

REPORT TO: HOUSING, DUNDEE CONTRACT SERVICES AND ENVIRONMENT SERVICES COMMITTEE - 14 JUNE 2010

REPORT ON: GRAFFITI POLICY

REPORT BY: HEAD OF WASTE MANAGEMENT

REPORT NO: 265-2010

1.0 PURPOSE OF REPORT

1.1 To detail proposals to introduce a formal Graffiti Policy.

2.0 RECOMMENDATION

2.1 It is recommended that the committee:

2.2 Agree the proposal to introduce the Graffiti Policy detailed in the report.

2.3 Supports the principal of graffiti being removed free of charge from both domestic and business properties within agreed parameters.

2.4 Supports a multi agency approach to graffiti removal.

3.0 FINANCIAL IMPLICATIONS

3.1 A budget of £20,000 for materials has been allocated in 2010-11 for graffiti removal. The activity will be closely monitored once the new Policy is introduced for any financial implications arising as a result of this policy.

4.0 MAIN TEXT

4.1 In the Council Plan 2007-2011, Dundee City Council identified that the public places a high priority in local environment quality and the overall cleanliness of the city. Issues such as dog fouling, littering and graffiti are covered by the Local Environment Audit and Management System (LEAMS). One of the priority outcome measures for the period of the plan is to increase the overall cleanliness of the City in the LEAMS index.

4.2 One of the key issues impacting on the ability of achieving this objective is the significant presence of graffiti across the City. A recent survey undertaken by Keep Scotland Beautiful showed levels of graffiti across all local authorities in Scotland had increased by 7% in the past 12 months. In Dundee, the LEAMS index showed the presence of graffiti on 6% of sites surveyed.

4.3 It is recognised that the presence of graffiti is one of the most visible forms of antisocial behaviour. It has been shown to be associated with crime and disorder and can contribute to an environment where people feel unsafe. It can be intimidating to visitors and business investors and can lead to the decline of an area. The rapid removal of graffiti can help to overcome this.

- 4.4 In 2002, a Graffiti Rapid Response Team was established to reactively and proactively remove graffiti from public property. The Rapid Response Team has proven to be a successful approach to tackling the problem.
- 4.5 Sections 58 to 65 of the Antisocial Behaviour etc. (Scotland) Act 2004 enables a local authority to serve a "graffiti removal notice" on the owners of street furniture, statutory undertakers, and educational establishments whose property is defaced with graffiti. The notice requires the owners to clean up graffiti within 28 days, or such other period as specified in the notice. If they fail to do so, the local authority can remove the graffiti and recover reasonable costs.
- 4.6 It is recognised that graffiti should be removed as soon as possible through good partnership working and a graffiti removal notice should be issued as a last resort. The partnership approach has been adopted to good effect with a number of utility companies, and will be extended to include other companies over the next 12 months.
- 4.7 The Act however does not include the provision of serving notice on businesses or owners of domestic property defaced with graffiti. In line with a number of other local authorities, the removal of graffiti from domestic premises and businesses has been a chargeable service. In many cases, the owners of property have elected not to remove the graffiti.
- 4.8 This has led to areas of the City where the presence of graffiti persists. Unless the current process is changed, areas will continue to be targeted and levels of graffiti will increase.
- 4.9 Historically the council has not had an approved graffiti policy in place. The purpose of a policy would be to set out the Council's approach to dealing with graffiti incidents, including partnership working, enforcement, education and a prevention process. A draft policy is included in Appendix 1.
- 4.10 The matter was discussed at the Community Safety Partnership Operational Group meeting. It was agreed a short life working group consisting of council departments and Tayside Police would be set up to examine this issue.
- 4.11 The working group has recommended that various trials in selected areas be undertaken to remove all graffiti from private and public property using a zero tolerance approach. In addition to the Waste Management Department Rapid Response Team, support would be provided through the Criminal Justice service, Community Wardens and City Ambassadors. The Criminal Justice Service have indicated they can support this initiative by committing staff on a weekly basis.
- 4.12 The removal of graffiti from domestic and business premises would be subject to receipt of owner approval. The Council Legal team have produced a waiver for this purpose. Provided agreement is reached with the owners of the property, graffiti would be removed free of charge.
- 4.13 Graffiti on private property would only be removed when it is visible from public open spaces or detrimental to the amenity of the area. Graffiti would only be removed in accordance with Health and Safety and cost limitations and where surfaces are suitable.

4.14 Following the removal of graffiti from the trial areas, regular inspections would be undertaken and follow up treatment carried out if repeat graffiti incidents are recorded.

4.15 If this approach proves to be successful, an action plan would be produced to deal with other problem locations on an on going basis.

5.0 POLICY IMPLICATIONS

5.1 This Report has been screened for policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment. There are no major issues.

5.2 The policy will directly contribute to the Council Plan (2007-2011) objective of developing Dundee in a way that safeguards the future of the environment in the city. There is no requirement to undertake Strategic Environmental Assessment for this Policy.

6.0 CONSULTATIONS

6.1 The Chief Executive, Depute Chief Executive (Support Services), Director of Finance and members of the Community Safety Partnership Operational Group have been consulted on the contents of this report.

7.0 BACKGROUND PAPERS

7.1 None.

Jim Laing
Head of Waste Management

Date: 24th May 2010



GRAFFITI POLICY

1. **Purpose of Policy**

The purpose of the Graffiti Policy is to set out Dundee City Council's approach for the management of graffiti through a process of rapid removal, education, enforcement and prevention.

The overall aim of the Policy is to improve the appearance of the local environment and reduce the fear of crime for the benefit of those who live, work and visit Dundee.

The existence of the Policy is essential to provide a co-ordinated response to requests from the public to remove graffiti from a range of public and private property.

2. **What is Graffiti?**

Graffiti can be described as any unauthorised writing, drawing, scribbles or "tags" that are painted, written or carved onto walls or other surfaces.

In Scotland, graffiti can fall under two separate criminal offences. Firstly, it could fall under the common law offence of 'malicious mischief'. Secondly, it is also a form of vandalism, which is dealt with by section 52 of the Criminal Law (Consolidation) (Scotland) Act 1995. In terms of that section: "any person who, without reasonable excuse, wilfully or recklessly destroys or damages any property belonging to another shall be guilty of the crime of vandalism." Tayside Police have the power to prosecute for the offence.

Offensive graffiti may contain some or all of the following elements:

- Offensive language
- Language of a political, racial, religiously insulting or inciting nature
- Graphically explicit image
- A hate statement

3. Graffiti Removal

The Graffiti Rapid Response Team provides a reactive and proactive service for the removal of graffiti from Council owned property. Removal of graffiti from domestic or business property is generally the responsibility of the owner, although the Council will exercise its discretion and provide a graffiti removal service for which a charge may be made. Removal of graffiti will require the owners of the property to complete and sign a waiver. From the date of Committee approval it is proposed to provide a free removal service dependant on the following conditions:

- Graffiti must be visible from public open spaces and detrimental to the amenity of the area
- Graffiti will only be removed in accordance with Health and Safety and cost limitations, and where surfaces are suitable

The provision of the free removal service will be reviewed on a regular basis.

4. Reporting Graffiti

Members of the public can report graffiti through the Rapid Response Team hotline number 01382 433063. Target timescales for removing graffiti are 24 hours for offensive graffiti and 5 days for other graffiti incidents. Timescales may be extended depending on the location of the graffiti and ability to trace and contact owners of property.

Members of the public will be encouraged to report graffiti incidents through promotion of the Rapid Response Team and graffiti removal service.

The potential to report graffiti through an on-line form on the Dundee City Council website is currently being explored.

Dundee City Council encourages members of the public to provide any intelligence to Tayside Police on their non-emergency telephone number 0300 111 2222, or alternatively through Crime Stoppers anonymous 0800 555 111 number.

5. Partnership Working

Owners of street furniture, utility companies and statutory transport undertakers are responsible for removing graffiti from their equipment or property. The council can serve a "graffiti removal notice" requiring graffiti to be removed within 28 days or such other period as specified in the notice. If they fail to do so, the council can remove the graffiti and recover reasonable costs. It is recognised, however, that the provisions on graffiti removal contained within the Antisocial Behaviour (Scotland) Act 2004 are intended to encourage the owners to work in partnership with the Council to ensure graffiti that is offensive or detrimental to an area is removed from their property. It is also recognised that the owners of such property are the victims of crime and costs to remove the graffiti can be considerable. Consequently, only after the Council has given the owner every opportunity to arrange to remove the graffiti should a graffiti removal notice be issued.

An example of a typical partnership approach is with Virgin Media, who are responsible for the green utility cabinets across the city.

The agreement reached involves Virgin Media supplying paint, and council operatives painting out graffiti on the cabinets. In return, Virgin Media pay the Council a sum of money for an agreed number of cabinets to be painted each year.

The partnership approach to this initiative has extended to the Criminal Justice Service undertaking this task as part of their restorative justice programme.

The Council will approach other owners to discuss the most appropriate removal method and removal timescales.

Through the Community Safety Partnership, a short life working group consisting of council departments and Tayside Police has been formed to explore different approaches to deal with graffiti.

Trials in selected areas will be undertaken using a multi agency approach to graffiti removal. If this approach proves to be successful, an action plan will be produced to tackle other problem locations on an on going basis.

6. Community Engagement, Education and Prevention

Graffiti is regularly featured as an issue during Local Community Planning Partnership network meetings. Dundee City Council will provide support to residents, businesses and community groups to tackle graffiti in their area by way of community clean ups.

Advice on the most appropriate method to remove graffiti is available by contacting the Waste Management Department on 01382 432777. Graffiti removal kits are also available and will be provided to community groups and the Community Safety Wardens to remove low level graffiti from a range of surfaces.

Dundee City Council will engage with young people through a programme of education and diversionary projects in schools and organised youth activities.

The Anti-social Behaviour team carry out talks in secondary schools covering various types of anti-social behaviour including graffiti. This highlights to the pupils the detrimental impact of graffiti, the action that can be taken against youth offenders and the cost of removing graffiti across the city.

Dundee City Council will continue to work closely with Tayside Police to identify tags, collect evidence and pursue court action where appropriate. Photographs of tags are routinely forwarded to the police tag database to assist in the identification of taggers.

7. Monitor and Review

There is a limited budget available for graffiti removal and cost will be monitored on an ongoing basis. The Graffiti Policy will be reviewed annually and updated to include new initiatives or developments.