



Subject:	Control of Graffiti in Belfast - Update report
Date:	13 th October 2015
Reporting Officer:	Sam Skimin, Head of Cleansing Services
Contact Officer:	Sam Skimin, Head of Cleansing Services

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	At Council on 1 st September 2015 a Member raised issues around the report on Control of Graffiti in Belfast, taken to the People and Communities Committee on 11 th August 2015 (extract from the minutes of the meeting attached at Appendix 1). The Member wished the issue of Council powers, in relation to removal of graffiti, be better clarified and wished to propose that the Council undertake graffiti removal on private dwellings. The Chief Executive advised that this proposal could add an additional burden on the Council without it being debated at Committee first. She advised that the matter would be better dealt with via a further report to Committee.
1.2	The purpose of this report is to address the issues raised by the Member and to take further instruction from Committee as to the way forward.
2.0	Recommendations
2.1	Members are asked to: <ul style="list-style-type: none">(i) Note the update provided in this report;(ii) Note the complex issues and significant costs associated with tackling graffiti removal across Belfast and the responsibilities of property / site owners to carry out maintenance at their own expense;

	<p>(iii) Advise if they wish any changes to the approach agreed in Section 3.16 of the report considered by Committee on 11th August 2015, to further develop initiatives to tackle the issue of graffiti, these included:</p> <ul style="list-style-type: none"> • engagement with external partners to raise the profile of graffiti within their organisations, to highlight their responsibilities in relation to graffiti removal on their properties and sites, and to agree actions for them to address the issue of graffiti, including site monitoring and graffiti reduction / removal programmes; • creation of an internal group to coordinate activities within Belfast City Council; • a review of the present school education and awareness programme to incorporate a comprehensive anti graffiti message; • further engagement with communities to explore initiatives for graffiti reduction in their areas; • where appropriate, the use of FPNs and Defacement Removal Notices; and • Committee write to the Department of the Environment requesting them to review Councils' current enforcement powers, with a view to widening the scope of Council powers to issue Defacement Removal Notices. <p>(iv) Note that a progress report will be presented to Committee in approximately 4 months.</p>
<p>3.0</p>	<p>Main report</p>
<p>3.1</p>	<p><u>Key Issues</u></p> <p>In response to the report on the control of graffiti in Belfast, agreed by the People and Communities Committee on 11th August 2015, and put forward at Council on 1st September 2015, the following points were raised by a Member:</p> <ul style="list-style-type: none"> • Request for an update on the powers available to Council to deal with graffiti; • That there is no Council policy in relation to removal of graffiti; • There would be no need for a dedicated team just some prioritisation; • A proposal that the Council reconsiders its position of not removing graffiti from private property.

Council Powers in relation to graffiti removal

3.2

This issue was covered somewhat in the original report but advice from legal services is as follows:

The Council has had the *discretionary* power to remove graffiti since the introduction of Article 18 of the Local Government (Miscellaneous Provisions) (NI) Order 1985 ('the 1985 Order'). Whilst there is a discretionary power to remove graffiti, it cannot be removed if it is displayed within a building to which there is no public right of access. There is no definition of the phrase 'within a building' in the 1985 Order. Using the ordinary dictionary definition of the word 'within', would suggest that the Council could potentially remove graffiti from private property. Given the fact the power is discretionary and only applies where there is an amenity issue, it can be reasonably inferred that the legislature intended that responsibility for removing graffiti should usually be borne by the property owner and not the Council.

3.3

If the Council does decide to exercise its powers under Article 18 of the 1985 Order, a property owner could sue the Council in the event that damage is caused to their property. That has been problematic in the past and has given rise to attempts to claim compensation. There have also been circumstances where owners have complained about the colour of paint that has been used to cover up graffiti. In addition, if the external part of the property is within private land, the Council must obtain the consent of the landowner before going in to exercise its powers under Article 18.

3.4

There are also 2 other powers to deal with graffiti.

(i) **Fixed Penalty Notices (FPNs)**

Belfast City Council can only issue FPNs in respect of graffiti in certain circumstances and only against the individual when the offence is being committed.

(ii) **Defacement Removal Notices (DRNs)**

The Council's powers in relation to DRNs were greatly curtailed with the introduction of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011. Prior to this Act the Council could serve DRNs on almost any property owner. Currently the Council is restricted to serving DRNs on the owners, occupiers, operators (such as telecommunication companies and outdoor advertising companies) of "relevant surfaces" (including street furniture), statutory

	<p>undertakers and educational institutions whose property is defaced with graffiti. The general guidance however indicates that the Council should endeavour to enter into constructive partnerships with relevant bodies to remove graffiti within agreed times and minimise the need for DRNs, which should only be issued as a last resort.</p>
	<p><u>Policy on graffiti removal</u></p>
3.5	<p>There is no specific Council policy on graffiti removal but the Council's current and long standing operational practice is to deploy Cleansing Services resources to remove graffiti from Council owned property and, in the case of contentious or offensive graffiti; to remove it from private property, with the owners signed permission. This approach is in line with many Local Authorities across the UK. During the period 2014/2015, 439 incidents of reported graffiti were removed by the Council from 307 locations.</p>
3.6	<p>In all other cases removal of graffiti from property forms part of the normal maintenance responsibility of the person or organisation responsible for the upkeep of the property / site. This includes public and private landlords, other statutory bodies, business owners, private householders, education authorities, utility companies etc.</p>
	<p><u>Finance and resource issues</u></p>
3.7	<p>Cleansing Services have limited resources to remove graffiti and under current budget provision are unable to assign a dedicated team to this function. One Cleansing Services Team undertakes graffiti removal as part of its multidisciplinary functions which include, power washing streets, gum removal, land clearance, fly posting removal and bulky household waste collections. This team can manage the current workload generated by the requirement to remove graffiti from council properties and requests to remove contentious or offensive graffiti elsewhere.</p>
3.8	<p>As stated previously, the responsibility for removal of graffiti should form part of the responsibilities of the person or organisation accountable for maintaining the premises / site. It could be a considerable burden on the rates if Council decided to undertake graffiti removal on sites which are the responsibility of others.</p>

3.9	<p>By way of example, in 2013 Cleansing Services participated in a three month, multi partnership regeneration initiative in an area comprising 74 streets in the Lower Falls area. Cleansing Services deployed one priority waste team which removed graffiti from one hundred and fifty sites in the area. The graffiti ranged in size and type and was removed from all properties following completion of the necessary disclaimer. Several issues evolved during the project which included problems obtaining the necessary signed disclaimer from property owners, access difficulties and staff being threatened. On occasions staff had to be accompanied by local representatives during the graffiti removal process. The cost to remove graffiti in this 0.3452km², over a three month period, amounted to £30,000 which was funded from non recurring monies. A recent review of the same area identified that new graffiti had occurred, despite attempts by local communities to control it.</p>
3.10	<p>If a priority waste team were deployed to remove the current build up of graffiti, it is estimated that it would require one dedicated priority waste team, working full time for two weeks, at a cost of approximately £5,000. Therefore it can be established that, undertaking intensive graffiti removal, across the 4,688 streets in Belfast, would have significant cost implications for the Council.</p>
3.11	<p>Any decision to start removing general graffiti from private areas would have resource implications for the Council and would require further dedicated graffiti removal teams, as we would have to respond to all requests. The extent of this would depend on the number of requests, but if the Council were to offer this free service the uptake could be considerable. There would also be issues of identifying which was private housing and which was housing under the control of private and public landlords, who should be paying to maintain their own properties, for which they receive rental income. There is also a further potential service impact if we to operate this for commercial buildings, especially in areas where there are vacant properties.</p>
3.12	<p>It is difficult to quantify actual costs at this point, given that level of demand is unknown, but at least one additional graffiti removal team, with vehicles and equipment would be required, even if demand was reasonably low. The likelihood however is that multiple teams would be required, based on the experiences of Glasgow and Dublin, outlined in the original report of 11th August 2015. We would also need additional members of staff in the customer contact centre to deal with the additional levels of requests.</p>

3.13	The cost of one graffiti removal team, with vehicle, equipment and consumables and one call centre operative, would be in the region of £114,000 per annum. This would be multiplied up in line with the level of demand. If the members wished to realign existing resources, then these would have to come from Street Cleansing operations, with a corresponding reduction in that service.
3.14	Figures estimate that the annual cost of graffiti removal throughout the United Kingdom exceeds £1 billion. It should be noted that in most cases UK Mainland authorities carry out the functions of housing, education, roads etc., therefore have responsibility for much of the public realm. Much of the graffiti they remove would be on properties and sites for which they are responsible.
3.15	<p><u>Equality or Good Relations Implications</u></p> <p>Incidents of reported contentious graffiti include political, sectarian and racist remarks. Council recognises the importance of removing such graffiti, where possible, as quickly as possible to reduce interface and community tension.</p>
3.16	All graffiti removal is undertaken in line with Council's equality and good relations policies and procedures.
4.0	Appendices – Documents Attached
4.1	Appendix 1 - Extract from the minutes of People and Communities Committee of 11 th August 2015 - <i>Control of Graffiti in Belfast</i>