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Para mais informação em português contacte-nos através do telefone 08000 193538 (Portuguese)

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For information in large print, audio, Braille or to request a signer to speak to us please contact 01724 296296

If you need the information in this magazine in a different format (ie Braille or large print) please call 01724 296344



www.northlincs.gov.uk

Contact Us:

Environmental Protection Team
Communities and Environment

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CELEBRATING DIVERSITY

BONFIRES

and the Law

A guide for business



BONFIRES

Bonfires and air pollution

North Lincolnshire Council is responsible for reviewing, monitoring and working towards improving local air quality; and as part of this ongoing commitment we are seeking the cooperation of local businesses to reduce the number of business waste bonfires.

Bonfires cause air pollution

Burning is probably the most polluting way to dispose of waste. Bonfires produce smoke; this will cause pollutants such as carbon monoxide, dioxins and particles to be released. Burning plastic, rubber or painted materials will not only create an unpleasant odour, but also produce poisonous compounds.

Bonfire smoke may cause problems for asthmatics, bronchitis sufferers, people with heart conditions and children.

A bonfire will add to the general background levels of air pollution. Air pollution in the UK often reaches unhealthy levels. Part of Scunthorpe is within an Air Quality Management Area (AQMA) – this was designated as a result of a breach of the air quality objective for particulate matter.

The Council and other partners are required to work towards improving air quality in the AQMA. Your co-operation and assistance is vital.

For further information on the AQMA please visit www.nlincsair.info



Bonfires and the law

It is important that you are aware of the relevant legislation regarding business waste. You are advised to ensure that all members of staff and other persons working on your behalf are made aware of the relevant regulations and instructed not to burn waste.

1. Section 34 of the Environmental Protection Act 1990 places a legal requirement upon all waste producers to ensure their waste is properly managed and that suitable arrangements are made for its storage, collection, transportation and final disposal.

The burning of controlled waste without an appropriate waste management licence or registration of exemption constitutes a contravention of the Environmental Protection Act and is a criminal offence. Upon conviction in a Magistrates' Court this offence carries a maximum penalty of a **£40,000 fine and up to 6 months imprisonment.**

If you wish to apply for a registration of exemption you should contact the Environment Agency on 08708 506 506.

However, even if you hold a registration of exemption you will still be subject to legislation concerning dark smoke and smoke nuisance (see items 2 and 3) which are enforced by the Council.

2. Under Section 80 of the Environmental Protection Act 1990 the Council have a duty, where smoke emitted from premises is found to be prejudicial to health or a nuisance, to serve a legal notice requiring the abatement of the nuisance. Non compliance with a statutory notice can lead to the Magistrates' Court imposing a **fine of up to £20,000.**

3. Under the Clean Air Act 1993 Section 2 it is an offence to cause or permit dark smoke emissions from any industrial or trade premises. Contravention of this legislation may also result in a **fine of up to £20,000.** It is also possible that the Council will not only prosecute the company, but also the individual responsible, whose act or omission has led to the incident.



CASE STUDY

In July 2007 a manufacturing company based on Brigg Road, Scunthorpe was prosecuted by North Lincolnshire Council for burning business waste and for creating dark smoke. Both the Managing Director and the Company were prosecuted and were fined a total of £2,250.

CASE STUDY

In February 2008 a manufacturing company based at Mannaberg Way, Scunthorpe was prosecuted by North Lincolnshire Council for creating dark smoke from a business waste fire. The company was fined £3,000 and ordered to pay £750 costs.

BUSINESS WASTE

Every business generates waste

Waste is any substance or object that the business discards, intends to discard or is required to discard. Waste can be solid or liquid and does not have to be hazardous or toxic to be a controlled waste. Even materials that are being sold or recycled are still classed as waste. Materials brought on to site and discarded including food and drink packaging are also business waste.

Business Waste may arise from:

- An office, shop, showroom or hotel
- A factory, garage or haulage yard
- A demolition, construction or building site
- Any part of a residential premises which is used for the purposes of a trade or business
- Premises occupied by a club, society or public house
- A court; a government department or local authority
- A charity or church
- A market or fair

Thinking Of Having A BONFIRE? THINK AGAIN!

DO YOU BURN, OR INTEND TO BURN BUSINESS WASTE?

NO →

Ensure your waste is removed by a licensed waste carrier

↓ YES ↓

Is the waste produced at your site?

NO →

IT IS ILLEGAL TO BURN THIS WASTE

↓ YES ↓

Is the waste natural and untreated material generated from clearing a site, eg removal of shrubs and trees prior to construction/development?

NO →

IT IS ILLEGAL TO BURN THIS WASTE

↓ YES ↓

You may be eligible for an exemption to burn this material. Contact the Environment Agency for further information. Remember you can still be prosecuted for causing dark smoke or a nuisance.

North Lincolnshire Council Environmental Protection Team The Environmental Protection Team advise on and investigate reports of commercial waste fires.	Telephone no: 01724 297617
The Environment Agency The Environment Agency is responsible for protecting and improving the environment. They can provide advice on waste disposal and issue exemptions to burn certain waste.	Telephone no: 08708 506506
North Lincolnshire Council Communities Team The Communities Team advise on and investigate reports of domestic bonfires and flytipping.	Telephone no: 01724 297000
North Lincolnshire Council Trade Waste Helpline North Lincolnshire Council provide waste collections for commercial and trade premises.	Telephone no: 01724 297000