

# Brighton & Hove City Council

## City Environment, South Downs & The Sea Committee

## Agenda Item 19

**Subject:** Graffiti Tagging Reduction Strategy – Route to Improvement

**Date of meeting:** 19 September 2023

**Report of:** Executive Director: Economy, Environment & Culture

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**Ward(s) affected:** All

### For general release

Note: The special circumstances for non-compliance with Council Procedure Rule 7, Access to Information Rule 5 and Section 100B (4) of the Local Government Act as amended (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that it wasn't possible to capture the full range of information detailed in the report ahead of the publication deadline

### 1. Purpose of the report and policy context

1.1 The Environment, Transport & Sustainability Committee agreed the Graffiti Reduction Strategy at its meeting on 27 November 2018. Since then, work has been delivered against the four themes in the Strategy to tackle graffiti tagging across the city.

1.2 This report provides Committee with an overview of the activities delivered since the Strategy was agreed. The report is also seeking approval to undertake a public consultation and a series of engagement events to take steps to improve the Strategy and its delivery.

### 2. Recommendations

2.1 That Committee notes the activities completed to deliver the Graffiti Reduction Strategy as set out in the report and Appendix 1.

2.2 That Committee agrees for a public consultation and a series of engagement events to take steps to improve the Strategy and its delivery as set out in paragraphs 3.31 to 3.38.

2.3 That Committee notes a further report will be brought to a future meeting following the public consultation and engagement events with a refreshed Strategy for approval.

### **3. Context and background information**

- 3.1 The terms 'graffiti', 'graffiti tagging' and 'graffiti vandalism' are 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 tagging is carried out in a variety of places, but it is often in public spaces or on private property accessible from public spaces. This report will use the term graffiti tagging to provide a distinction from street art.
- 3.2 In recognition of the scale of graffiti tagging within Brighton & Hove, the Environment, Transport & Sustainability Committee approved a Graffiti Reduction Strategy in November 2018. The Strategy focused on four workstreams: Prevention, Enforcement, Removal and Monitoring & Review. Appendix 1 contains an overview of the activities delivered since 2018 against each of these themes.
- 3.3 The revised Strategy will be renamed to the Graffiti Tagging Reduction Strategy to make clear that this is a strategy to tackle the illegal graffiti tagging activities and not those relating to street art.

#### **Brighton & Hove City Council's responsibilities**

- 3.4 Cityclean is responsible for removing all graffiti tagging on council property as well as offensive graffiti tagging from private property. However, the council has no responsibility for clearing graffiti tagging in other circumstances, including residential properties, business premises or the infrastructure of Statutory Undertakers such as telecoms companies, Network Rail and Royal Mail.
- 3.5 The council and the police will fine and, where appropriate, prosecute people who are caught in the act of graffiti tagging, where they do not have the permission of the property owner.
- 3.6 The council has increased its efforts to remove graffiti tagging from its own property. In 2018, when the Strategy was approved, BHCC spent £0.075m per annum on graffiti tagging removal. In 2022/23, the council spent approximately £0.275m on graffiti removal. This expenditure covers staffing, equipment, materials, vehicles and external contractors to complete the specialist work. It should be noted that:
- Operatives are only able to use a two-step ladder, so removing graffiti tagging from height is complex.
  - Some surfaces will require specialist skills or equipment or a contractor.
  - High footfall areas can only be cleaned very early in the morning.
  - Some graffiti tagging removal can only be completed when the weather is dry.

#### **Street art**

- 3.7 It is important to make a distinction between graffiti tagging and street art. Brighton & Hove is well known for street art which can bring many benefits,

such as enhancing the quality of the public realm and the city’s cultural offer. Street artists respond to a paid-for commission or brief and is intended to generate interest and appreciation for the art and its location. Graffiti tagging is carried out without permission, is criminal damage to property and a blight on our city.

- 3.8 The key distinction between artists and tagger is that street artists will acquire permission prior to commencing work and will complete the work to the agreement between all relevant stakeholders.
- 3.9 The approach to street art is set out in the Public Art Strategy 2022-2023. Tackling graffiti tagging across the city, will not prevent the creation of street art. Rather it will complement the Public Art Strategy and seek to use public art as a deterrent to further graffiti tagging.

### Reporting of graffiti

- 3.10 Since 2017, there have been 3,558 reports where “graffiti” was stated in the description, via the Report a Problem form on the council website. Of these reports:

Location type	Number of reports
Back alleyway	20
Council land	510
Footpath / bridleway	471
Highway	379
Private / residential	319
Blank	1859

- 3.11 As detailed above, the council is only responsible for removing graffiti tagging on council property as well as offensive graffiti tagging from private property. Non-offensive graffiti tagging on other types of property, such as businesses and private residential is the responsibility of the property owner to remove. Therefore, the council is not responsible for removing all the graffiti that has been reported to Cityclean.
- 3.12 Of the 3,558 reports, 17% were considered offensive.
- 3.13 This data should be treated with caution. It is considered that these numbers do not reflect the volume of graffiti tagging across the city and much of the graffiti tagging goes unreported.
- 3.14 Reports of graffiti can also be captured via others means, such as via the Cityclean mailbox, direct to the Environmental Enforcement Team and via the Councillor Enquiries System. These reports are not necessarily included in the numbers in paragraph 3.9. Furthermore, graffiti removal operatives will remove graffiti as they see it, of which some may not have been reported.
- 3.15 This analysis demonstrates that improvements are needed to how graffiti is reported and captured. How this can be achieved will be explored through the consultation and engagement activities. Ideally, each report of graffiti

tagging would be sent to the property owner for them to remove. However, it is recognised that this will not always be possible.

### **Models to tackle graffiti tagging**

- 3.16 In addition to the activities detailed in Appendix 1 to tackle graffiti tagging across the city, a three-month graffiti removal trial took place on London Road between 1 November 2021 and 31 January 2022. The aim was to test evidence which suggests that increased removal results in fewer occurrences of graffiti tagging, as it is believed that the incentive for graffiti vandals will diminish as their tags will be quickly covered over. Ahead of the start date, all businesses, residents, and property owners within the trial area were written to, explaining the purpose of the trial and how they would be affected. Cityclean also engaged with Statutory Undertakers, inviting them to support the trial by making a concerted effort to remove graffiti tagging from their property in the area.
- 3.17 The trial took place in two stages. The first involved an initial removal of all graffiti tagging in the area. It took six weeks to remove 81 areas of graffiti from property including commercial and residential buildings, bins, lampposts, bus stops, phone kiosks and utility boxes. The second stage involved daily monitoring and removal of any new pieces of graffiti tagging that appeared in the previous 24 hours.
- 3.18 During the trial:
- 229 areas of graffiti were removed or painted over.
  - an average of three new pieces of graffiti were found in each 24-hour period.
  - 85% of graffiti was tagging.
  - the most common was non-offensive tagging on commercial property.
  - 906 hours of operative time was used.
  - £0.013m of materials were used.
- 3.19 The trial evidenced that the removal of graffiti from all types of property on London Road required considerable amounts of daily operative time. This, in turn, had a detrimental effect on the removal work in other areas of the city and therefore, it is not possible to roll out this approach further across the city.
- 3.20 The learning from the graffiti removal trial was used to develop Targeted Action Zones in September 2022. This 12-month programme of work focuses on tackling graffiti tagging across the city, with a particular concentration on high footfall areas. The programme involves coordinated activity of graffiti tagging removal from all council property, and engagement with businesses in each of the zones. Cityclean staff are focusing on each area for two weeks, removing graffiti tagging from publicly-owned bins, benches and street signs. The Environmental Enforcement Team are supporting them and inspecting each area. The Environmental Enforcement Team is writing to businesses in each area ahead of the action, asking them to remove any graffiti from their property to support efforts.

3.21 Once an area has been visited, it is then monitored. If new graffiti tagging is identified, the Environmental Enforcement Team will write to the property owner concerned. For small, independent businesses this is a letter requesting the removal of the graffiti at their earliest convenience. For large and non-independent businesses and Statutory Undertakers this will be a Community Protection Warning which is explained further below.

### Enforcement action

3.22 Another action delivered is the introduction of Community Protection Warnings (CPWs) and Community Protection Notices (CPNs) to tackle graffiti tagging on private property across the city, following a public consultation. CPWs and CPNs are issued to commercial property owners, requesting that they remove graffiti tagging from their property. If they fail to do so, a Fixed Penalty Notice of £100 (FPN) will be issued.

3.23 FPNs are also issued to perpetrators of graffiti or tagging. Because of the nature of the crime, which tends to take place at night and with the perpetrators keeping their faces covered, it is difficult to catch people in the act and issue them with a FPN.

3.24 The following have been issued by the Environmental Enforcement Team since 2019/20:

	2019/20	2020/21	2021/22	2022/23	2023/24 <sup>1</sup>
Community Protection Warnings	-	-	-	233	70
Community Protection Notices	-	-	-	128	16
Fixed Penalty Notices (for failure to comply with CPN)	-	-	-	13	4
Fixed Penalty Notices (for graffiti tagging)	7	5	3	16	5
Total	7	5	3	390	95

3.25 CPWs and CPNs are an effective tool to remove graffiti tagging from private property. In 2022/23, 220 pieces of graffiti tagging were removed from the city following a CPW or CPN being issued.

3.26 At the City Environment, South Downs & The Sea Committee in June 2023, Members agreed to pause the use of CPWs and CPNs against small and independent (locally headquartered) businesses. Instead, small, independent businesses that are tagged will receive a letter from the Environmental Enforcement Team requesting the removal of the graffiti at their earliest convenience. It is hoped that in using this approach, small,

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<sup>1</sup> Up to 31 July 2023

independent businesses will continue to support the council's efforts in keeping Brighton & Hove clean and tidy. Letters have been distributed since 7 August 2023. Up to 6 September 2023, seven letters have been issued and so far none of these businesses have subsequently removed the graffiti from their property. Some businesses refused to engage with Environmental Enforcement Officers when they tried to speak to them about the graffiti on the property and some refused to take the letter.

- 3.27 CPWs and CPNs continue to be issued to large and non-independent businesses and Statutory Undertakers. The Environmental Enforcement Team has been working closely with Statutory Undertakers following the introduction of CPWs and CPNs. Some Statutory Undertakers are more responsive than others when issued with enforcement action.
- 3.28 Positive collaboration has taken place with Network Rail who have been active in removing graffiti from railway bridges and surrounding walls. This includes the Trafalgar Street bridge, the wall along Terminus Road, the wall along Highcroft Villas and Dyke Road Drive bridge.
- 3.29 Enforcement action taken against Statutory Undertakers includes:

Statutory Undertaker	CPWs issued	CPNs issued	FPNs issued
Royal Mail	3	2	1
Network Rail	9	9	0
BT	10	6	0
Virgin Media	17	13	5
Openreach	23	19	13
Total	62	49	19

- 3.30 The table above shows that:
- 79% of the CPWs issued resulted in CPNs, meaning a significant number Statutory Undertakers did not comply with the initial request for graffiti to be removed.
  - 39% of the CPNs issued resulted in FPNs, meaning over a third of the second requests for graffiti to be removed were not adhered to by Statutory Undertakers.
- 3.31 It is recognised that more work can be done with Statutory Undertakers, and this will be considered as part of the Strategy refresh.

### **Graffiti Tagging Reduction Strategy Refresh**

- 3.32 With the ongoing challenges presented by graffiti tagging across the city, and in recognition of the desire from residents and businesses to increase efforts to prevent, remove and enforce, it is proposed a public consultation and a series of engagement events take place to refresh the Strategy and the Action Plan.

- 3.33 The consultation and engagement will seek views and suggestions from residents, businesses and community groups and organisations about how the council and its partners can better tackle graffiti tagging. The consultation questions will be based around the current four Strategy themes, though these themes can be added to, or amended, based on the feedback received.
- 3.34 An online questionnaire will be placed on the council's Consultation Portal for people to provide their feedback and share their ideas on how to tackle the problem. In addition, a series of stakeholder drop-in events will take place to ensure that the views of as many are heard as possible.
- 3.35 Through these engagement exercises, feedback will be collated on the action the council and its partners can take under the four themes. A key piece of learning from the last five years is that the council cannot address graffiti tagging on its own. There are many others that have a role to play, and it is hoped that through the engagement exercises, those stakeholders that can help to prevent, enforce and remove graffiti tagging from across the city identify themselves and commit to tidying up Brighton & Hove.
- 3.36 Initial conversations have already taken place with Sussex Police about future joint working opportunities. Some suggestions include more joint night-time patrols to deter and catch taggers, working with the Sussex Police Licensing Officer and the council's Trading Standards Team to discourage the selling of spray paints and undertaking joint school and youth club visits. These ideas will be explored further through the engagement process.
- 3.37 Some suggestions for priority actions for the revised Strategy are listed below. These are included as examples and based on experiences over the last five years in terms of what has worked, what hasn't worked and where there are opportunities to do things differently.

#### Prevention

- Working with Statutory Undertakers to expedite the removal of redundant assets
- Exploring the opportunities available through the arts sector for more public art and murals

#### Enforcement

- Working closely with the council's Community Safety Team and Sussex Police to identify opportunities arising from the government's Anti-Social Behaviour Action Plan. This includes, for example, using *immediate justice*, where appropriate and increasing the FPN for graffiti perpetrators to £500 (it is currently £150)
- Reviewing the use of CPWs and CPNs

#### Removal

- Undertaking more remedial work to remove graffiti and tagging in a timelier manner and re-charging the property owner, ensuring full cost recovery

- Reviewing the effectiveness of Targeted Action Zones to determine how to remove graffiti tagging in the medium term

#### Monitoring and Measuring

- Looking at opportunities for improved intelligence sharing with Sussex Police
- Improving record keeping of the type, location and volume of graffiti tagging removal

3.38 Resources remain a key issue – both in terms of undertaking this consultation and in tackling graffiti across the city. The current budget is £0.275m which is fully spent each year and cannot be changed through the consultation process.

3.39 A further report detailing the outcome of the consultation and engagement sessions will be brought back to Committee, together with the revised Strategy for approval.

## **4. Analysis and consideration of alternative options**

4.1 As detailed in Appendix 1 and throughout this report, many activities have been delivered to prevent, enforce and remove graffiti tagging. Through the engagement exercises, it is hoped new and alternative methods will be identified. These will be analysed, and a refreshed Graffiti Tagging Reduction Strategy and Action Plan will be brought to a future committee meeting for approval.

## **5. Community engagement and consultation**

5.1 Since the initial Strategy was agreed in 2018, the council has continued to receive feedback on graffiti and tagging across the city. This includes what works and what doesn't, and requests for the council and its partners to do more.

5.2 Officers regularly attend meetings with community groups, such as the Brighton Residents Against Tagging (BRAT), London Road Local Action Team, North Laine Community Association, St James Street Business Alliance and St Luke's Residents Association.

5.3 The proposed consultation and engagement activities set out in the report presents an opportunity for further community engagement. The feedback will be analysed, and a refreshed Graffiti Tagging Reduction Strategy and Action Plan will be brought to a future committee meeting for approval.

## **6. Conclusion**

6.1 This report sets out the activities delivered to deliver the Graffiti Reduction Strategy. Despite these efforts, graffiti tagging remains prevalent across the city. Approval is sought from committee to initiate a public consultation and a



series of engagement activities to refresh the Strategy and Action Plan to tackle this illegal and damaging behaviour.

## **7. Financial implications**

- 7.1 There are no direct financial implications arising from the recommendation of this report which is for noting.
- 7.2 Costs associated with consultation and engagement events on the refresh of the Graffiti Tagging Reduction Strategy will be maintained within existing City Clean Budgets. Any significant variations to budget will be reported as part of the council's monthly budget monitoring process.

Name of finance officer consulted: John Lack Date consulted: 17/08/2023

## **8. Legal implications**

- 8.1 The statutory framework which gives the council power to take enforcement action in relation to graffiti is set out in the strategy. In particular, the power to issue Community Protection Notices is found in section 43 of the Anti-Social Behaviour, Crime and Policing Act 2014. That section provides that a Community Protection Notice can only be issued if the individual or body concerned has been given written warning that a notice will be served unless the relevant conduct ceases, and that the conduct has continued.
- 8.2 Any enforcement action pursued under the strategy must continue to be assessed on its merits and the appropriate power used for the specific case.

Name of lawyer consulted: Elizabeth Culbert Date consulted: 17/08/2023

## **9. Equalities implications**

- 9.1 There are no direct equalities implications arising from this report's recommendations.
- 9.2 When undertaking the consultation and engagement activities, consideration will be given to accessibility to ensure all are able to participate and provide their input.

## **10. Sustainability implications**

- 10.1 There are no direct sustainability implications arising from this report's recommendations.

## **11. Other Implications**

### **Crime & disorder implications:**

- 11.1 Graffiti tagging 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. Appendix 1: Graffiti Reduction Strategy: delivery of action plan

### Background documents

1. Graffiti Reduction Strategy available at <https://democracy.brighton-hove.gov.uk/documents/s133845/Graffiti%20Reduction%20Strategy%20APX.%20n%202.pdf>
2. Graffiti Reduction Strategy Action Plan available at <https://democracy.brighton-hove.gov.uk/documents/s142542/Graffiti%20Reduction%20Strategy%20Update%20APX.%20n%201.pdf>
3. Environmental Enforcement Framework available at <https://www.brighton-hove.gov.uk/environment/how-we-protect-our-environment/environmental-enforcement-framework>
4. Public Art Strategy 2022-2032 available at <https://www.brighton-hove.gov.uk/sites/default/files/2022-03/Public%20Art%20Strategy%202022-2032%20online%20version.pdf>
5. Anti-social behaviour action plan available at <https://www.gov.uk/government/publications/anti-social-behaviour-action-plan>
6. [City Environment Improvement Programme Update](#) to Environment, Transport & Sustainability Committee on 14 March 2023 (item 88)
7. [City Environment Modernisation Update Report](#) to Environment, Transport & Sustainability Committee on 15 November 2022 (item 46)
8. [City Environment Modernisation Update Report](#) to Environment, Transport & Sustainability Committee on 22 June 2022 (item 8)
9. [City Environment Modernisation Update Report](#) to Environment, Transport & Sustainability Committee on 21 September 2021 (item 41)
10. [City Environment Modernisation Update Report](#) to Environment, Transport & Sustainability Committee on 16 March 2021 (item 80)
11. [Graffiti Reduction Strategy Update](#) presertend to Environment, Transport & Sustianability Committee on 29 September 2020 (item 30)
12. [City Environment Modernisation Update Report](#) to Environment, Transport & Sustainability Committee on 21 January 2020 (item 66)
13. [City Environment Modernisation Update Report](#) to Environment, Transport & Sustainability Committee on 8 October 2019 (item 36)
14. [Graffiti Reduction Strategy Update](#) presertend to Environment, Transport & Sustianability Committee on 25 June 2019 (item 11)
15. [Graffiti Strategy](#) presertend to Environment, Transport & Sustianability Committee on 27 November 2018 (item 47)