

TONBRIDGE & MALLING BOROUGH COUNCIL

COMMUNITIES AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

06 November 2023

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 GRAFFITI REPORT

This report gives details of the Council's work in tackling graffiti, including the current reporting mechanisms, the cleaning and removal of graffiti and work with the Community Payback scheme.

1.1 Definition of graffiti

- 1.1.1 Graffiti is regarded by most as a form of criminal damage and can be defined as 'any inscription, marking, writing, painting or drawing, illicitly scratched, scribbled, drawn, cut, carved, posted, pasted sprayed or painted on any surface'.
- 1.1.2 Graffiti takes many forms including tags, slogans and political messages, advertising, cartoons, and highly colourful and complex artistic creations. Graffiti is sometimes regarded as an art form by those doing it, but by members of the general public it is often seen as a nuisance and frequently associated with anti-social behaviour. It is also costly to get rid of and recent estimates put the clean-up costs for graffiti in the UK at more than £1billion.
- 1.1.3 The 'broken windows' theory is a criminological theory that states that visible signs of crime, anti-social behaviour, and civil disorder create an urban environment that encourages further crime and disorder, including serious crimes.
- 1.1.4 Graffiti can be considered an act of criminal damage. Under the Criminal Damage Act 1971, anyone caught doing graffiti can face a prison sentence of up to ten years or fined if the damage costs more than £5,000. If the damage caused is less than £5,000, an offender could face three months in prison or a fine of £2,500. Spray paint was also made illegal to under-16s. Any shopkeeper who sells it to an under-16 can be fined up to £2,500.
- 1.1.5 Within the Council, Waste Services receive reports of graffiti from Members and residents, and they are responsible for removing/cleaning graffiti from council owned property. The work to tackle graffiti also links in with Community Safety

through the work to tackle anti-social behaviour and recently the Safer & Stronger Communities Manager has become involved in order to secure the services of the Community Payback scheme to help remove graffiti from privately owned premises. It should be noted that tackling crime and anti-social behaviour is not solely the responsibility of the Community Safety department, but that all council services/departments are required to consider this through their work (as part of Section 17 in the Crime and Disorder Act 1998).

1.2 What is the scale of the problem?

- 1.2.1 Tonbridge Town Centre and surrounding areas have recently experienced an increase in ‘tags’ and this has been noted by Members and discussed by residents on social media. However, Waste Services have only received 35 reports from residents in relation to graffiti from the beginning of the year to the 18 October 2023. The amount of graffiti reported to the police is also low (although exact figures are not available). It is therefore difficult to know the extent of the problem and whether there has in fact been an increase.
- 1.2.2 We do know however, that having graffiti in an area can make residents feel unsafe and can make an area seem unattractive.

1.3 How is the Council tackling graffiti?

- 1.3.1 The Council’s current approach, as stated on our website, is that we will remove graffiti from council-owned land and public property. We aim to remove all offensive, racist and abusive graffiti on our land within 48 hours of it being reported to us. Areas on or close to main roads, main town areas and schools will be given priority. We will not remove graffiti from privately owned property, railway structures or telephone boxes and we will encourage residents to report this graffiti to the police or directly to the landowners.
- 1.3.2 Residents can report graffiti via the TMBC website, and these reports go directly to Waste Services. From January until the 18 October this year Waste Services had received 35 reports of graffiti via the website from across the borough, 19 of these were on private property and 16 on areas which Waste Services removed. Of these, the locations vary from residential properties, bus stops and play equipment, as well as other locations.
- 1.3.3 Waste Services use Urbaser to remove graffiti and they have a contract with them to remove graffiti on an ad hoc basis. The contract specification for the ad hoc graffiti removal refers specifically only to “street furniture” such as bus stops, benches, fences and walls in public car parks, street name plates etc. This is not a separate contract but is included in the overall contract Waste Services have with them.
- 1.3.4 Some Borough Council staff including staff in Technical services and Leisure Services have also been provided with removal kits so in their day-to-day jobs they can address/remove minor/easy graffiti immediately on site. This means that

graffiti can be removed easily and quickly and without the need to involve Urbaser, which could be more time consuming.

- 1.3.5 As mentioned, the Borough Council will remove graffiti on our property and to the 18 October this year Waste Services had removed 16 incidents (via Urbaser), Technical services had removed 11 incidents and Leisure Services had removed 18 incidents of graffiti.
- 1.3.6 Privately owned premises, including residential properties are responsible for removing their graffiti themselves. In order to assist with this, the Safer & Stronger Communities Manager has been able to secure the use of the Community Payback scheme to paint over graffiti on private businesses (where appropriate). She has also secured external funding from the Police and Crime Commissioner to purchase the items required by Community Payback and liaised with the businesses to take this forward.
- 1.3.7 At the time of writing this report, one business in Tonbridge had confirmed that they would like Community Payback to do this work for them and we are in the process of arranging an appropriate time for this to be completed.
- 1.3.8 Previously Waste Services were able to secure Welcome Back Funding to remove graffiti from privately owned property (during the Covid Pandemic). This funding is no longer available. The Safer & Stronger Communities Manager did submit a bid to the UK Shared Prosperity Fund for graffiti removal, but unfortunately due to the number of bids submitted and criteria for the funding, this was not able to be taken forward. If the Council were to remove graffiti from privately owned premises, this would incur a cost, which is not currently within the Council's budget.
- 1.3.9 The Community Safety Team also link in with the Police, who try to catch and identify graffiti offenders. This is difficult as many of the incidents take place at night, and it is difficult to catch the offenders or use CCTV to identify them. However, if the police are able to identify anyone then they will take the appropriate action. The police are also developing a graffiti database of tags so that they can record these and then potentially link these to individuals.
- 1.3.10 Following a meeting between Cllr Keers, Cllr Hood and representatives from the Council, the Safer & Stronger Communities Manager has put together a flow chart to show the process for reporting graffiti. This is attached at Annex 1.
- 1.3.11 Cllr Mark Hood has been able to secure funding to allow an artist to put a mural on a privately owned property in Avebury Drive in Tonbridge (this has been authorised by the owner of the property). We also discussed the use of graffiti walls, and we are also looking at consulting with the public regarding this and whether the public would be supportive of this in principle. A copy of a potential survey for residents is attached at Annex 2. If this survey was to take place it would be run using the Borough Council's website and could help to inform the work to tackle graffiti going forward.

1.3.12 Graffiti walls are an area where graffiti street art can be done legally and may help to reduce the number of complaints of graffiti on other sites. There would need to be careful consideration as to how these might be implemented and monitored.

1.4 Best practice from other Local Authorities

1.4.1 In order to consider whether the approach from the Council is similar to other districts, the Safer & Stronger Communities Manager carried out an information gathering exercise and approached her colleagues across Kent, although not all responded to the request. Different Local Authorities tackle graffiti in different ways and the table at Annex 3 gives examples of how this subject is tackled across different districts.

1.4.2 It can be noted that the response to tackling graffiti varies across the county, with some providing free graffiti removal to residential properties and privately owned properties, whilst others (similar to TMBC) only removing graffiti from their own land/premises.

1.5 Is there anything further that the Council could do to tackle graffiti?

1.5.1 The Council will remove graffiti as quickly as possible on council owned land. To remove any further graffiti would mean an increase in costs/resources. Whilst it is the responsibility of privately owned land to remove graffiti, we are able to offer them the use of Community Payback to assist with this. However, Community Payback can only paint over the graffiti, so are not appropriate to use on all surfaces (e.g. brick work).

1.5.2 There is a reporting mechanism on the Borough Council's website and Members may wish for this to be publicised further so that residents know how they can report incidents of graffiti and then what can be done around this. It would need to be clearly explained to residents the graffiti that the Council can remove and what we cannot.

1.5.3 The graffiti response across the Council is currently spread across a number of Services/Directorates. All reports of graffiti are directed to Waste Services, whilst the Community Safety department lead on the work with Community Payback. No changes are proposed to this approach.

1.5.4 TMBC do not currently have a graffiti policy or any strategic documents setting out their approach to tackling graffiti, although we do give information on our website for residents. Some other Councils do have a policy in place which helps to set out how they will respond to and tackle graffiti. Members may therefore wish for a policy to be written, which will set out how the Council intends to work together to address this problem.

1.5.5 Waste Services currently record the graffiti being reported to the Council through the website and will record when this is removed by the Urbaser Hit Squad. However, Members may wish to strengthen this work and ensure that there is a

database in place which is available across all Council departments. This would then allow the amount of graffiti reported to be easily recorded and would show what graffiti has been removed and how this correlates to the reports received on the website. The work of the Community Payback scheme could be added to this database.

- 1.5.6 Members may also wish to consider whether they would like to pursue the use of 'graffiti walls'. We would need to carefully consider the location of this, how we would prevent offensive material and any costs involved with this. However, this could ensure that there was an appropriate place for people to do their graffiti (including tags) which might reduce graffiti on other premises.

1.6 Legal Implications

- 1.6.1 There is no legal requirement for the Council to remove graffiti, however Section 17 of the Crime and Disorder Act 1998 states that it is a legal duty for all local authorities to consider the impact of their functions and decisions on crime and disorder in their area. This means that Local Authorities have to do all that they reasonably can to prevent crime, disorder and anti-social behaviour.

1.7 Financial and Value for Money Considerations

- 1.7.1 Any changes to the removal or clearance of graffiti through the Council could lead to increased costs for services. Waste Services have a contract with Urbaser and graffiti removal is included as part of this contract.

1.8 Risk Assessment

- 1.8.1 Any appropriate risk assessments would be carried out. If a graffiti wall(s) was to be implemented then this would require its own risk assessment(s) to be completed.

1.9 Equality Impact Assessment

- 1.9.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.10 Policy Considerations

- 1.10.1 Waste Services, Community Safety,

1.11 Recommendations

- 1.11.1 It is recommended that Members of this Committee consider the proposed approach to tackling graffiti as detailed in this report and agree to the following actions:

- Further publicise the graffiti reporting page on the website to residents

- Develop a Graffiti policy setting out how the Borough Council intends to tackle graffiti.
- Develop a single database to record reports of graffiti across Council Services, and record when the graffiti has been removed.
- Run a resident's survey to gather information on views for 'graffiti walls' within the borough.

The Director of Central Services and Deputy Chief Executive confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Nil

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