

TONBRIDGE & MALLING BOROUGH COUNCIL
COMMUNITIES AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

22 May 2024

Report of the Interim Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet – Non Key Decision

1 GRAFFITI UPDATE

This report provides an update on the work to tackle graffiti in the borough, including feedback from the public consultation and also on the development of a graffiti policy.

1.1 Background

1.1.1 Members will remember that in November, an initial report was discussed in relation to how the council tackles graffiti. This set out the Council's current approach to removing graffiti and proposed the development of a graffiti policy and a public consultation to gather views in relation to a 'graffiti wall'.

1.1.2 These items have now been undertaken and this report provides feedback on these matters to Members.

1.2 Results of the graffiti survey

1.2.1 The public consultation in relation to graffiti was open from 22 January to 29 February 2024, and we received 115 responses. A copy of the replies can be seen at **Annex 1**.

1.2.2 Of those who replied, 105 had seen graffiti in the borough and 78 of those were concerned about this. We then asked people's views on whether they would like to see a graffiti wall in the borough. Of those who replied 57 stated they would, 47 would not and 11 did not know. Comments in relation to this included:

"I would only want them if they are a proved deterrent from graffiti appearing across the town."

"It will still be an eye sore, and it will be unfair if it is put up near a local business or homes. Even if put up in an area like a park it will just be an eye sore."

"In theory it sounds like a good idea. It just depends on where it is, how well it is painted and how it is maintained and/or refreshed".

- 1.2.3 In order to look at whether a graffiti wall was something that we would want in Tonbridge & Malling, I consulted with Tunbridge Wells Borough Council who have a graffiti mural wall in Grosvenor and Hilbert Park. This has been in place for around seven years and is managed by the park's Friends Group and the Borough Council. The wall is used by graffiti artists, who generally create art, rather than just tagging. The wall looks after itself, with a group of artists refreshing the artwork periodically. Tunbridge Wells Borough Council could not evidence whether the use of their graffiti mural wall had led to a reduction in graffiti tags across the rest of the town.
- 1.2.4 Tunbridge Wells Borough Council do monitor the wall during normal park visits, and they have a park keeper on site who reports anything offensive or considered controversial or political. They have only had one incident that needed action in the seven years the wall has been in place.
- 1.2.5 I did ask other county colleagues if they had used graffiti walls. Canterbury City Council were the only other location to come back to me. They have not used graffiti walls but have used graffiti murals to cover up areas where they had previously had graffiti reported, such as underpasses and empty buildings. They found that the graffiti murals were well received and had not, to date, been graffitied over. However, there was a cost implication to this. They were able to fund this work through Welcome Back Funding (Covid related funding).
- 1.2.6 Evidence as to whether graffiti walls are effective is difficult to source, however, an EnCams report (*'Good Graffiti, Bad Graffiti? A new approach to an Old Problem, 2008'*) carried out case studies into established graffiti walls across the county. Their research suggested that graffiti walls were more likely to succeed if the initiative was rooted in the community, particularly amongst young people. The most successful examples of graffiti walls were those that were managed by young people and subsequently adopted by the council. However, they found that it was extremely difficult to measure the success of graffiti walls in terms of reducing the wider graffiti problem.
- 1.2.7 Graffiti murals on the other hand, do seem to have a positive impact on an area though and research shows that murals can reduce instances of vandalism. One reason might be potential community involvement in mural projects, which fosters local pride and ownership feelings over public spaces.
- 1.2.8 Whilst the Council may wish to consider the establishment of a graffiti wall, officers do have concerns around these. There are concerns around identifying the correct location for a wall, there would be a need to check for inappropriate or offensive graffiti and concerns around who would then be responsible for managing and maintaining the walls and any associated costs with this. It is also not known at present, whether a graffiti wall would help to reduce incidents of tagging within an area and therefore members may feel that further information would be needed before a decision can be taken.

1.3 Graffiti policy

- 1.3.1 Following on from the last report we have now drafted the attached Graffiti policy at **Annex 2**. The proposed policy attempts to provide residents and businesses with clarity as to responsibilities for graffiti clearance and deliver a graffiti removal service that is efficient and sustainable within the resources and budget allocation.
- 1.3.2 Any offensive graffiti on property owned by the Council will be removed within two working days and anything non-offensive on property owned by the Council will be removed in ten working days.
- 1.3.3 The council does not have a statutory duty to remove graffiti on privately owned property. The owner/tenant of the property will be required to arrange removal by either themselves or a third-party contractor.
- 1.3.4 Where appropriate we will look to link in with Community Payback to see if they can assist in removing graffiti from privately owned property.

1.4 Removing graffiti

- 1.4.1 The Council is continuing to remove graffiti from its own property (as set out in our policy). Between November and the end of April there were 8 incidents of graffiti noted and removed directly by Technical Services. In the last 6 months Leisure have removed 19 instances of graffiti on our land and Waste Services have received 17 reports of graffiti so far during 2024.
- 1.4.2 We are working with Community Payback to remove graffiti from privately owned property. However, whilst we have nominated three graffiti locations to be removed, unfortunately none of these could be progressed due to health and safety concerns due to the specific location of the graffiti and the potential risks to the workers. However, we are continuing to work with Community Payback when we get reports sent into us and hope that they will be able to remove graffiti in due course.
- 1.4.3 I have also been able to purchase a number of graffiti removal kits. Three of these kits are kept at the Kings Hill offices and three at Tonbridge Castle. They can be used by officers and Members if required. If Members would like to use the kits from Tonbridge Castle, then please contact me and I will let the Castle know. Any graffiti removed from privately owned property would need the owner's permission first.

1.5 Legal Implications

- 1.5.1 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.

1.6 Financial and Value for Money Considerations

1.6.1 There will be a financial impact if Members decide to establish a graffiti wall. These costs are not known currently and would require further investigation.

1.7 Risk Assessment

1.7.1 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.

1.8 Equality Impact Assessment

1.8.1 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.

1.9 Policy Considerations

1.9.1 Waste Services, Community Safety

1.10 Recommendations

1.10.1 That Members note this report and the lack of evidence of the effectiveness of graffiti walls to reduce illegal tagging.

1.10.2 That Members adopt the Graffiti Policy as attached at Annex 2.

Background papers:

Nil

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