



REQUEST 18555

1. Please state how many complaints your local authority has received about smoke from domestic fires from 1st Sept 2024 to 31st August 2025 inclusive? If you have separated this data into types of fires please include this detail.
2.
 - a. 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 1st Sept 2024 to 31st August 2025 inclusive:
 - i. Warning or guidance letters
 - ii. Inspections
 - iii. Penalty notices
 - iv. Prosecution
 - b. How many complaints concerned people who had previously been the addressee of an enforcement action, including letters?
3. Please provide a copy of any guidance issued internally to council officers regarding the enforcement of alleged breaches of smoke control area rules.
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.
5. If your council is not fully designated a Smoke Control Area, can you please explain how complaints have been handled in controlled versus non controlled areas?

RESPONSE

1. 15 relating to chimney smoke.

We have also had 55 complaints of burning in gardens, and 13 complaints of burning on commercial/development sites in this time period.
2.
 - a. 2 cases still being investigated
13 cases closed following conversations with alleged perpetrators
 - b. 1
3. Please see attached process guidance
4. We do not have this to supply
5. This is outlined in the process guidance attached.

Admin officers check addresses for smoke control zones, they will then advice officers instantly if smoke is in a smoke control area. The complaints outside of a smoke control area are logged as per other incoming jobs and assigned to a group of officers, one officer will take the job and investigate accordingly

Task:	Smoke Pollution (Garden burning see separate process)
Date Written:	01/07/2021

Step 1	Ensure all details have been given e.g. Name, contact details, Premises address being complained about, nature of complaint.				
Step 2	Check premises record for any ongoing noise issues. Set premises default on the SRU record.				
Step 3	Check GIS for smoke control areas. These results determine which route the complaint takes.				
Step 4	If GIS check show that the offending premises is in a smoke control area then this must be put on the system for an officer to respond (Air Pollution Act)				
Step 5	When offending premises is not in a smoke control area a letter/log sheet must be sent to complainant for completion and record closed.				
Step 6	Return of WOR (log sheet). Check the details and that signature is present. The sheet needs to be recorded on the APP and attached to the record. The record must then be re-opened and all relevant codes changed for allocation.				
Step 7	Refusal to complete WOR (log sheet) by complainant. A standard response to be sent out.				
Step 8	Service requests received via 'My Report' other actions are necessary. All codes must be changed to our service codes on the report. An Update must be entered on the report e.g. 'Officer to respond' The notification tick box must be unticked and changes saved and then the report must be closed.				
Step 9	Officer to assess if Statutory Nuisance. This should be done with the use of inspections, witness observations, and smoke monitoring chart where applicable.				
Step 10	If Statutory Nuisance is occurring, please proceed with Stat Nuisance process. Issue warning letter, continue to monitor, create casefile for legal.				
Relevant APP Codes	<p>Category Code: WS8 – Smoke Action Code: Could be any of the following depending on where the smoke is coming from;</p> <table border="1"> <tr> <td>W06</td><td>Domestic</td></tr> <tr> <td>W13</td><td>Smoke Control Area</td></tr> </table>	W06	Domestic	W13	Smoke Control Area
W06	Domestic				
W13	Smoke Control Area				

CLEAN AIR – Smoke in a smoke control area

Legislation & Related Documents

Legislation

Clean Air Act

Details of initial enquiry, including name, address; telephone number of the enquirer and details recorded on system.

Admin team receive job, if smoke from a chimney, check GIS for smoke control areas, if property is in owned, admin team will refer this to Homes team.

If privately owned, admin team will check history and link any old job numbers.

Admin team send out 1st Statutory Nuisance Letter and Log Sheets and close job down after 21 days, if not returned.

If the logs sheets are returned, admin team will attach log sheets to the job and assign to relevant area for investigation by Enforcement Officer.

1. Investigation

1.1 Officer will receive log sheets and review to decide if the log sheet reveals a statutory nuisance. If no statutory nuisance, officer will send out standard letter to the complainant explaining that there is no nuisance.

1.2 Officer will visit or send standard 'allegation of' letter to the alleged perpetrator.

1.3 If further diary sheets are not returned, job will be assumed complete and be closed down. If further log sheets are returned by complainant, Enforcement Officer will evaluate and determine whether it is considered a statutory nuisance.

1.4 If determined not be a statutory nuisance, Enforcement Officer will send standard letter explaining there is no nuisance.

1.5 If determined to be a statutory nuisance, Enforcement Officer will carry out observation visits or use smoke monitoring knowledge.

1.6 If determined not be a statutory nuisance, Enforcement Officer will contact complainant and explain, and follow up with the standard letter explaining there is no nuisance.

1.7 If it is determined to be a statutory nuisance, a section 80 notice will be served on the alleged perpetrator.

1.8 If notice is complied with, case can be closed.

CLEAN AIR – Smoke in a smoke control area

1.9 If notice is not complied with, perpetrator is in breach of notice. Officer to gather evidence of the breach, and put together a file to present to legal.

2.0 Legal to decide how to take the case forward.