

# Graffiti Policy

## Introduction

Graffiti comes in a wide variety of forms, from spray can scrawl to acid etching. But whatever form it takes, graffiti is an affront; an offensive eyesore that makes areas look neglected, that encourages anti-social behaviour and increases the fear of crime. One relatively small piece of graffiti can have a disproportionately detrimental impact on an otherwise well-maintained neighbourhood. Because of this, Colchester Borough Council is committed to tackling graffiti as a priority issue.

This policy sets out our approach to tackling the presence of graffiti.

Tackling graffiti is not just a local priority. It is also one the Government has made a commitment to tackle with the provisions made under the Clean Neighbourhoods and Environment Act 2005, Anti-social Behaviour, Crime and Policing Act 2014, the Town and Country Planning Act 1990, and Equality Act 2010.

Local authorities are responsible for removing graffiti and fly-posters from public buildings, monuments, and highways. Graffiti removal from street furniture such as telephones boxes, bus shelters and utility cabinets remain the responsibility of the relevant private company

The defacement caused by graffiti is an act of criminal damage and should not be considered the same as legitimate commissioned pieces of street art. There are locations where murals and other community art projects can potentially enhance a local neighbourhood. These will be produced with consideration and consultation with local communities.

## Purpose of Policy

This policy will detail how the Council will deal with:

- 1.0 Reporting
- 2.0 Graffiti removal
- 3.0 Monitoring
- 4.0 Engagement and enforcement
- 5.0 Potential income generation

## 1.0 Reporting

### External Process

The most effective way of reporting graffiti is through the Council's website using the [Colchester Borough Council Online Reporting Tool](#)

Alternatively, the Council's Customer Service Centre can be contacted to report graffiti via:

Email: [customer.service@colchester.gov.uk](mailto:customer.service@colchester.gov.uk)

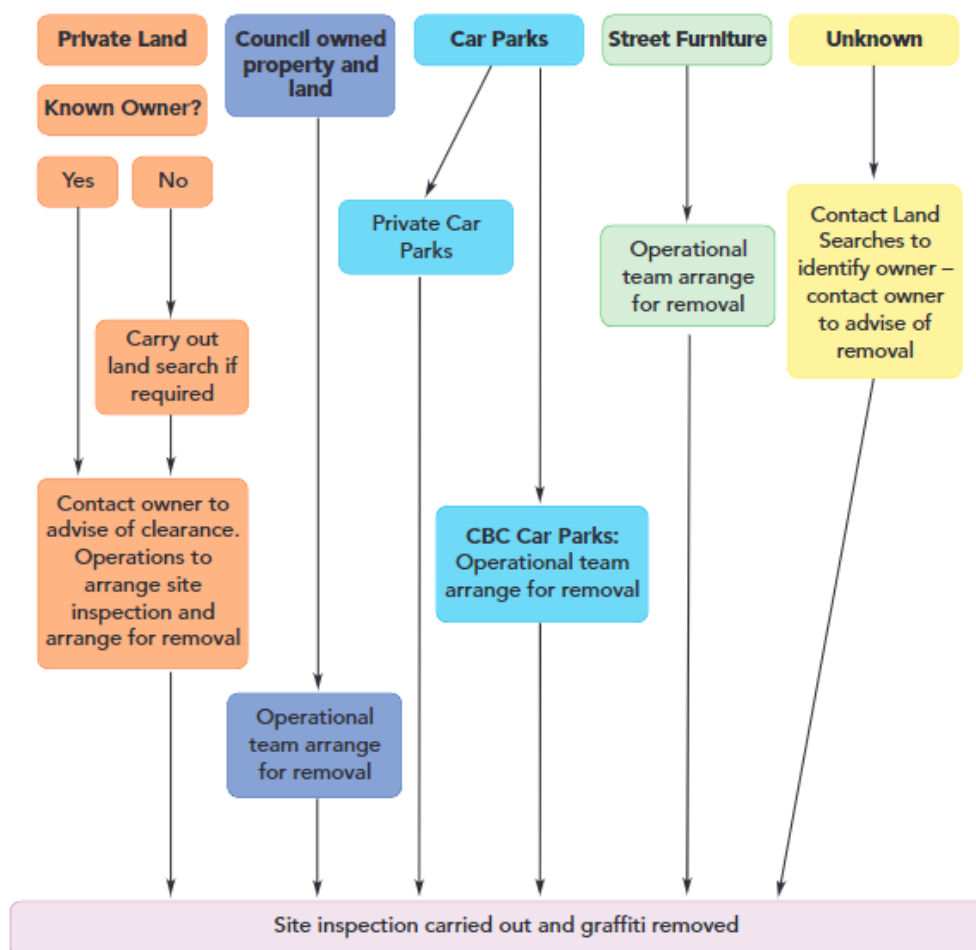
Telephone: 01206 282222

### Internal Process

The online report will be automatically recorded to the internal task management system.

For calls received, the Customer Service Centre record the report. The location of the graffiti together with type of graffiti will be included where possible so that cases can be prioritised accordingly.

Dependent on the location the report will be dealt with as set out in the following chart.



## 2.0 Graffiti removal

The Council will undertake different approaches to the management of graffiti depending on the ownership of the land or property that it is on, and this is set out below.

Exceptions may be made for graffiti or street art that is deemed to be of artistic benefit or of value to the community in which it is located. Local community, residential and Ward Councillor consultation would take place to assess if the impact is positive within the area, a positive response would see the graffiti remain in place.

### Council owned land

The Council is only permitted to remove graffiti from property and land that it owns.

Removal of graffiti on Council land which is deemed offensive will be actioned immediately if reported during the normal working week or the next working day if reported out of hours or on a non-working day. The graffiti will be removed or painted over to conceal the content.

Graffiti classified as offensive may contain some or all the following elements:

- Offensive language
- Language of a politically / racially / religiously insulting / homophobic / inciting nature
- A hate statement
- An image which is graphically explicit
- An image which is visually offensive or textually offensive by the message that it contains

General graffiti which is not offensive, for example tags or unauthorised murals/artwork, will be actioned within 72 hours or 3 working days. This period may be extended if the graffiti is in an awkward position that requires specialist equipment or access.

In some cases, such as listed or heritage buildings, extra care and attention will be required. This may delay the clean-up while permissions are sought, and materials sourced to ensure the property remains undamaged. There will also be instances when health and safety prevent immediate removal particularly where access is difficult or requires specialist equipment.

### Private Property

Local Authority services should not be used exclusively for publicly maintained property as graffiti offenders do not distinguish between public and privately owned property. Leaving just a single piece of graffiti sends the message that graffiti will be tolerated, and this will quickly attract more. This undermines everyone's efforts.

However, this approach does not relinquish property owners from their responsibility to contribute to the local environmental quality.

Where the land or property is in a third parties' ownership, the graffiti will be reported to the owner, and they will be asked to remove the graffiti. Should they be unable to remove the graffiti and seek assistance from the Council, a charge will be made for the removal service.

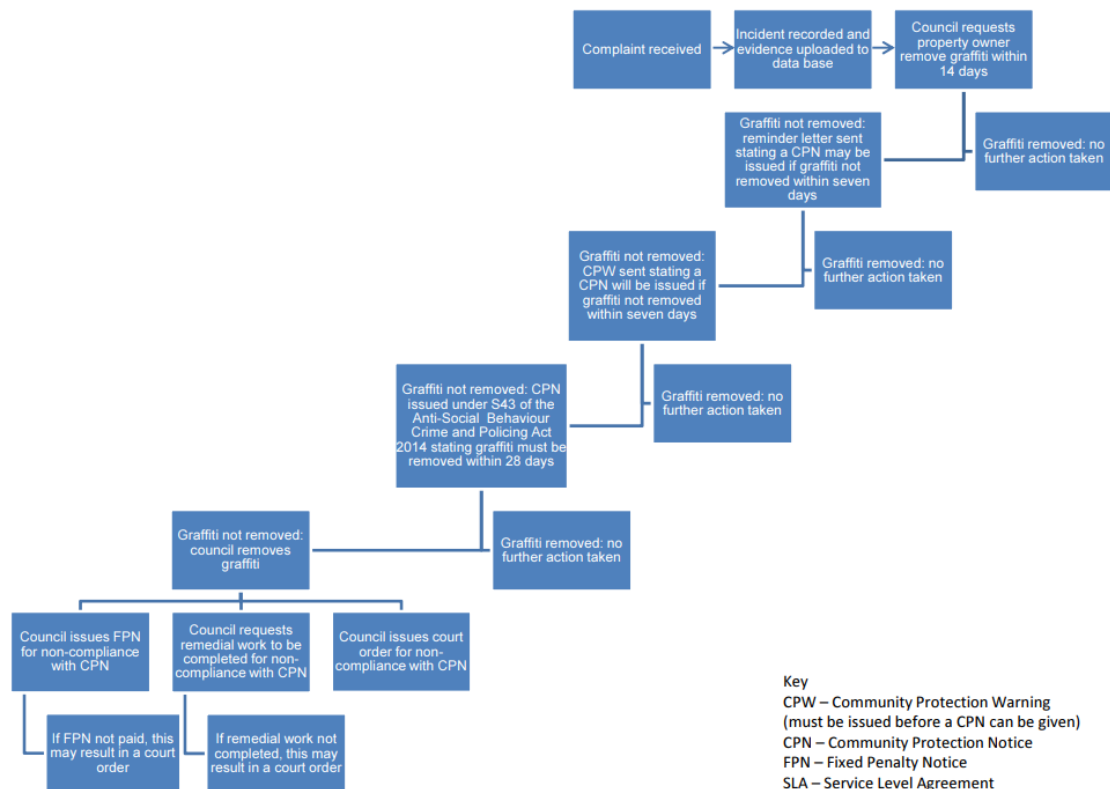
The Council can only undertake this service if the owner is willing to provide a disclaimer/indemnity for the services being undertaken. This approach is in line with many Local Authorities across the UK.

Timescales for the removal of graffiti on private land will be subject to agreement with the landowner to pay the fee and the completion of an indemnity form.

### Enforcement Removal Process – Private and Commercial Property

If the property owner refuses/fails to remove the graffiti, there are several statutory powers that the Council (as a local authority/local planning authority) may potentially be able to use to achieve the removal of graffiti on property that is not owned by the Council.

The following chart shows the process of enforcement, should graffiti not be removed on land or property under third party ownership.



- Community Protection Warning

Community Protection Warnings will be used where necessary and under legislation to enforce against commercial properties or private dwellings to remove graffiti in a 28-day window.

- Community Protection Notice

Community Protection Notices will be issued if commercial properties or private dwelling do not adhere to previous Community Protection Notices that have been issued within a 12-month period.

### Private Property targeted by graffiti

Council officers will use discretion regarding decisions on whether to levy charges on private owners of residential Property targeted by graffiti.

### Cleansing Methods

The ability to remove graffiti and the method used will be assessed on a case-by-case basis, ensuring that health and safety of the operatives is a priority and the risk of potential damage to property is minimised. Methods of removal could include:

- Wipe on / wipe off
- Paint over and paint out
- Chemical wash
- Power jet wash

Graffiti can only be removed by the Council if it is accessible from ground level and on a surface on which graffiti wipes (impregnated with graffiti removal agents) or the Council's specialised pressure washing system is suitable.

Graffiti on wooden surfaces will generally be painted over, using a colour that will obscure the graffiti.

Specialist contractors will be commissioned to remove graffiti that cannot be removed by graffiti wipes, pressure washing or painting. These services may also be used for working at height or with access restrictions.

## **3.0 Monitoring**

The Council uses a task management system to collate and record all incoming reports of graffiti across the Borough. This data is regularly used by our Business Improvement Team for analyse, and subsequently used to manage the Street Care and Safety Team resources to prioritise and co-ordinate the work programme and target education and enforcement patrols.

## 4.0 Education and Enforcement

The Council has a zero tolerance to graffiti and will enforce at every opportunity (with the exceptions as set out in Section 2.0 'Graffiti removal'). The Council will work with local businesses and schools to help deter offenders and a proactive approach will be used to educate in hot spot areas and preventative measures implemented to help alleviate this problem.

### Patrols

Proactive and visual patrols in hot spot graffiti areas are proactively carried out as a deterrent to offenders, and for reassurance in our community. Enforcement "Days of Action" can further support this activity.

### Signage and CCTV

Notices, overt and co-vert CCTV are used in areas of which have been identified as graffiti hotspots. These will be reviewed and updated as part of monitoring reports of graffiti.

### Fixed Penalty Notice

Fixed Penalty Notices will be issued if an offender is caught, or evidence gathered to do so. This is a criminal offence and would also be logged with the police.

### Partnership working

The Council proactively and collaboratively work in partnership with internal and external stakeholders to address reports of graffiti across the Borough. This would include the below list.

- Members of the public
- Essex Police
- Essex Youth Services
- Essex County Council
- Councillors
- Parish and town councils
- Neighbourhood Watch
- Community Groups
- Private and commercial organisations

A "Communities Can" approach will always be used as an approach to dealing with hotspot areas. Working collaboratively with the community to establish root causes of issues and partnering with stakeholders to offer solutions, opportunities or support wherever possible to reducing graffiti and associated anti-social behaviour. This could include projects, programmes or initiatives delivered in schools, community centres, and public spaces.

Consideration will be given to legitimate and legal graffiti or street art to be practised on designated graffiti or art walls within the Borough should this been deemed appropriate. The proposal should be made from the local community, or officers should be presented with evidence of local community support. In all circumstances, local

community, residential and Ward Councillor consultation would be undertaken to decide or confirm the location of such walls.

## **5.0 Potential Income Generation**

### Service level agreements

Chargeable agreements with commercial and private dwellings can be made under a service level agreement in line with the Council's fees and charges.

### School educational packages

Community Education & Engagement Wardens can be used to visit and educate schools around anti-graffiti campaigns with chargeable education programs.