



Request

Response

1. Please state how many complaints your local authority has received about smoke from domestic fires from Sept 2023 to August 2024 inclusive?

25

2. Please state the number of enforcement actions taken by your local authority, in the following categories, against suspected breaches of smoke control area rules from Sept 2023 to August 2024 inclusive:

a. Warning or guidance letters

1

b. Inspections

7

c. Penalty notices

0

d. Prosecutions

0

3. Please provide a copy of any guidance issued internally to council officers regarding the enforcement of alleged breaches of smoke control area rules.

[See procedure document attached](#)

4. Please provide a copy of any reports or guidance produced by your council relating to the local implementation of the Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020 from 1 May 2021.

[The following information is on the Council website:-](#)

[Domestic burning \(wigan.gov.uk\)](http://wigan.gov.uk)

5. How many of your social housing properties have open fires or wood burning stoves?

[Information not recorded](#)



Procedure Note PH/14

Smoke From Domestic Chimneys and Smoke Control Areas

1. Objective

To detail the tasks necessary for the investigation of complaints relating to smoke from domestic chimneys.

2. Legislation & Related Documents

Legislation

Clean Air Act 1993
Clean Air – Smoke Control (Exempted Fireplaces) Regulations
Clean Air Smoke Control Areas (Authorised Fuels Order) Regulations
Clean Air Emissions of Dark Smoke Exemption Regulations 1969
Environmental Protection Act 1990
Police and Criminal Evidence Act 1984

Related Documents

Abatement Notice, Section 80
Smoke Control Area Register
Dark Smoke Notice, Section 51
Smoke Control Area Warning Letter
Dark Smoke from Chimney Warning Letter
Smoke from Chimney Warning Letter
BS2742 – Ringelman and Miniature Smoke Charts

3. Procedure

- 3.1 Details of initial enquiry including name, address and telephone number of the enquirer and as much detail as possible regarding times of occurrence, location of chimney etc shall be taken and recorded onto computer system. Job sheet printed off and allocated to case officer.
 - 3.2 It is the responsibility of the case officer to check the history of the complaint and check for any previous notices served.
 - 3.3 Check the records to confirm if the property is covered by a Smoke Control Order. If the properties are situated in a Smoke Control Area refer to Section 4 otherwise refer to Sections 5 and 6, which ever is applicable.
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Procedure Note PH/14

Smoke From Domestic Chimneys and Smoke Control Areas

4. Smoke Control Areas

- 4.1 Visit site and carry out observations.
 - 4.2 If no smoke is observed after 30 minutes, send smoke control warning letter if appropriate to owner/occupier of property. Advise complainant and close case.
 - 4.3 If dark smoke as defined by the 'Ringelman' Chart is observed visit the property and establish reason for emission.
 - 4.4 Establish how many fireplaces are linked to the chimney. If there is no statutory defence available for the emission, advise the person responsible that an offence has been committed under the Clean Air Act 1993 and interview them under caution in accordance with PACE 1984.
 - 4.5 Obtain details of Coal Merchant where possible (name of company, address and telephone number) and details of date when last delivery of unauthorised fuel took place. If unauthorised fuel being delivered to smoke control area, contact Coal Merchant and advise that one offence committed. Make arrangements to interview under PACE if appropriate.
 - 4.6 Send dark smoke notification of offence to owner or person responsible within four days.
 - 4.7 Advise complainant of outcome of investigation and refer to Section 7 for legal action options.
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5. Dark Smoke

- 5.1 Visit site and carry out observation.
 - 5.2 If no dark smoke is observed after 30 minutes send dark smoke informal letter to owner/occupier of property. Advise complainant and close case.
 - 5.3 If dark smoke as defined by the 'Ringelman Chart' is observed visit the property and establish reason for emission.
 - 5.4 Establish how many fireplaces are linked to the chimney. If there is no statutory defence available for the emission, advise the person responsible that an offence has been committed under the Clean Air Act 1993 and then interview (if necessary) under caution in accordance with PACE 1984.
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Smoke From Domestic Chimneys and Smoke Control Areas

- 5.5 Send dark smoke notification of offence (if appropriate) to owner/occupier of property within four days.
 - 5.6 Advise complainant of outcome of investigation and refer to Section 7 for legal action options.
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6. Statutory Smoke Nuisance

- 6.1 Visit site and carry out observation.
 - 6.2 If no smoke is observed after 30 minutes or there is no evidence of burning having taken place, carry out further observations if burning is suspected to occur. Send statutory nuisance warning letter to owner/occupier of property if appropriate. Advise complainant and close case.
 - 6.3 If smoke is observed and causing a nuisance, serve Abatement Notice in respect of Section 80 of Environmental Protection Act 1990 on 'owner' of property or person responsible (see guidance note on service of notice). If there is an outstanding legal notice refer to Section 7.
 - 6.4 Advise complainant of outcome of investigation and action taken.
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7. Legal Action

- 7.1 Where legal action is justified discuss following actions with Principal Officer or Service Manager.
 - 7.2 Send warning letter to offender.
 - 7.3 Issue formal caution. Refer to current Departmental legal procedures guidance.
 - 7.4 Refer case to legal section with all relevant evidence. Case must be referred by Service Manager on referral form.
 - 7.5 Following outcome of prosecution place a copy of the file in prosecution cabinet, completing index record. Close complaint on computer system.
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