

GRAFFITI POLICY

1 Background

- 1.1 Graffiti is defined as unauthorised writing, drawing or scratches that are scribed, painted, or engraved upon walls and other surfaces without the owner's express permission.
- 1.2 Graffiti can be generally placed into the following categories:
 - Offensive graffiti – whilst there is no specific legal definition of 'offensive' we determine offensive graffiti as words or images which target a person's protected characteristics. Protected characteristics as defined in the Equality Act 2010 are:
 - age
 - disability
 - gender reassignment
 - marriage and civil partnership
 - pregnancy and maternity
 - race
 - religion or belief
 - sex
 - sexual orientation
 - General graffiti:
 - 'Tags' – the most prominent form of graffiti in most areas of the UK
 - Artistic – drawings, poetry etc.
 - Other non-offensive writing or drawing
- 1.3 Graffiti is an important environmental issue for the borough because of the adverse effects it can have on areas. The presence of unauthorised graffiti is unsightly and may also contribute to the decline of an area.
- 1.4 Graffiti is costly to remove, and it can increase the perception of fear of crime and can be detrimental to community safety. It can decrease local investment in regeneration and cause depreciation of property values. It can be particularly distressing for those whose property is defaced by graffiti, especially if of an offensive nature, and can also have a negative impact upon the vitality and viability of a business.
- 1.5 This proposed policy attempts to provide residents & 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.

2 Proposed Policy

Ownership	Type	Action
Council Owned Property	Non-offensive <i>Under 2 metres in height*</i>	Removed from council owned property, parks, play equipment and street furniture within ten working days unless the graffiti is on a specialist surface or listed buildings where contractors or consents may be required to carry out the work.
	Offensive <i>Under 2 metres in height*</i>	Removed from council owned property, parks, play equipment and street furniture within two working days unless the graffiti is on a specialist surface or listed buildings where contractors or consents may be required to carry out the work.
Privately Owned Property both residential and commercial	All	<p>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.</p> <p>If the owner/tenant does not make their own arrangements for graffiti removal, the council may, after exhausting every other avenue, and in exceptional circumstances use other powers requiring land to be cleaned up. Before taking steps to exercise those powers legal and enforcement advice will be sought and adequate evidence to support any action will be required.</p>

* *The council's contractor's 'working at height' risk assessment determines that two metres is the highest they can work safely without using ladders or specialist equipment.*

Graffiti on council owned property which is over two metres in height will be passed to the council's Property Services team who will arrange for a contractor to attend to take the action required to remove the incident(s).

3 Graffiti Removal on Council Owned Property

3.1 The council's key performance indicators for graffiti removal on council owned property will be:

- Ten working days for non-offensive graffiti (under two metres in height) on Council owned property.
- Two working days for offensive graffiti (under two metres in height) on Council owned property.

- 3.2 Graffiti removed by the council will be photographed before removal so that the case can be referred to the Police via the Community Safety Unit for their own records and potential enforcement action against graffiti offenders.
- 3.3 All offensive graffiti if related to extremist material (e.g. swastikas or offensive language etc.) will be photographed before being removed. These photographs will be sent to csp@tmbc.gov.uk so that they can be sent to KCC's Prevent Team.
- 3.4 The Council's Outdoor Leisure Services officers have been issued with graffiti removal kits which are suitable for the removal of small incidents of graffiti on such surfaces as play equipment, park bins & park signage and these will be removed as and when officers come across these incidents.
- 3.5 The Council's Technical Services team also arrange removal of small to medium size graffiti incidents from surfaces for which they are responsible such as street name plates, car park signage & bridges, etc.

4 Graffiti Removal from Private Property

- 4.1 When we receive reports of graffiti on private property, we will refer the reporter to the landowner/occupier of the property.
- 4.2 The council can only arrange the removal of graffiti from private property by the Community Payback scheme if the owner/occupier is willing to sign a disclaimer releasing the scheme from any liability arising from the services being undertaken.
- 4.3 Timescales for the removal of graffiti on private property by the Community Payback scheme will be subject to agreement with the owner/occupier and the completion of the disclaimer.
- 4.4 If the owner/occupier does not wish us to refer the case to Community Payback, we will ask them to source alternative removal companies to complete the works.
- 4.5 If the owner/occupier does not make their own arrangements for graffiti removal, the council may, after exhausting every other avenue, and in exceptional circumstances use other powers requiring land to be cleaned up. Before taking steps to exercise those powers legal and enforcement advice will be sought and adequate evidence to support any action will be required.

5 Community Payback

- 5.1 The Community Payback scheme is run by the Her Majesty's Prison & Probation Service and projects such as graffiti removal can

be nominated if they will benefit the wider community. This scheme is most suited to large, one-off infestations.

- 5.2 Any requests received from property owners/occupiers for the removal of graffiti will be forwarded to the Community Safety Unit for assessment for suitability and for engaging the Community Payback scheme if works are considered appropriate.