

Brighton & Hove City Council

Graffiti Reduction Strategy



November 2018

Introduction

(suggested for Cllr Mitchell to sign this part of document)

Graffiti tagging is a terrible and escalating blight on our beautiful city.

Not only does this type of vandalism create ugly eyesores in our streets and neighbourhoods, it cost the council, and therefore our taxpayers, thousands of pounds every year to clear.

As a city council, we work hard to tackle the problem, but sometimes no sooner have we erased a tag that it reappears, with some of these vandals proving to be continual and persistent.

Graffiti is not just an isolated nuisance and act of vandalism, it is linked to other forms of enviro-crime that demean and spoil our streets, city centres, parks and open spaces.

Graffiti vandalism is also a growing issue for all councillors who are receiving more and more complaints from their constituents urging the council to take firmer action.

This strategy addresses the concerns of our residents, businesses and tourist by setting out a clear and achievable framework for how Brighton & Hove City Council and its partners will tackle the graffiti scourge.

At present, the council is only responsible for removing graffiti from public buildings and street furniture, and will remove offensive scrawls and images from both public and private property.

However, we are not responsible for clearing ordinary graffiti on private property, including private households and business premise.

That's why the strategy delivers a plan of action that brings together the council, businesses, the police, community groups, residents and even the taggers themselves, to decisively eliminate graffiti from the city.

The strategy is also clear that the council will be doggedly proactive in tracking down the taggers, with those committing acts of vandalism being caught and dealt with.

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As a councillor but also a resident of this great city, I've increasingly become alarmed about the rising tide of graffiti throughout Brighton & Hove.

I hope you agree that this Graffiti Reduction Strategy sets out a positive, effective and clear approach to halting this tide while reclaiming our streets and neighbourhoods from the vandals.

Cllr Gill Mitchell

Chair of the Environment, Transport & Sustainability Committee

Draft

Background

Graffiti is an area of great concern for many businesses and residents of our city. The pointless acts of tagging on the walls, junction boxes and other street furniture is contributing to the feeling of neglect, but is also linked with the increase of other environmental crimes like fly tipping, littering and vandalism.

Brighton & Hove is well known for graffiti art which can brighten up our streets and attract tourists. It is important to make a distinction between graffiti art and graffiti vandalism. Graffiti artists will acquire permission prior to commencing work. Graffiti vandalism is carried out without permission, and 'tagging' in particular, is criminal damage to property and a blight on our city. Brighton & Hove is known to be particularly popular with 'taggers' and some perpetrators have been known to travel from outside of the city to tag here. It is thought this is partly due to the amount of filming in the city which enables the taggers to gain notoriety. In the past, the council and private business owners have worked with graffiti artists to commission murals in areas where there has been an excessive amount of tagging. Previously, there seemed to be an unwritten rule that taggers would not tag over existing artwork. Unfortunately this is no longer the case, so this method of reducing graffiti vandalism and tagging is no longer effective.

The purpose of this strategy is to set out how the city council will work with partners to tackle graffiti vandalism effectively.

Graffiti vandalism is reported to the city environment contact centre. The city council is only responsible for removing graffiti from public buildings and street furniture. The vast majority of the reported incidents are related to private properties where the council is not responsible for removing graffiti, unless it is obscene or offensive. 'Statutory Undertakers' such as bus companies, Royal Mail, railway infrastructure owners and telecommunication companies are responsible for removing graffiti from their assets. They can request the council to do so at their cost.

% of streets inspected which are found to have widespread or heavy levels of graffiti	
2015/16	3.5%
2016/17	3.5%
2017/18	9.8%

The police and the council do attempt to identify and prosecute graffiti vandals. However, it can be difficult to identify the people responsible as they are often well practiced at avoiding detection by tagging at night and keeping hidden from CCTV cameras.

The council has issued 22 Fixed Penalty Notices (FPNs) for graffiti vandalism through our environmental enforcement contract since the contract started in 2016. Sussex police have recorded the following graffiti crimes:

Police recorded graffiti	2016/17	2017/18
Criminal damage	127	126
Offences other than criminal damage *	5	4

* e.g. associated with harassment, burglary or other offences

Research demonstrates that rapid removal of graffiti reduces the number of repeat attacks. For some offenders the thrill of their graffiti being seen is a key motivator. By aiming to remove graffiti as quickly as possible we will remove this motivation. The council currently operates one graffiti removal truck with two operatives. We aim to remove graffiti from council owned property within five days and offensive graffiti within 24 hours. The city council spends around £75,000 per year on graffiti removal; nationally it is believed to be around £1 billion. It is recognised that graffiti is costly to remove and extremely difficult to eradicate.

However, the amount spent on graffiti removal can be controlled by a long term plan of action. Currently, the approach to graffiti is focused on removal and less on prevention and detection. This strategy seeks to bring a more co-ordinated

intelligence led approach that will offer greater value to the city council and its partners.

This strategy sets out:

- how we will work with partners to reduce and prevent incidents of graffiti
- how we will work with partners to take enforcement action against people responsible for graffiti vandalism
- who is responsible for removing graffiti and explore options for how graffiti can be removed more quickly from public, private and statutory undertaker assets
- how we will work with partners to monitor and measure the impact of this strategy.

Local authority powers to tackle graffiti

Enforcement powers - graffiti perpetrators

Part 6 Section 43 of the **Anti-Social Behaviour Act 2003** allows for FPNs to be issued to an offender to discharge the offence of graffiti or fly-posting, which is described by the Criminal Damage Act. The FPN is to the value of £75 and is issued by the council's authorised Environmental Enforcement Officers.

The **Highways Act 1980** Section 132 states "if any person without consent of the Highway Authority paints or otherwise affixes any picture, letter, sign or other mark upon the surface of the Highway is guilty of an offence and liable to a fine not exceeding level 3 (£2500) the standard scale".

Where there is evidence of repeat offences the council could apply for an injunction against the person responsible. In exceptional high impact cases the council could also consider prosecution of the person responsible under **Local Government Act 1972 (s222)**.

Enforcement powers – property owners

The local authority has powers to compel property owners to remove graffiti from their property. Currently the council rarely uses these enforcement powers.

The **Anti-Social Behaviour, Crime and Policing Act 2014** provides the council with powers to deal with graffiti on private property by means of a Community Protection Notice. (CPN). A CPN can be issued to an individual aged 16 or over if an authorised person is satisfied that:

- a) the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality
- b) the conduct is unreasonable.

Breach of any requirement in the notice, without reasonable excuse, would be a criminal offence, subject to a FPN or prosecution.

The Town and Country Planning Act 1990 Section 215 states "if it appears to the local planning authority that the amenity of a part of their area, or adjoining land, is

adversely affected by the condition of land in their area, they may serve on the owner and occupier of the land a notice under this section.”

Section 216 states “If any owner or occupier of the land on whom the notice was served fails to take steps required by the notice within the period specified in it for compliance with it, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale”.

Section 219 states “If, within the period specified in the notice under Section 215 any steps required by the notice to be taken have not been taken, the local planning authority who served the notice may:

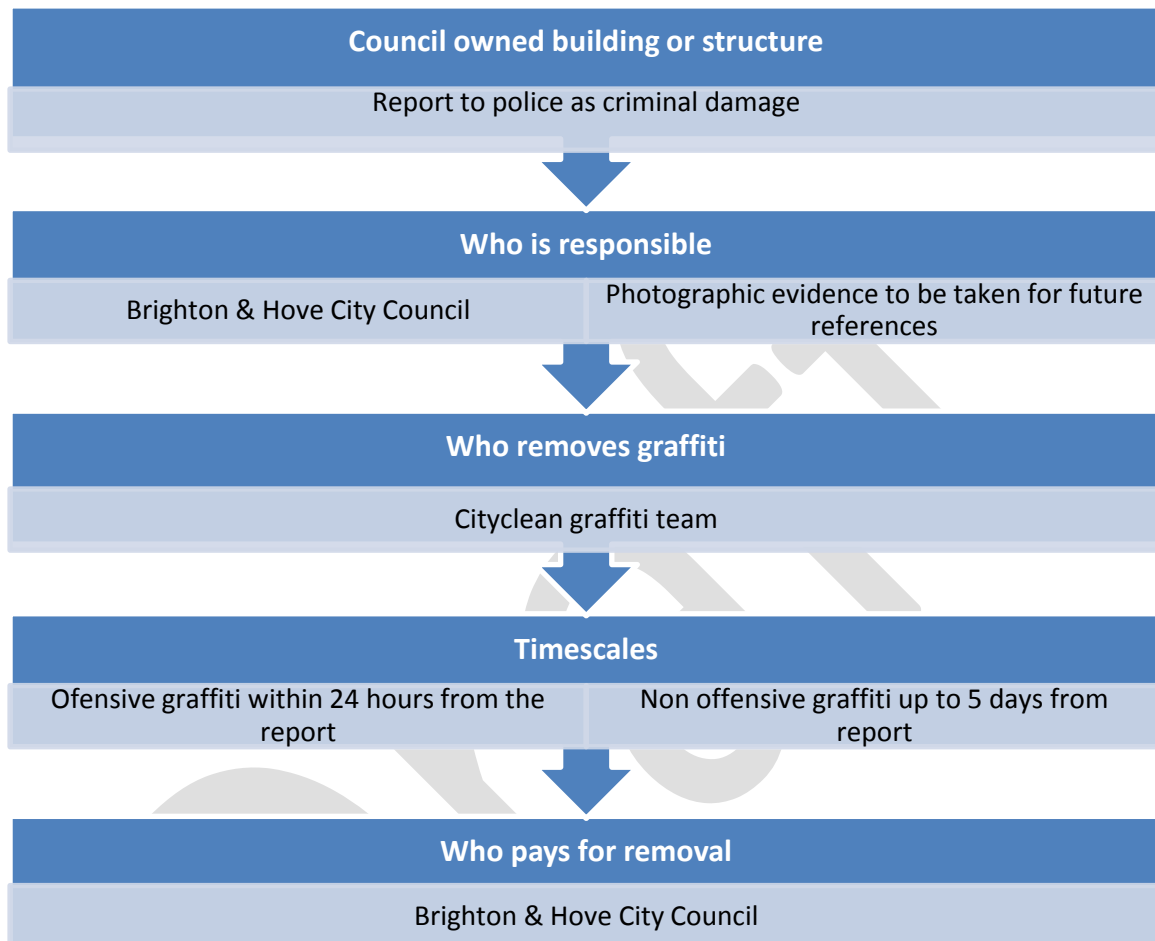
- a) Take any reasonable steps to enter the land and take those steps
- b) Recover from the person who is then the owner of land any expenses reasonably incurred by them for doing so.

Police powers to tackle graffiti

The police have powers to prosecute for graffiti. The local authority may also prosecute. Graffiti is criminal damage under the **Criminal Damage Act 1971**. If the value of criminal damage exceeds £5,000, the maximum penalty for those aged 18 or over is 10 years imprisonment. For those aged 12-17 years the maximum custodial penalty is a detention and training order of up to 24 months. Where the damage is less than £5,000, the maximum sentence is three months imprisonment or a fine of £2,500 for adult offenders. This is enforced by Sussex Police.

The Criminal Damage Act 1971 is the preferred legislation for prosecution as it carries the heaviest penalty and is therefore the most effective. As this is enforced by the police, upon receipt of complaint, environmental enforcement officers will liaise with the police to ensure the appropriate investigation is instigated and action taken.

Current process for removal of graffiti from public building / structure or seafront



Prevention

EXAMPLE: The Mix is a website for under-25s which provides advice and information about the law relating to graffiti and how to graffiti without breaking the law.

EXAMPLE: The council's communities, equalities and third sector team is working with the arts and creative industries team. They ran a session at the Cultural Strategy Summit in November 2018, looking at how to develop new approaches to combat tagging, and promote higher quality public art.

EXAMPLE: Birmingham City Council worked with its parks and leisure team and architects to advise them on blank walls likely to attract graffiti (e.g. changing rooms, sides of buildings) and encouraged the growth of plants to cover walls and use anti-graffiti paint.

We will:

- work with universities, schools and youth clubs to develop and deliver information on the impact of graffiti, the penalties for graffiti and the differences between graffiti art and tagging. We will use education and nudge techniques to dissuade young people from becoming taggers
- work with youth services and local graffiti artists to provide opportunities and spaces for young people to become involved in urban art projects that will enhance the environment – subject to consultation with local residents
- develop online graffiti reduction resources providing information for residents, business and private property owners. This will set out what they can do; how they can contribute to graffiti reduction; what the council and other partners' responsibilities are; and a portal to report graffiti or send through pictures of graffiti tags to the multi-agency database
- develop a multi-agency media campaign across all channels to educate people on the impact and costs of graffiti vandalism and nudge people away from tagging
- develop a communications strategy so that property owners understand their responsibilities in terms of graffiti removal and ways in which the council can advise and assist
- liaise with Local Action Teams (LATs) and other community groups to provide information and advice about how they can become involved with graffiti reduction

- use this strategy and multi-agency action planning as a vehicle to try to remove graffiti more quickly and from more locations to reduce the perceived 'rewards' from tagging
- work with the council's events team to explore whether it is possible to require film makers to ensure all graffiti has been removed in any area where they will be filming
- work with the council's trading standards team to educate shop owners on the law relating to the sale of aerosol paints to those under 16
- work with the council's highways team and major projects team to ensure the prevention of graffiti is considered in any urban designs. For example this can be achieved by creating natural surveillance, by replacing solid block fencing with something easier to see through or by positioning and street furniture to design out opportunities for graffiti to occur.

Enforcement

EXAMPLE: Residents of the Phoenix Estate are receiving support from the council's communities fund to work with the council's restorative practice team to create a community mural as a youth engagement project aimed toward young people who may be at risk of involvement in tagging or other antisocial behaviour.

We will:

- set up a database of tag photographs with times, dates and locations. The database will enable the council or the police to demonstrate a history of criminal behaviour and prosecute people responsible more successfully when they are caught. Neighbourhood policing officers, environmental enforcement officers, field officers and the business improvement district (BID) ambassadors will be provided with procedures as to how to input images into this database

- attend joint intelligence meetings with the police and other council services, including field officers and environmental enforcement officers, to share intelligence. Our operations managers and enforcement officers will regularly meet with the BID ambassadors to share intelligence and good practice
- Work with the safer communities team to ensure the database records hate incidents and extremist sentiment expressed through graffiti or stickering, and enables intelligence to be gathered which can inform strategy and practice around hate crime and counter extremism
- work with community groups to enable them to contribute to our intelligence and graffiti database, and develop an online portal to enable ease of reporting and publish outcomes on the website
- use the database and shared intelligence to build spatial intelligence on locations and the frequency which will highlight hot spots and identify routes used by offenders. We can then consider high visibility monitoring and surveillance of these areas
- along with partners, take proportionate enforcement action in all cases where a person can be identified and there is sufficient evidence to do so
- work with the police, probation and the youth offending service (YOS) to use restorative practices and reparation activities where appropriate to remove graffiti. This will be offered to people responsible for graffiti tagging or other forms of criminal damage
- consult with statutory undertakers, businesses and residents on the introduction of an enforcement framework requiring private property owners to remove graffiti within a prescribed amount of time or risk being fined and/or removal of graffiti being done as 'works in default' by the council for which we will recharge.

Removal

EXAMPLE: Ditchling Road Residents Association paints out graffiti on the local railway bridge as soon as it appears to keep the area looking nicer and to disincentivise further tagging.

EXAMPLE: The North Laine Tagging Task Force is a group of residents and businesses who paint out tagging as quickly as possible.

EXAMPLE: Lewisham and Barking and Dagenham councils in partnership with their probation teams work with community payback to remove graffiti.

EXAMPLE: Residents in Hanover & Elm Grove, with support from the council's communities, equalities and third sector team, have been working with Good Gym, a running group who carry out community projects as part of their run, to clean up graffiti in the area.



We will:

- continue to remove graffiti from Brighton & Hove City Council property within five days or 24 hours if the graffiti is offensive. We will also aim to remove graffiti constructions of historical importance within 24 hours

- explore and implement specialist techniques to remove graffiti from fragile or vulnerable surface such as murals and flint walls
- seek to increase the resources dedicated to graffiti removal by sourcing alternative funding such as using enforcement fine income and by developing a graffiti removal service for other agencies and private property owners
- work with the Chamber of Commerce, Tourist Alliance, the BID and other businesses to develop an agreed target time for removal of graffiti in the city centre. To facilitate this, the council will work with these partners to develop a chargeable graffiti removal service offer and undertake a wider consultation with businesses, statutory undertakers and private property owners
- work with statutory undertakers, such as Brighton & Hove Buses, Network Rail, telecommunications companies and Royal Mail to agree a commitment and time frame to remove graffiti from their infrastructure. This may include an agreement that the council removes graffiti for statutory undertakers at a charge
- work with community groups and individual residents who wish to remove graffiti in their area by advising on safe and effective graffiti removal techniques and, where possible, helping groups obtain necessary materials and equipment to support graffiti removal activities. Funding options will be explored to enable this. It should be noted that permission is required from the property owner to remove graffiti, but in the case of council owned property, the council will work with residents to facilitate this. This could be particularly beneficial in suburban areas and for alleyways which are prone to frequent graffiti
- look at opportunities to build in graffiti resistant surfaces in 'hotspot' areas. This may involve the introduction of graffiti resistant paint which is very costly, or other materials that allow the removal of graffiti more quickly and easily

- seek opportunities to work with the probation service's community payback team to paint out graffiti in large areas.

Monitoring and Measuring

We will:

- develop a multi-agency action plan and involve the LAT chairs forum as our 'critical friend'
- improve our performance data collection across partners and publish this on the council website
- hold quarterly multi-agency graffiti reduction strategy monitoring meetings to monitor the action plan and data and consider new innovations
- report back to environment, transport & sustainability committee annually and to the LAT chairs forum
- ensure each statutory undertaker legally nominates a point of contact who we will ask to provide quarterly statistics on the number of graffiti incidents and the time taken to remove them; this will be included in our monitoring
- continue to explore best practice and benchmark our performance against other local authorities.

