

London Borough of Barnet
2 Bristol Avenue,
Colindale,
London, NW9 4EW
11 July 2022
Our ref: 8325640

Thank you for your request received on 26 June 2022, for the following information:

Hi

I am after any information regarding bonfires on allotments in Barnet especially in East Finchley.

I would like any info on all allotment sites especially East Finchley allotments on plane tree walk N2 and also The Fuel lands allotments n2 plus others which fall under Barnet as comparisons.

For all sites May I kindly request :

What months are bonfires allowed? By LBB.

Are there any day or time or month restrictions?

Have any warnings been issued by LBB to any sites? In last 5 years. Specifically interested in EF allotments in Plane tree walk and others to compare.

When were warnings issued? Month and year.

What type of warnings?

How many residential complaints made in last 5 years to LBB re bonfires for each of these allotment sites and when? I am specifically interested in the East Finchley allotments at Plane tree walk n2 and Fuel lands - and others in Finchley / Barnet and using info of the other sites for comparison. Please provide stats for all.

Have there been any complaints made to LBB for any BBQs or other fires made on residential properties in the following Roads and areas:

Creighton Ave

Other local county roads in N2

Any in N2

Any in Barnet?

What are the restrictions for residential fires? Times etc?

Has the environmental office carried out any inspections in any of the above allotments re bonfires/ fires?

Has the environmental health office issued any warnings formal or informal on any of these sites?

May I have a copy of any warnings?

How many warnings have been given to EF allotments?

How many warnings can be given before action taken?

How many incidents in all allotments where fire brigade called out?

All info - In last 5 years.

Are there any air pollution tests done around Martin school area? May you let me know figures?

Are bonfires allowed on allotments?

Do you plan to prevent or restrict bonfires on allotments in future?

Has LBB ever written to East Finchley allotments about bonfires?

May I have copies?

Has LBB provided skips free or paid for to EF allotments in Plane tree walk?

When?

Costs?

We have processed this request under the Freedom of Information Act 2000.

Response

I can confirm that London Borough of Barnet holds the information you requested.

However, we believe that the exemptions detailed below apply to some/all of this information and this is withheld. Please see the Refusal Notice below.

Hi

I am after any information regarding bonfires on allotments in Barnet especially in East Finchley.

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For all sites May I kindly request :

What months are bonfires allowed? By LBB.

Each allotment operates under a lease between the society and the council and each lease may be slightly different. Although all leases are based on a template, the East Finchley Lease says the following in respect of bonfires;

'Not permit any fires or bonfires to be lit on the Property except (i) bonfires (for the purpose of burning vegetation and like matter) by allotment holders on their respective allotment plots on no more than one specified day of each month during the months May to September (days to be specified and advertised by the Tenant) and at any time on any day during the months October to April (ii) bonfires by the Tenant for communal purposes at an appropriate location under the supervision of a proper and responsible designated person on no more than one occasion each month during the months May to September days to be specified by the Tenant and at any time on any day during the months of October to April'.

Are there any day or time or month restrictions?

Please see above.

Have any warnings been issued by LBB to any sites? In last 5 years. Specifically interested in EF allotments in Plane tree walk and others to compare.

The following allotment(s) has received warning(s):

- Hendon Grove allotments.

When were warnings issued? Month and year.

April 2022

What type of warnings?

Informal - 1 Verbal warning.

How many residential complaints made in last 5 years to LBB re bonfires for each of these allotment sites and when? I am specifically interested in the East Finchley allotments at Plane tree walk n2 and Fuel lands - and others in Finchley / Barnet and using info of the other sites for comparison. Please provide stats for all.

Complaints have been made regarding bonfires at the following allotments:

- Coppets Road/Halliwick Allotments
- Hendon Grove allotments x2.
- Deans Lane Allotments
- Colindale Allotment

There have been no relevant complaints have been made regarding burning at the Fuel Lands or East Finchley Allotments.

Have there been any complaints made to LBB for any BBQs or other fires made on residential properties in the following Roads and areas:

Creighton Ave

Other local county roads in N2

Any in N2

Any in Barnet?

What are the restrictions for residential fires? Times etc?

21 complaints have been made to Barnet within the last 5 years regarding residential burning and/or smoke emissions. None of these were in the N2 area. BBQs are not included in this number, as cooking odours/emissions from residential properties are not considered to be a nuisance under the legislation, and therefore cannot be enforced on.

Complaints were received in January 2022 regarding large scale burning close to Martin School and Creighton Avenue; it was initially assumed that either Fuel Lands Allotments or East Finchley Allotments were the culprits, however, as the investigation progressed this was found not to be the case. The Islington and St Pancras Cemetery were the culprits in this situation, and were dealt with accordingly.

Regarding residential restrictions on burning/fires; the Smoke Control Regulations and the Clean Air Act 1993 provide and define the restrictions. Restrictions are typically placed on the fuel and the device(s) used for burning. Further information is available at the following websites:

- <https://www.gov.uk/smoke-control-area-rules>
- <https://readytoburn.org/>
- <https://smokecontrol.defra.gov.uk/appliances.php>

Has the environmental office carried out any inspections in any of the above allotments re bonfires/ fires?

There has been one visit to Hendon Grove Allotments.

Has the environmental health office issued any warnings formal or informal on any of these sites?

An informal warning was issued to the management of the Hendon Grove Allotments.

May I have a copy of any warnings?

Barnet's policy is not to provide documents with potential legal implications to third parties. Please see the Section 44 notice below.

How many warnings have been given to EF allotments?

Two informal warnings were given, however, these allotments were not the cause of the issue, as explained above.

How many warnings can be given before action taken?

One, however this is assessed on a case by case basis and depends on the frequency of the disturbance, and whether a nuisance has been witnessed. One per investigation is a typical frequency.

How many incidents in all allotments where fire brigade called out?

Environmental Health do not have access to fire brigade data.

All info - In last 5 years.

Are there any air pollution tests done around Martin school area? May you let me know figures?

Yes; Pollution outside of Martin School is monitored as part of the evidence gathering process for the A1000 cycle lane. This data will be available online when the Air Quality Annual Status Report for Barnet (May 2022) is published. The report is currently being reviewed by DEFRA. Please check back on the Barnet Air Quality Pages for its publication:

<https://www.barnet.gov.uk/environmental-problems/air-quality/air-quality-monitoring>

Martin School is participating in the Breathe London Monitoring program. The data collected by the monitor is available to view online at:

<https://www.breathelondon.org/>

Are bonfires allowed on allotments?

Yes, bonfires and burning of garden waste is not illegal, however we do discourage it in Barnet.

Do you plan to prevent or restrict bonfires on allotments in future?

We have tried in past and are not opposed to trying again. However, the last time this was attempted, the proposal was heavily opposed at public consultation, which resulted in the proposal not going ahead. Public consultation will be required if we were to propose this again.

Has LBB ever written to East Finchley allotments about bonfires?

Yes, as above.

May I have copies?

Barnet's policy is not to provide documents with potential legal implications to third parties.

Has LBB provided skips free or paid for to EF allotments in Plane tree walk?

When?

Costs?

LBB have not supplied a skip service to the above allotment site.

S44 - Prohibitions on disclosure

Consult R&IMT if exemption is engaged.

We consider that the absolute exemption set out in Section 44 (Prohibitions on disclosure) subsection [\[specify the sub-section\(s\) that are to be applied – see below\]](#) applies to the information requested because Barnet's policy is not to provide documents with potential legal implications to third parties. Therefore, we have decided to withhold the information.

subs 1) Information is exempt if : a piece of UK or EU law says its exempt - there's not many of these. Remember that Reg 43 of the PCR which applied to procurement info has been repealed in the new regulations so s44 cannot be used

for procurement info any more- you might see this used in old responses and decision notices.

or it would be or be punishable as a contempt of court. Usually means there's a court order/injunction prohibiting disclosure. These are rare. However, breaching a court order is contempt of court. Talk to R&IMT if you think this applies.

Subs 2) allows a NCND. Usually where to confirm or deny if we hold info would itself be a breach of law/a court order.

Worked example - S44 – Prohibitions on Disclosure

We consider that Section 44(1)(a) (Prohibitions on disclosure) provides an exemption from disclosure of information where the Public Authority holding it is prohibited by or under any other enactment, in this instance Public Contract Regulations.

Section 44 is an absolute exemption and therefore the information will not be supplied to you.

Further information

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

Advice and Assistance : Direct Marketing

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Your rights

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: foi@barnet.gov.uk. Or by post to Records & Information Management Service, Assurance Group, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website www.ico.org.uk). There is no charge for making an appeal.