

Report of The Head of Environmental Services

GRAFFITI REMOVAL PROCESS AND PROCEDURES

1 Purpose of Report

To update and inform members of the processes in place for the removal of graffiti within the Borough of Wellingborough

2 Executive Summary

Graffiti is blight on the local environment and can be a criminal offence under the Criminal Damage Act 1971, The Environmental Protection Act 1990 and the Clean Neighbourhoods and Environment Act 2006. This report identifies the powers and responsibilities the Council has for its owned properties and focuses on the processes in place at present to deal with the issue whilst managing within limited resources.

3 Appendices

None.

4. Proposed Action:

- 4.1 Members resolve to agree to the amended graffiti removal policy including the introduction of a charging policy for the removal of graffiti from private property.**
- 4.2 Members agree to the formation of a member/officer working group to discuss and produce an updated graffiti removal policy.**

5 Background

- 5.1 A report relating to the graffiti removal policy was presented at the Community Committee on 2nd June 2008 and subsequently to Council on 24 June 2008 where the policy was adopted.
- 5.2 It is the intention of officers within Amenity Services to update this policy in accord with any recent or impending legislation, any new technical advances, and socio-demographic changes in order to ensure the policy is up to date and fit for purpose.
- 5.3 Officers recommend and request the establishment of a member/officer working group to discuss and produce an updated graffiti removal policy that considers all of the above and therefore is appropriate and fit for purpose for the needs of the district at this time.

6 Discussion

- 6.1 The aforementioned report of June 2008 stated that the replacement of the graffiti removal equipment would be the subject of a capital bid but that “there were no extra staff resources required” This was due to the fact that the intention was to continue to utilise the probation service in removal of graffiti.
- 6.2 Since the report of June 2008, increased pressure has come upon the probation service and they are less able to accommodate our needs in relation to graffiti removal. Also, the equipment is such that it requires specialist training and particular driving licence requirements that the probation service are unlikely to possess.
- 6.3 A graffiti removal programme has been underway since May 2009 using the new high-pressure washer and graffiti-removal chemicals. A maximum of one day per week is allocated to graffiti removal. This is normally carried out on a Friday by the environmental response team. Friday is the best day of the week from an operational point of view for coordinating with other cleansing activities and having a suitable vehicle available to tow the graffiti-cleaning machine. Graffiti complaints have been compiled into a work list which is currently being worked through.
- 6.4 At present the environmental response team is being utilised to supplement the work of the cleansing teams; this is due to budgetary constraints. Conflicting priorities and making the best use of resources can occasionally result in delays in getting graffiti removed.
- 6.5 The majority of graffiti complaints is in respect of graffiti on private property, for example walls, fences and gates. Owners/occupiers are asked to sign a disclaimer if they want the Council to remove the graffiti. This can result in delays and sometimes the owner/occupier may refuse to sign. Painting over the graffiti is often considered a more effective solution and owners/occupiers are recommended to carry out this work themselves. No charge is currently being made for removal of graffiti from private property.
- 6.6 Offensive graffiti is (e.g. racist) is removed as a matter of priority. The timescale for removal from private property is influenced by the need to seek permission from the owner to remove it.
- 6.7 A graffiti removal service is being provided to Wellingborough Homes on an ad hoc basis. A draft Service Level Agreement has been prepared to formalise the service and to guarantee a minimum amount of income for an agreed level of service. Supplementary agreements will need to be replicated for all Registered Social Landlords within the Borough of Wellingborough
- 6.8 The Council has legal powers to issue Defacement Removal Notices. Land covered under Defacement Removal Notices are: *street surfaces of buildings and structures that are in or on the public street, or land or buildings, structures etc. owned by a statutory undertaker or education institution and accessible to the public. A privately owned building facing onto a street such as a shop will not normally be covered as the land on which it was built will be adjacent to the street; it will not be in or on the street.* It is therefore very difficult to enforce

removal and /or payment for removal services should any charge be made.

- 6.9 A review of the Graffiti Removal Policy dated June 2008 is required to better reflect the current situation, realistic response times, lessons learnt and legal powers. Agreement needs to be reached over whether we should charge for providing the service to householders and businesses. Consideration also needs to be given to whether the Council should remove graffiti from underpasses which are the responsibility of Northamptonshire County Council, who have indicated that they have no funding available.
- 6.10 Following investigations in to comparable policies with other authorities, officers would recommend introducing a pricing structure applied to the removal of graffiti from private property. A report will be produced and presented to Resources Committee for discussion and approval.

7 Legal Powers

- 7.1 Environmental Protection Act 1990 and Clean Neighbourhoods and Environment Act 2006.

8 Financial and Value For Money Implications

- 8.1 Due to the equipment and human resources required, the removal of graffiti is costly. There is potential for generating income but this is dependant on the willingness of private property owners to pay and the appetite for local authorities to charge for this service.

9 Risk Analysis

| Nature of risk | Consequences if realised | Likelihood of occurrence | Control measures |
|--|--|---------------------------------|---|
| Failure to achieve acceptable level of service in relation to NI 195 | Failure to achieve target set out in LAA | Medium | Implement proactive graffiti removal policy |

10 Implications for Resources

- 10.1 As outlined in the report.

11 Implications for Stronger and Safer Communities

- 11.1 Graffiti has a direct impact on the quality of life of all residents, businesses and visitors to the borough. It also has been demonstrated that it increases the perception of anti-social behaviour in an environment.

12 Implications for Equalities

- 12.1 The Council seeks to ensue that the removal of racist or hate graffiti is dealt with as a priority matter as part of the Council's general legal duties to eliminate discrimination and harassment in the community.

13 Author and Contact Officer

John Casserly – Head of Environmental Services

14 Consultees

Carole Stephenson – Head of Neighbourhood Development

James Wilson – Corporate Director

15 Background Papers

None