

Subject:	Graffiti Reduction Strategy		
Date of Meeting:	27th November 2018		
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 This report presents the proposed Graffiti Reduction Strategy which sets out how the council and partner agencies can work together to reduce criminal damage caused by graffiti across the city.
- 1.2 The council is responsible for removing graffiti from council owned buildings and property. Removal of graffiti from other buildings and property is the responsibility of the property owners. The strategy seeks to find ways that incidents of graffiti can be reduced and removed from all property across the city in order to enhance and improve the environment. It is hoped that this will support the local economy and tourism.
- 1.3 The council does have the power to take enforcement action against perpetrators of graffiti where there is enough evidence to do so under the Anti-Social Behaviour Act 2003. The council also has powers of enforcement against property owners under s43 of the Anti Social Behaviour Crime and Policing Act 2014 and also under s215 of the Town and Country Planning Act 1990 in cases where property is suffering from a lack of maintenance or repair and this adversely affects the amenity of the area.

2. RECOMMENDATIONS:

- 2.1 That the committee approve the Graffiti Reduction Strategy attached at Appendix 1.
- 2.2 That the Environment, Transport and Sustainability (ETS) committee agree to the initiation of a consultation with businesses, statutory undertakers and private property owners in relation to a new enforcement process requiring property owners to remove graffiti within an agreed timeframe and that a process for enforcement of graffiti removal is brought back to committee for approval.
- 2.3 That the committee agree to officers exploring the feasibility of City Environment providing a chargeable graffiti removal service to owners of private and commercial buildings that will be brought back to committee for approval.

3. CONTEXT / BACKGROUND INFORMATION

- 3.1 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, household / aerosol paint or by etching into the surface. Places where graffiti is carried out are varied but are often in public spaces or on private property accessible from public spaces.
- 3.2 Brighton & Hove City Council is responsible for the removal of graffiti from council buildings and property. The council currently operates one graffiti removal team with one truck and two members of staff. The council spends on average £75,000 per annum on graffiti removal.
- 3.3 The level of graffiti and in particular 'tagging' has increased significantly over the past year.

	2015/16	2016/17	2017/18
% of streets inspected which are found to have widespread or heavy levels of Graffiti	3.50	3.50	9.80

- 3.4 There is no certainty as to why levels of graffiti have increased, but photographing and circulating of 'tags' on social media has become popular amongst some young people.
- 3.5 Graffiti vandalism is a crime but it's usually very difficult to identify the people responsible as they tend to be skilled in avoiding detection. Since the start of the contract with environmental enforcement service 3GS, 22 Fixed Penalty Notices (FPNs) have been served under the Anti-Social Behaviour Act 2003.

The Graffiti reduction strategy

- 3.6 To develop the strategy, opportunities to address graffiti crime have been discussed with relevant teams across the council and with partner agencies such as the police, Local Action Team Chairs, the Tourism Alliance and the Business Improvement District. It is clear that the level of graffiti in the city is of concern to all of these agencies, as well as residents, and there is a desire for a new approach to tackle it.
- 3.7 Examples of good practice locally and from other local authority areas, have been incorporated into the proposed strategy. There are some excellent community initiatives in place in the city which have been driven by community groups and residents associations such as painting out graffiti schemes and urban art projects for young people.
- 3.8 The strategy focuses on four work streams:
- Prevention
 - Enforcement
 - Removal
 - Monitoring and Review

- 3.9 If agreed, a detailed delivery plan will be developed with partner agencies.
- 3.10 Historically the council has not used its powers provided in the Anti-Social Behaviour Crime and Policing Act 2014 to enforce removal of graffiti by the owners of privately owned or commercially owned property or statutory undertakers (such as telecommunication companies, railway infrastructure owners and bus companies), who fail to clean graffiti from their assets within acceptable timescales and to acceptable standards. Nor have any s215 Town and Country Planning Act notices served to date included a requirement to remove graffiti.
- 3.11 The strategy suggests that if graffiti in the city is to be significantly reduced, all property owners need to remove graffiti as quickly as possible. Not only will this improve the look of the city but research suggests that fast removal helps to disincentivise further graffiti incidents. For this reason it is proposed that, through consultation with all interested parties, a timeframe for removal is agreed and a process to enforce graffiti removal is brought back to committee for approval following this consultation. Suggested enforcement processes are depicted in Appendix 2.
- 3.12 It is recognised that people whose property is defaced by graffiti are the victims of crime, so it is important to work with private property owners to support them in removing graffiti, particularly in those areas which are frequently affected.
- 3.13 Partnership working with statutory undertakers to acknowledge their responsibilities in tackling graffiti on their assets is crucial. This can be achieved through voluntary written agreements with the undertakers in the Brighton & Hove area.
- 3.14 In order to assist both private property owners and statutory undertakers, the option of a chargeable, low cost graffiti removal service offered by the council will be considered as part of the consultation in order to gauge the level of interest in this type of service. Should this be welcomed, a costed proposal would be brought back to committee for consideration.
- 3.15 If a new enforcement approach were to be agreed this would be implemented by the City Environment environmental enforcement service, currently delivered by our contractor 3GS and incorporated into the environmental enforcement framework.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The council could consider not approving the strategy and continue with the current approach of the council removing graffiti from council owned property only.
- 4.2 This would not preclude incorporating the option of enabling City Environment to provide a chargeable graffiti removal service to the owners of private and commercial buildings.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The strategy has been shared with other council departments, the police, representatives from the Business Improvement District (BID) and representatives from the Tourism Alliance, as well as the chairs of the Local Action Teams in Brighton & Hove. The strategy has been developed with their input.

5.2 If agreed there will be further engagement and consultation with regard to the proposed new approach to enforcement.

6. CONCLUSION

6.1 Levels of graffiti in the city are increasing and are of concern to many residents and business owners. In order to address this problem, a strategic and collaborative approach is required.

6.2 In order to have the greatest chance of success, it would be beneficial to introduce an approach of assistance and ultimately enforcement where property owners fail to remove graffiti within a reasonable timeframe.

6.3 Enabling City Environment to provide a chargeable graffiti removal service will also provide a cost effective service to property owners to enable fast removal and avoid enforcement.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

7.1 The budgeted cost of the service is currently around £75,000 per annum including staffing and materials. In the event that a graffiti removal service for owners of private and commercial buildings is proposed, a fully worked up business case will be required to be presented back to this committee that demonstrates the costs and income assumptions that deliver a financially viable service.

Finance Officer Consulted: Rob Allen

Date: 05/11/18

Legal Implications:

7.2 The statutory framework which gives the council power to take action is set out in the strategy and the appendix. Any enforcement action that is proposed will be assessed on its merits and the appropriate power used for the specific case, following legal advice. Further work will be required to determine reasonable charges in relation to any remedial work undertaken by the council. It should be noted that there are appeal process available and applicable time limits for these which would need to be taken into account in the enforcement process.

Lawyer Consulted: Elizabeth Culbert

Date: 08/11/2018

Equalities Implications:

7.3 An Equalities Impact Assessment (EIA) is not required for the strategy. However if a new proposal for enforcement against private property owners is agreed to go to consultation an EIA will be completed as part of the consultation and development of the new process.

Sustainability Implications:

- 7.4 The graffiti service provided concentrates on the council owned properties. The new scheme would enable a decrease in graffiti incidents across the city and reduce its negative impact on residents, businesses and visitors.

SUPPORTING DOCUMENTATION

Appendices:

1. Brighton & Hove City Council Graffiti Reduction Strategy
2. Proposed enforcement process relating to the privately owned or commercial property

Documents in Members' Rooms.

1. None

Background Documents

1. None

