line add "is frowned upon by the City Council".</p> <p>Under the 'The Rules for this Association' Replace bullet points with numbers.</p> <p>Point 1. Replace "at weekends or on Bank Holidays" with "between 31 April and 31 September"</p> <p>Point 4, after allotments add "or property"</p> <p>Point 5, after the word "possible" add "and if burnt because of disease must be dry and not create excessive smoke".</p> <p>Point 7, after the word "dusk" add "but a fire MUST NOT be left unattended."</p> <p>Under "The Consequences:" Replace paragraph 1 with "Where a Tenant contravenes this policy they will be liable for action under section 3 of the ARDAA Bye-Laws. The Tenant will be personally liable for any fines or legal action the Authorities may wish to take."</p> <p>Add the Footnote "<i>Note: The Committee of Management may decide to temporarily suspend this Policy to allow for unusual conditions</i>"</p>	
05/01/14	Approval of original version	None	05/01/14

Signed:	Date:
Position:	BFP-02-v2-200415