

Title:	Graffiti on Private Property in West Wiltshire
Portfolio Holders:	Councillors C March and L Conley
Reporting Officer:	Tim Darsley, Corporate Director
Key Decision:	No

Purpose

The purpose of this report is to summarise the procedures for dealing with graffiti on various categories of land and to raise, for discussion, the main issues with addressing graffiti on private property.

Background

Graffiti can be defined as words or drawings that are written, painted or scratched onto the surface of property. Graffiti is almost always unattractive, it degrades the environment and can result in an increased fear of local crime. Applying graffiti is illegal.

In a national context, West Wiltshire does not have a serious graffiti problem. For this reason, however, where graffiti does appear, it is noticeable.

The subject has been considered by the Scrutiny Committee. Their recommendation was that the Council should adopt a proactive approach to tackling graffiti on private property. Cabinet considered this recommendation on 11 May 2008 and requested that a discussion paper be brought back for further consideration.

Responsibilities for Addressing Graffiti

Responsibility for engendering a respect for the environment and other people's property lies with parents, schools, communities and society as a whole. Prevention is always better than cure and educational and promotional activities, co-ordinated amongst relevant partners, are worthwhile elements of community development and safety strategies.

When it comes with dealing with graffiti, the key factor is the ownership of the affected land or property.

The District Council is responsible for dealing with graffiti on land and property that it owns. This includes parks and amenity areas, play areas, car parks, litter bins, public conveniences and leisure centres. The Council undertakes this work through its ground maintenance and street cleaning contract with English Landscapes.

Similarly, the County Council is responsible for graffiti on its land and property and this includes highways and their verges, road signs and street furniture, bridges, schools, libraries and other buildings. Public and private utilities and statutory undertakers are responsible for graffiti on their installations and buildings. Householders and other private property owners are responsible for dealing with graffiti on their property.

As well as its responsibility as a landowner, the District Council has a wider responsibility and certain powers under the Anti Social Behaviour and Clean Neighbourhood Acts. Local authorities are required to make reasonable attempts to liaise with property owners over the removal of graffiti. There are no prescribed models for such arrangements. They should be developed voluntarily and will depend on the scale of the problem and local circumstances.

As a last resort, local authorities can serve a Defacement Removal Notice on the owners or operators of "relevant surfaces". These are broadly:

- Street surfaces or surfaces of buildings that are in or on the public street;
- Land or buildings owned by statutory undertakers or educational institutions accessible and visible to the public.

The notice requires the owner to remove the graffiti within 28 days. If the owner fails to do this, the local authority can undertake the work and recover the costs.

The Council cannot remove graffiti from private households and other private property without the owner's permission. To do so would involve trespass and possibly criminal damage. Even if it had the owner's permission, the Council would take on liability for public protection and any damage caused to the property.

Current practises

Community Safety Team

The Crime Reduction Strategy for West Wiltshire (2005-2008) identifies graffiti as one of a range of anti social behaviours and commits members of the Partnership to work together to address it.

Our Community Safety Team has dealt with five reported incidents of graffiti on private property since 2005. One was on an electrical sub station and two were on Housing Association properties. The relevant bodies were notified and they dealt with the graffiti. Two were on the fences of private property owners. The owners were given log sheets to record any further incidents but none occurred. The graffiti was dealt with by the owners.

During the "Weeks of Action" project in November 2007, graffiti kits were demonstrated and advice given on how graffiti on private property can be cleaned up.

Grounds and Cleansing Service

Our Grounds and Cleansing Service dealt with 29 reports of graffiti on both Council and other property during 2007. The most common instances are in the Council's parks, open spaces and play areas. These are individually assessed and assigned

response times for the contractor, depending on their nature. Offensive graffiti in a very public place would require immediate clearance. Non offensive graffiti, commonly "tags", is scheduled within a two week programme.

Skate parks are dealt with somewhat differently. Graffiti can regularly appear on the underside of ramps and can represent a form of linkage with local users. Providing it is not offensive, a more lenient approach may be taken, balancing the resources needed to constantly clean the equipment with the impact of the graffiti.

The bandstand in Trowbridge Park has in the past been a regular target for graffiti. Under the English Landscapes contract, an operative is based on site and deals with graffiti as soon as it appears. This strategy seems to have been successful as the problem has progressively reduced.

The techniques used to remove graffiti include the use of chemicals, hot steam pressure washing, aggressive brushing or painting over. The technique depends on the material used and the surface upon which the graffiti appears.

Where graffiti reported to the District Council is on County Council land, we forward the case to the County Council. The County does not have a specific response standard but will respond according to the nature, location and impact of the graffiti

Private Property

The Council does not carry out graffiti removal work on private property for the reasons mentioned above.

Possible ways forward

Current practices in dealing with graffiti are working reasonably well and graffiti is not a major problem the District.

Discouraging graffiti before it occurs should be the first step in addressing this matter. There are various measures that can be taken in high risk areas such as the use of physical barriers and planting, improving lighting and restricting access. CCTV may also have a role to play in priority areas. Those involved in street scene management, development control and regeneration should be conscious of the implications of design and operational arrangements in relation to graffiti. Graffiti should always be removed as soon as possible as one occurrence can quickly attract more. Alongside this, education via schools and through community members and leaders, has an important role to play.

More specifically, our public response could be improved by clarifying the respective responsibilities of the Grounds and Cleansing and Community Safety teams.

It is suggested that the Grounds and Cleansing team deals with complaints of graffiti on:

- District Council property,
- County Council property, and
- the properties of utilities and statutory undertakers.

The team would deal directly with complaints about Council property through our English Landscapes contract. It would refer complaints about County Council and utility properties to the relevant contacts. Such complaints would be monitored for their timely completion and followed up as necessary.

The Community Safety team would deal with complaints of graffiti on private property. It would utilise its links with other partners, particularly the Neighbourhood Policing Teams, in addressing this area. The approach here would include:

- Assessing the nature of the graffiti, its possible origins and causes and the best way to proceed.
- Contacting the property owner, drawing the graffiti to their attention and encouraging its prompt removal.
- Providing information and advice on how to remove graffiti.
- Signposting commercial graffiti removal services.
- Working with the property owner and co-ordinating the actions of other partners in trying to deal with the underlying causes of the graffiti.

In both areas, a voluntary, cooperative approach would predominate. Formal action, by serving a Defacement Removal Notice, however would be available as a last resort where property owners failed to address the problem.

Effects on Strategies and Codes

Dealing with graffiti contributes to a number of corporate priorities and objectives including:

- Improving our market towns.
- Maintaining high standards of cleanliness in the District's street scene.
- Achieving high levels of satisfaction with our parks and open spaces.
- Reducing anti-social behaviour.
- Providing an integrated and coordinated service to customers.

Risk management implications

No risks associated with the proposals of this report have been identified.

Financial Implications

There are no financial implications to the proposals.

Legal and Human Rights Implications

The voluntary and co-operative approach when dealing with graffiti on private property would avoid potential legal and human rights issues.

Next Steps

If agreed, the proposals would be implemented immediately.

The preparations for One Council provide the opportunity for developing a common approach across Wiltshire and an integrated response across what is now District and County Council property.

Recommendations

It is recommended that:

1. Service Managers are briefed on the effects of graffiti and how it can be discouraged
2. The proposed responsibilities for dealing with complaints of graffiti be adopted, implemented and publicised.
3. The Grounds Maintenance and Community Safety teams deal with complaints of graffiti as an operational priority.
4. The implications of using Defacement Removal Notices are investigated by the Legal Service and guidance in their use provided to the two frontline teams.

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