

Subject:	Graffiti Reduction Strategy Update		
Date of Meeting:	25 June 2019		
Report of:	Executive Director, Economy, Environment & Culture		
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Ward(s) affected:	All		

FOR GENERAL RELEASE/**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The term 'graffiti' is used to describe the illegal or unauthorised defacement of property. Typically this is done by marking with words, pictures or symbols and using marker pens and/or aerosol paint by etching onto the surface. Graffiti is carried out in a variety of places, but it is often in public spaces or on private property accessible from public spaces.
- 1.2 The Environment, Transport & Sustainability Committee agreed the Graffiti Reduction Strategy at its meeting on 27 November 2018. Since then, work has been progressing to develop the action plan to deliver the Strategy, plus prepare the consultation and engagement approaches for graffiti enforcement and removal.

2. RECOMMENDATIONS:

- 2.1 That the committee notes the Graffiti Reduction Action Plan as detailed in Appendix 1.
- 2.2 That the committee agrees for City Environment to proceed with the public consultation on the proposed approach to graffiti enforcement and removal, as set out in Appendix 2.

3. CONTEXT / BACKGROUND INFORMATION

- 3.1 Recognising the increasing problems caused by higher levels of graffiti, the Graffiti Reduction Strategy focuses on four workstreams: prevention; enforcement; removal; and monitoring and review. The action plan attached at Appendix 1 details what the council and its partners will do to deliver these workstreams. This is a draft action plan and will be refined with partners over the next few weeks.
- 3.2 Currently, Brighton & Hove City Council is only responsible for removing graffiti from public buildings and street furniture, as well as offensive graffiti from public and private property. However, the council has no responsibility for clearing graffiti in other circumstances, including residential properties, business premises

or the infrastructure of statutory undertakers such as telecoms companies, Network Rail and Royal Mail.

- 3.3 The council and the police will fine and, where appropriate, prosecute people who are caught in the act of graffiti tagging or art where they do not have the permission of the wall owner.
- 3.4 The council has not been successful in managing to remove graffiti from its own property within a reasonable time due to the proliferation of tagging in the city and also funding reductions which have led to fewer staff being able to focus on this work. There are many community groups, businesses and individuals who regularly remove graffiti in order to enhance their neighbourhoods. Additional funding has been put into the budget which is being used to provide supplies to these community groups. Cityclean is also looking at options to introduce a second graffiti removal crew and to improve the equipment available to staff in order to increase efficiency and speed of the service. This will all be within approved budgets.
- 3.5 As set out in the Action Plan under the enforcement workstream, one of the activities to deliver the Strategy is to consult with statutory undertakers, businesses and residents on the introduction of an enforcement approach, requiring property owners and businesses to remove graffiti from their property within a reasonable time frame. This needs to be carefully considered as property owners subject to graffiti are victims of a crime. However, in order to improve the look of the city and discourage graffiti tagging as an activity in the city, it is important to try to remove graffiti as quickly as possible. The proposal is that if that a property owner fails to do so, the council will remove the graffiti and recharge the cost of removal. In cases where there is repeated refusal, a Community Protection Notice (CPN) may be served. Failure to comply with a CPN can lead to a court summons and, on conviction, can result in a fine of up to £2,500 for individuals, or £20,000 for businesses.
- 3.6 The preferred approach for residential buildings and small and medium sized enterprises (SMEs) is an educational and supportive one, which takes into account the circumstances of the property owner but ultimately removes and recharges for the cost of graffiti removal if the property owner fails to comply. Repeated failure to comply may lead to a CPN being issued.
- 3.7 The preferred approach for large businesses and statutory undertakers is to develop Service Level Agreements whereby the property owners will agree to remove graffiti or for the council to do so for payment. Failure to engage or comply may lead to a CPN being issued.
- 3.8 To complement the enforcement approach and provide a means for property owners to remove graffiti, the council is proposing to establish a graffiti removal service. This would be available to all property owners in the city to remove graffiti from their buildings for a charge, either for each incident or through a Service Level Agreement.
- 3.9 The preferred approach to enforcement and removal will be subject to consultation which is attached at Appendix 2.

- 3.10 It is acknowledged that prior to launching an enforcement approach to graffiti removal, the council will need to improve performance in relation to graffiti removal from our own property. The additional resources provided and the actions set out in the Graffiti Reduction Strategy Action Plan should enable such an improvement. The additional staff required are currently being recruited.

Other graffiti reduction activities

- 3.11 Since the approval of the Strategy and number of activities have progressed:
- A paint repository is being set up via Freegle whereby residents, businesses and community groups can donate and receive paint to cover graffiti. A location for the repository has been identified and is hoping to be operational by the end of June.
 - Cityclean is working with Phoenix Arts to commission a mural in an area where there is excessive tagging with local community involvement. As well as covering a tagged area with a mural this has been proven on the Phoenix estate to create a sense of responsibility and achievement in a local area, Phoenix Arts is in the process of identifying a suitable site and volunteers to participate, train up on spray painting and creating a motif which represents them and their interests.
 - Additional supplies for Community Clean-Up Days have been bought, including graffiti wipes, black spray paint, first aid kits, gloves, hand gel, hand wipes and high-visibility jackets. A contact email address for community groups will be published shortly and information on other ways to obtain supplies for free.
 - Cityclean is working closely with the Seafront Team to tackle graffiti on the seafront. Prevention techniques, such as a green trellis wall and a mural, are being considered.
 - A database for logging graffiti incident tags to be shared with the police to enhance the chances of successful prosecutions is being developed.
 - An initial meeting has been held with Network Rail to discuss how we can work together to reduce graffiti tagging.
 - Mobile CCTV is being explored.

Outcomes of the consultation and engagement activities

- 3.12 If the recommendations of this report are approved, a further report will be brought back to Committee with the results of the consultation exercises for Members to approve the agreed approach to graffiti enforcement and removal.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Members have agreed the Graffiti Reduction Strategy.
- 4.2 Viable alternative approaches to graffiti enforcement and removal provided as part of the consultation process will be considered as this work progresses.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The Graffiti Reduction Action Plan at Appendix 1 will be shared with partners over the next few weeks.

- 5.2 Appendix 2 details the approach to the public consultation regarding the introduction of graffiti enforcement and removal. The feedback from the consultation will be used to agree how the council will enforce on graffiti.

6. CONCLUSION

- 6.1 Levels of graffiti in the city are increasing and are of concern to many residents and business owners. A strategic and collaborative approach has been agreed through the Graffiti Reduction Strategy.
- 6.2 To deliver the Strategy, consultation is needed to identify the most appropriate approach to graffiti enforcement and removal on public and private property.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The net revenue budget for the graffiti removal service is approximately £0.080m per annum including employee and materials costs. The costs of actions identified in the Graffiti Reduction Action Plan will be funded from this resource, as well as an additional £0.100m one-off funding provided for 2019/20 towards investment in equipment to improve and enhance delivery of graffiti removal.
- 7.2 Costs associated to the public consultation on graffiti removal enforcement are expected to be minimal and will be funded from approved revenue budgets within the City Environment service. It is anticipated that the cost of administration and enforcement of the proposed service would be met from the existing service budget and income from charges proposed at Appendix 2. The proposed tiered approach to charging will support the principles of recovering costs as well as giving consideration to differential pricing as a tool to target groups that respond differently to charges. In the event that net costs significantly exceed expectations, this will be reported as part of the council's budget monitoring process and mitigations to reduce the impact on councils budgets will need to be considered.

Finance Officer Consulted: Steven Bedford

Date: 10/06/2019

Legal Implications:

- 7.3 The statutory framework which gives the council power to take enforcement action is set out in detail in the Graffiti Reduction Strategy. Any enforcement action that is proposed will be assessed on its merits and the appropriate power used for the specific case. This will include an assessment of whether the enforcement action is in the public interest and proportionate. It should be noted that the applicable time limits for appeals processes will need to be taken into account in the enforcement process.

Lawyer Consulted: Elizabeth Culbert

Date: 10/06/2019

Equalities Implications:

- 7.4 An Equality Impact Assessment will be completed to identify the impacts of the enforcement process once the preferred approach has been identified.

Sustainability Implications:

- 7.5 Introducing an enforcement process will reduce the graffiti incidents across the city, as well as the negative impacts on residents, businesses and visitors.

Crime & Disorder Implications:

- 7.6 Graffiti vandalism is a crime. Deploying measures to prevent, enforce and remove graffiti and/or tagging will reduce the anti-social behaviour associated with this activity.

SUPPORTING DOCUMENTATION

Appendices:

1. Graffiti Reduction Action Plan
2. Public consultation on graffiti enforcement and removal

Background Documents

1. [Graffiti Reduction Strategy](#) presented to Environment, Transport & Sustainability Committee on 27 November 2018 (item 47)
2. [Environmental Enforcement Framework](#) (November 2018)

