

	<b>AGENDA ITEM NO.</b>
<b>Report Cover Sheet</b>	
<b>Name of Meeting:</b>	Executive Committee
<b>Date of Meeting:</b>	25 <sup>th</sup> March, 2008
<b>Report Title:</b>	Graffiti Policy.
<b>Summary of report:</b>	Proposes actions this authority could take to remove graffiti from its own property, work with other statutory undertakers and advice to residents and businesses to prevent and remove graffiti
<b>For further information please contact (report author);</b>	Pete Cutts 01926 456021 pete.cutts@warwickdc.gov.uk
<b>Business Unit:</b>	Community Safety
<b>Would the recommended decision be contrary to the policy framework:</b>	No
<b>Would the recommended decision be contrary to the budgetary framework:</b>	No
<b>Wards of the District directly affected by this decision:</b>	All
<b>Key Decision?</b>	Yes
<b>Included within the Forward Plan?</b>	No
<b>Is the report Private &amp; Confidential?</b>	No
<b>Date and name of meeting when issue was last considered and relevant minute number:</b>	(If applicable)
<b>Background Papers:</b>	Appendix 1 Proposed Actions Appendix 2 Draft Policy Appendix 3 Draft Charter

<b>Consultation Undertaken</b>		
Below is a table of the Council's regular consultees. However not all have to be consulted on every matter and if there was no obligation to consult with a specific consultee they will be marked as n/a.		
<b>Consultees</b>	<b>Yes/ No</b>	<b>Who</b>
Other Committees	Yes	Environment & Economic Policy Committee February 6 <sup>th</sup> , 2008
Ward Councillors	No	
Portfolio Holders	Yes	Cllr Michael Kinson
Other Councillors	No	Cllr sub-group – Cllrs Gifford, Britland, Falp & Vincett
Warwick District Council recognised Trades Unions	No	
Other Warwick District Council Service Areas	Yes	Environmental Health/Waste Management/Leisure Services/Housing/Property Services
Project partners	No	
Parish/Town Council	No	
Highways Authority	No	
Residents	No	
Citizens Panel	No	
Other consultees	No	
<b>Officer Approval</b>		
With regard to officer approval all reports must be approved by the report author's relevant director, Finance Services and Legal Services.		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Relevant Director(s)	n/a	
Chief Executive	26/02/08	Chris Elliott
CMT	28/02/08	
Section 151 Officer	14/01/08	Mary Hawkins
Legal	14/01/08	Simon Best
Finance	14/01/08	Marcus Miskinis
<b>Final Decision?</b>		No
<b>Suggested next steps (if not final decision please set out below)</b>		
Implement policy.		

## **1. RECOMMENDATION(S)**

### **1.1 To adopt the Graffiti Policy in order to agree:**

1.1.1 the response of this authority in removing graffiti from its own property.

1.1.2 how this authority will work with other public utility providers.

1.1.3 how the authority provides a coordinated response to requests from residents and businesses to prevent and remove graffiti.

## **2. REASON(S) FOR THE RECOMMENDATION(S)**

2.1 This authority has a statutory duty to remove graffiti from its own property along with a number of other statutory undertakers and no agreed approach.

2.2 Requests to remove graffiti from property owned by any of the statutory undertakers can only be made once a partnership agreement is in place.

2.3 At present requests for information received via the website and contact centre are passed around a number of business units.

## **3. ALTERNATIVE OPTION(S) CONSIDERED**

3.1 No alternative.

3.2 No alternative.

3.3 The Draft Policy has taken into account elements of the approach taken by a number of similar authorities.

## **4. BUDGETARY FRAMEWORK**

4.1 A coordinated response will be provided through an additional street scene officer post agreed by Executive and Employment committees who will have responsibility for the co-ordination of the graffiti policy although this will be only part of the duties of the post. In addition £30,000 has been agreed to provide some contractual support for the removal of graffiti in appropriate cases.

## **5. POLICY FRAMEWORK**

5.1 Warwick District Council has a responsibility to the general public in the district to make the district safer, cleaner and greener according to the Anti-social Behaviour Act 2003 and the Clean Neighbourhoods and Environment Acts 2005.

## 6. BACKGROUND

- 6.1 The working group convened in order to produce a coordinated response to requests from the public, partners and businesses to remove graffiti from a range of public and private property.
- 6.2 This authority has a duty to remove graffiti from it's own property but also the responsibility to produce a partnership agreement with other statutory undertakers.

**For further information about this report please contact:**

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E-mail [pete.cutts@warwickdc.gov.uk](mailto:pete.cutts@warwickdc.gov.uk)

### Appendix 1

The Working Group recommended that the following actions should be considered:

- 1) The Council website should be used to give information to residents and local businesses whose property has been defaced by graffiti on the policy, where assistance of all sorts can be obtained.
- 2) That Safer Neighbourhood Panels should be asked if they would be interested in supplying Graffiti Clean up kits to Neighbourhood Watch Co-ordinators and other central locations so that local residents would be able to quickly and easily access the basic materials to at least remove low level attacks of graffiti. It was thought that about 10 kits per panel might be appropriate depending on funding.
- 3) The Working Party considered that action on graffiti did not just have a one size fits all solution and suggested the following:
  - a. On the Council's own property the graffiti should be removed by contractors speedily and within the statutory guidelines.
  - b. Residents and businesses should be helped to find ways of getting graffiti removed efficiently and effectively. Options included using kits from Safer Neighbourhoods (maybe kept by the Neighbourhood Watch Co-ordinators) and / or the local Town or Parish Councils; the use of the Probation Service's Pay-Back teams and the use of a specialised contractor.
  - c. that a meeting should be arranged with the "Public utility providers" (BT, Virgin media, Network Rail, British Gas, etc.) to remind them of their statutory responsibilities and to ensure that the Council has up to date contact details for all the "Statutory Undertakers". The aim would be to develop a good working relationship with these organisations and to ensure that a formal protocol was agreed for the speedy removal of graffiti from their property and/or that they provided the Council with sufficient financial resources for the council to carry out the removal as appropriate.
  - d. Warwick District Council could take on the power to issue a "Graffiti Removal Notice" to those companies and authorities (also known as statutory undertakers) that have a statutory duty to remove graffiti from their property. This is something that Warwick District Council has

not yet done but will consider doing should working with the statutory undertakers not produce the necessary action.

- e. that prevention should also be looked at. There are special paints and surfaces that can be used by property owners and by Statutory Undertakers to either make the application of graffiti very unrewarding (the use of very uneven surfaces) or every easy to clean off (special paints).
  - f. Another method of prevention that should be considered in certain circumstances (the example given is planting along the fencing that separates the green open space on the route to Leamington Station) This would though be a suitable solution in many other parts of the District.
- 4) The working party discussed the need for a specific resource to co-ordinate the actions of the Council and its partners. It was felt by Jackie Webb that this extra resource was vital in order to really tackle the problem of graffiti in the district effectively. [Subsequently to this meeting an additional Street Scene officer post has been agreed together with financial resources of £30,000 per annum for removal of graffiti by defined contractors]
  - 5) Graffiti is criminal damage so the police are a vital agency that need to be closely involved in gathering evidence, tracking culprits and preventive measures.
  - 6) The working party felt that some owners of land awaiting planning permission or development took more effective action to stop graffiti than others. It was felt by all the working party that as graffiti appears to attract graffiti it would be useful if the Planning Department could develop guidelines and advise on ways of ensuring that there was a consistent approach for landowners and developers to do what they can to discourage graffiti .
  - 7) The working party discussed briefly the effectiveness of diverting those youngsters who think graffiti is art to special projects or even special areas. Further discussion will be required on the best way of moving this forward since to encourage could be contentious. Advice from other partners such as Warwickshire college and other councils may be helpful in this respect.

## Appendix 2

### Warwick District Council Graffiti Policy

#### *The aim:*

*Warwick District Council promotes respect for the environment and for people and so it will strive to free Warwick District from graffiti to improve the appearance of the Street Scene and cut the Fear of Crime, for the benefit of all those who visit, live and work within Warwick District.*

#### **Definition of Graffiti:**

The illegal or unauthorised defacing of a building, wall, street and park furniture or other edifice by painting or otherwise marking it with words, pictures or symbols.

#### **Definition of Offensive Graffiti**

Offensive graffiti will be illegal or unauthorised and may contain some or all of the following elements:

Offensive language

Language of a politically / racially / religiously insulting / inciting nature

A hate statement

An image that is graphically explicit

An image which is visually offensive or textually offensive by what it contains

Libellous or potentially libellous statements

#### **Principles of this policy**

Warwick District Council has a statutory responsibility to the general public in the District to make the district safer, cleaner and greener as detailed in the Anti-social Behaviour Act 2003 and the Clean Neighbourhood and Environment Act 2005.

Warwick District Council recognises that any kind of graffiti has a negative impact on the environment. The Council pledges to remove graffiti from its own property within 10 working days of any sightings or report and will remove offensive graffiti within 2 working days of any sightings or reports.

If the graffiti is on property not owned by Warwick District Council, the Council will provide advice to the owner on different methods for removal. The Council is aware that owners can be in very different circumstances and any advice will reflect this.

Some private and public companies and authorities (also known as Public utility providers) also have a legal duty to remove graffiti from their property, these include the following companies and organisations:

British Telecom (BT): Green boxes and telephone boxes

Virgin Media utility boxes

Chiltern Railways: Stations and areas in those parts of the railway system for which they have responsibility

Network Rail: Railway infrastructure including bridges

Highways Agency: Motorways, motorway bridges and major trunk roads

Royal Mail: Red post boxes

Bus Companies: Buses

Warwickshire County Council: highways, road furniture (including bus shelters, warning signs, parking signs, parking meters and directional signs as well as name plates for towns / villages).

Warwick District Council will work in partnership with the above organisations to encourage their participation.

## **Responsibilities and Powers**

The responsibility for the removal of graffiti primarily rests with the owner of the property involved. Warwick District Council will where appropriate use planning powers to minimise the graffiti in the district.

## **Timescale for Removal of Graffiti**

**Graffiti:** The Council will endeavour to remove graffiti from its property within 10 working days of any sightings or report. For graffiti not on land owned by the Council it is recognised that additional time may be required as the owner must be contacted and advice given. The aim is to remove graffiti or encourage the owner (if not the Council) to remove it as quickly as possible. This is important as graffiti attracts further graffiti, engenders fear of crime and becomes more difficult and costly to remove with time.

**Offensive Graffiti:** The Council recognises that offensive graffiti is totally unacceptable and will endeavour to remove such graffiti from its property within 2 working days of any sightings or report. For such graffiti not on land owned by the Council it is recognised that additional time may be required as the owner must be contacted and advice given. However efforts to get such graffiti removed will be a priority for the Council.

## **Procedures for Reporting Graffiti**

All reports should be directed to Warwick District Council on 01926-450000 or reported on the Warwick District Council website if possible by using the graffiti report form.

Any member of the public, councillor or officer of the council may make a report to the Council for the purposes of having it removed.

Additionally Warwick District Council encourages those reporting the graffiti to also contact Warwickshire Police on their non-emergency telephone line and request an unique reference number.

## Appendix 3

### Draft Charter between Warwick District Council and Public Utility Providers:

**The signatories to this Graffiti Charter document agree to abide by the Terms of the Warwick District Council Graffiti Charter, which are:**

*To do all that is reasonably possible to keep their respective properties and infrastructure, in Warwick District, free from graffiti to improve the appearance of the Street Scene and cut the Fear of Crime , for the benefit of the people of Warwick District.*

#### **Specifically, the signatories to this Charter agree that:**

- ✓ Warwick District Council will at all times endeavour to remove graffiti from its own property within 10 days of it being reported
- ✓ Warwick District Council will remove offensive and racist graffiti from its own property within 2 working days of its being reported
- ✓ Warwick District Council will provide advice to owners on how to remove graffiti through its web site and customer service centres.
- ✓ Warwick District Council will work closely with the Safer Neighbourhood Panels to find ways of involving the community in tackling graffiti
- ✓ Warwick District Council will work with the Probation Service so that where appropriate graffiti can be removed by offenders as part of "Community PayBack Scheme"
- ✓ Warwick District Council will work with other local community groups/community leaders to identify graffiti and facilitate its rapid removal and prevention in the future
- ✓ Warwick District Council will where appropriate encourage the use of preventative measures such as planting
- ✓ Warwick District Council will when it is available provide CCTV evidence of graffiti to the Police for prosecution
- ✓ Warwick District Council will work with the police to identify culprits and bring them to court
- ✓ Warwick District Council will provide a contact point and email link for residents to use when reporting graffiti on public/private property. This will be made available on all statutory undertakers' equipment and will also be available on the Warwick District Council website.
- ✓ Complaints will trigger a maximum of 28 day response time by .....(Public utility provider) to remove the graffiti from their property
- ✓ An exception will be made for temporary structures whereby the period for removal will be extended to 42 days with an option for individual negotiation on a particular site. Such an exemption would not apply to retail areas such as the town centres and local shopping areas of the four towns in Warwick District.



- ✓ Obscene or abusive graffiti will be removed within 2 working days. Warwick District Council can in an emergency supplement this service with its own resources if requested, at an agreed cost to the property owner.
- ✓ .....Public utility provider will provide to Warwick District Council the names and telephone numbers of two appropriate officers authorised to act on behalf of the company to resolve disputes or receive representations from Warwick District Council.
- ✓ Warwick District Council will provide a named representative as the point of contact.
- ✓ Appropriate officers from .....the Public Utility Provider and Warwick District Council will meet on the anniversary of the agreement or in the event of dispute or difficulty at the earliest possible opportunity.
- ✓ Intelligence in respect of graffiti hotspots and repeat applications by the same offenders to better aid detection of graffiti vandals will be shared and discussed with Warwickshire Police and other interested parties for action at regular meetings or an emergency basis if necessary.
- ✓ Warwick District Council will exercise its powers in accordance with the Anti Social Behaviour Act 2003 to issue fixed penalty notices on graffiti vandals or prosecute in the magistrates' court.

Signed.....  
**Leader of Warwick District Council**

Signed .....  
**on behalf of Public Utility Provider**

Date.....