



Subject:	Control of Graffiti
Date:	4 th December 2018
Reporting Officer:	Nigel Grimshaw, Strategic Director, City and Neighbourhood Services
Contact Officer:	Siobhan Toland, Director of City Services Vivienne Donnelly, Enforcement Manager

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
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	<p>The purpose of this report is to update the Committee on the Motion that was brought to Council on 3rd September 2018 with regard to the Council's approach to dealing with the control and removal of graffiti throughout the city. The Motion was proposed by Councillor Boyle and seconded by Councillor Dudgeon called for as follows:</p> <p><i>"This Council recognises the damage caused by and unsightliness of the growing amount of graffiti within our City centre and our neighbourhoods, on our shutters, our walls, our doors, our utility boxes etc.</i></p> <p><i>As the Council has the power under Article 18 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 to remove or obliterate any graffiti which, in the opinion of Council, is detrimental to the amenity of any land in the district, pro-active</i></p>

1.2	<p><i>policies and procedures for addressing the problem need to now be put in place, perhaps on the lines of those adopted in 2016 by Ards and North Down Borough Council. Accordingly, the Council agrees to allocate the necessary funding and resources, or the reprioritisation of existing resources, to tackle the environmental scourge of graffiti in the City.”</i></p> <p>(To be referred, without discussion, to the People and Communities Committee).</p> <p>In taking into consideration the above motion, this report outlines:</p> <ul style="list-style-type: none"> (i) current operational practices; (ii) research on approaches by other councils; (iii) cost implications; (iv) legal powers to deal with graffiti; and (v) proposed future approach to deal with graffiti.
2.0	Recommendations
2.1	<p>Members are asked to:</p> <ul style="list-style-type: none"> (i) Note the complex issues and significant costs associated with tackling graffiti removal across Belfast and the responsibilities of property and site owners to carryout maintenance at their own expense. (ii) Approve the future approach, outlined in paragraph 3.20 of the report, to further progress the issue of graffiti removal, including: <ul style="list-style-type: none"> • re-engagement with external partners, statutory agencies and utility companies to raise the profile of problematic graffiti within their organisations, 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 and removal programmes; • following engagement with statutory agencies and utility companies, officers within the enforcement team will undertake a proactive monitoring regime by identifying hotspot areas and engage with the respective statutory agencies and utility companies to achieve removal of the graffiti; • where appropriate, the use of FPNs and Defacement Removal Notices;

	<ul style="list-style-type: none"> • continued engagement with PBNI to further develop the existing MOU and support, where appropriate, the effective removal of non-contentious graffiti in all areas of the city; • develop a Graffiti Removal Policy; and • in response to reported contentious or offensive graffiti, Council will continue to obliterate this type of graffiti from private property following completion of the relevant disclaimer form. <p>(iii) Note that a progress report will be presented to Committee in approximately six months.</p>
3.0	Main Report
	<p><u>Key Issues</u></p> <p>3.1 Graffiti continues to be prevalent and obvious environmental problem in many areas of our city, appearing on a range of public and private property, often linked to antisocial behaviour. Graffiti can sometimes be offensive and contentious, can be unsightly, influencing the visual appearance of local areas and ultimately could have a degrading impact in our neighbourhoods. Although it is recognised that graffiti is widespread, most graffiti does not appear on Council owned property.</p> <p>3.2 Belfast City Council does not have a legal obligation to remove graffiti from any property, however, under the existing provisions of Article 18 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (removal of graffiti and fly-posters), there are discretionary powers which allow the Council to remove or obliterate any graffiti, which in the opinion of the Council is detrimental to the amenity of any land within its district. Council's current approach, which is in line with Councils and Local Authorities across the UK is to:</p> <ul style="list-style-type: none"> (i) remove graffiti from Council owned property; (ii) in the case of contentious or offensive graffiti, following a request for service, remove from private property with the owners signed permission through a disclaimer; (iii) refer requests for graffiti removal from property owned by other statutory agencies, to the relevant statutory agencies; and

(iv) work in collaboration, through a Memorandum of Understanding (MOU) with the Probation Board Northern Ireland (PBNI) to remove, where practicable, nuisance graffiti.

3.3 In all other cases, removal of graffiti forms part of the normal maintenance responsibility of the person or organisation responsible for the upkeep of the property or site. This includes public and private landlords, other statutory bodies, business owners, private householders, education authorities, utility companies etc.

3.4 In the period April to November 2018, 217 service requests for removal of graffiti were received and actioned. Of these, 139 related to contentious or offensive graffiti. Table 1 below provides a breakdown of service requests in relation to the removal of graffiti over the past five years.

Table 1: Service Requests – Removal of Graffiti 2013 to 2018

Year	Number of Graffiti Removal Service Requests			Annual Variance %
	Contentious	Non-Contentious	Total	
2017/2018	255	139	394	+19.8%
2016/2017	222	94	316	-19.6%
2015/2016	329	64	393	-14.6%
2014/2015	323	137	460	-28.3%
2013/2014	429	212	641	n/a

3.5 The City and Neighbourhood Services Department has limited resources to remove graffiti and, under current resources is unable to assign a dedicated team to this function. At present, one team undertakes graffiti removal as part of its multidisciplinary functions, which includes power washing streets, gum removal, land clearance, fly-posting removal and bulky household waste collections. Currently this team can manage the current workload generated by the requirement to remove graffiti from Council properties and service requests to remove contentious and offensive graffiti elsewhere. This approach is reflective of other Councils in Northern Ireland and across the UK in relation to contentious or offensive graffiti.

3.6 Members will be aware that in 2017, Council developed a partnership arrangement with PBNI and subsequently signed an MOU to support Council, where practicable, with the removal of non-contentious graffiti through a graffiti bus initiative. Council assisted in establishing this project, by providing guidance on the vehicle and equipment specifications, as well as delivering training on graffiti removal operations and the use of equipment. Since the commencement of the service in March 2017 and November 2018, 424 non-contentious

graffiti incidents have been allocated to the initiative. It should be noted however that, from commencement of the project, the service has encountered several operational difficulties, resulting in the graffiti bus being out of service for a significant period of time. PBNI has put in place additional measures to mitigate against future difficulties and currently the bus is operating two days a week.

3.7 The Council has limited enforcement powers available to deal with the perpetrators of graffiti and its removal from all property types. The introduction of powers under the Clean Neighbourhoods & Environment Act 2011 in Northern Ireland provided Councils with enhanced powers to tackle the issue of fly-posting and the enforcement of these powers has proved effective in controlling the level of flyposting activity within the city council area. Conversely, the legislative control to deal with graffiti was weakened by the removal of any enforcement powers to control graffiti on privately owned property. In the absence of any enforcement powers, it is difficult to effectively tackle this issue and the removal of graffiti by private landowners is dependent on their voluntary co-operation and good will.

3.8 In 2015 Council highlighted the need for stronger powers concerning the control of graffiti to the Department of Environment Regulatory and Natural Resources Division. However, in a response dated September 2015, the Department indicated that a change to the legislation was unlikely. In any event, given the ongoing absence of a Stormont Assembly, Council is unable to progress this matter further at present.

3.9 The Councils enforcement powers in relation to graffiti include:

(v) Fixed Penalty Notices:

A £80 Fixed Penalty Notice (FPN) can be issue in certain circumstances to anyone who is caught in the act of graffiti.

(vi) Removal Notices:

A two-day removal notice can only be served on any individual who is identified as being responsible for the graffiti asking them to remove the graffiti. Failure to comply with the notice may result in the removal of the graffiti by the Council and the recovery of debt as a civil debt.

(vii) Defacement Removal Notices:

A Defacement Removal Notice can be served on the owners of utilities and statutory undertakers in certain circumstances to request that they remove graffiti

from their properties. The Guidance suggest that Councils should seek to achieve co-operation through a partnership approach and that the use of these Notices should be a last resort.

3.10

As stated previously, the responsibility for removal of graffiti should form part of the responsibilities of the person or organisation accountable for maintaining the property or site. It would be a considerable burden on the rates if Council decided to undertake graffiti removal on sites which are the responsibility of other individuals or organisations.

3.11

By way of example, in 2013 the former 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 150 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. In 2013 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 subsequent review of the same area identified that new graffiti had occurred, despite attempts by local communities to control it

3.12

In 2016, a graffiti removal blitz aimed at private and publically owned property in a number of streets within the Holyland and Stramillis area was undertaken by the Council. There are a number of techniques deployed in the removal of graffiti including the most common method of obliteration using masonry paint which is the most cost effective and quickest method. The use of gels/chemicals followed by power hosing is a more expensive and time consuming technique and can only be used to remove small quantities of graffiti within a limited budget. This project highlighted that some property owners refused to allow obliteration of graffiti on their property using paint and insisted on the use of gels, which could cost up to £200 for a sufficient quantity of gel to remove large-scale graffiti from a gable wall. This highlights that the Council's duty to obliterate graffiti in a cost effective manner will not necessarily meet with the expectation of private land owners. After a number of weeks, the graffiti started to emerge again in the area and remains an on-going challenge which many land owners do not pro-actively address.

3.13	<p>In addition to the ongoing operational activity to remove graffiti, Council has, over a number of years, implemented several alternative community initiatives aimed at tackling graffiti problems.</p>
3.14	<p>Additionally in 2015, Council engaged with key external partners, statutory organisations and utility companies to address the issue of graffiti, engagement with a view to ensuring that all organisations and companies were working pro-actively to remove graffiti from their properties. With current technology advances, the street scene now accommodates a wide range street furniture belonging to the various utilities, which is also prone to graffiti activity. In many cases, the owners of the street furniture is neither displayed nor obvious and would require an additional resource to map and investigate the owners to pursue any form of action. During previous engagement with utilities, it was acknowledged that the issue of graffiti is challenging and there was a limited resource available to deal with the issue with some indicating that it was reactive approach rather than a proactive programme.</p>
3.15	<p>Any future decisions on allocating additional resources around this function would need to be considered in detail, and appraised, in terms of the impacts on the rate setting process. It is estimated that the cost of graffiti removal throughout the UK exceeds £1 billion. It should be noted that other UK Local Authorities have responsibility for the functions of housing, education, roads etc. therefore are accountable for much of the public realm. In Northern Ireland responsibilities are divided between local and central government resulting in fragmented lines of accountability which do not support a straightforward approach to the removal of graffiti.</p>
3.16	<p>Recent research undertaken across other Councils and Local Authorities in relation to the removal of non-contentious graffiti from privately owned property demonstrates that a wide and varied approach is adopted. Some Local Authorities charge for graffiti removal, whilst others do not provide any service and place the onus on the land owner to make arrangements for removal. In Northern Ireland, there is a similar varied approach with most Councils prioritising the removal of contentious graffiti from private property. Those Councils who provide non-contentious graffiti removal services free of charge from private property provide a reactionary service following a request for service and this is delivered within a limited budget.</p>
3.17	<p>Glasgow City Council takes a proactive approach to graffiti removal by removing graffiti from all Council owned sites as well as removing contentious and non-contentious graffiti from</p>

public and private property. At present it has seven dedicated, two person teams, which operate across the city based on a general neighbourhood approach. The annual cost of this service to Glasgow City Council is £500,000. The work of the service is predominately driven by service requests made by the public, to the Council's Customer Care Centre. In addition, the service also undertakes graffiti removal based on observations throughout individual multi-member wards, to ensure all areas of Glasgow benefit from the service. Glasgow City Council has a similar approach to Belfast City Council in that it will only remove graffiti from privately owned property following receipt of a signed disclaimer from the property owner.

3.18 If a similar approach to the Glasgow model was applied in Belfast, significant additional resources would be required. It is estimated that, to introduce two dedicated graffiti removal teams working across the city, the initial annual cost would be £275,743, which would include the purchase of necessary plant and equipment. Thereafter, an annual budget of approximately £209,703 would be required to maintain the service throughout the city. Funding for Council to introduce this model and undertake graffiti removal on a range of sites and properties across the city would have a significant burden on the rate, as these funds could not be found within existing budgets.

3.19 A further consideration in the context of providing an approach similar to the Glasgow City Council model is that Councils in Northern Ireland do not have the have discretionary powers to remove or obliterate graffiti on any property owned by another statutory agency. As a result, each statutory agency is responsible for the removal of graffiti from its own property. It has been explained previously that, unlike UK Local Authorities who have wider responsibilities for functions such as roads, housing etc. and are responsible for graffiti removal from these properties, the responsibility for removal of graffiti on such properties in Northern Ireland is fragmented between a number of statutory organisations. This presents a challenge in terms of achieving an effective, proactive graffiti removal programme for the city through one body such as the Council.

3.20 In further developing this work, it is recommended that Belfast City Council's future approach could include the following:

- (i) re- engagement with external partners, statutory agencies and utility companies to raise the profile of problematic graffiti within their organisations, 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 and removal programmes;

- (ii) following engagement with statutory agencies and utility companies, officers within the enforcement team will undertake a proactive monitoring regime by identifying hotspot areas and engage with the respective statutory agencies and utility companies to achieve removal of the graffiti;
- (iii) where appropriate, the use of FPNs and Defacement Removal Notices;
- (iv) consider the use of new HMO licence powers to deal with Graffiti on Houses In Multiple Occupation;
- (v) continued engagement with PBNI to further develop the existing MOU and support, where appropriate, the effective removal of non-contentious graffiti in all areas of the city;
- (vi) develop a Graffiti Removal Policy; and
- (vii) In response to reported contentious or offensive graffiti, Council will continue to obliterate this type of graffiti from private property following completion of the relevant disclaimer form.
- (viii) Should include action to write to Department again re new legislation to assist enforcement.

3.21

All future work in respect of graffiti removal must support and align with the Belfast Agenda and Community Planning.

Financial & Resource Implications

3.22

The City and Neighbourhood Services Department has a limited budget to deal with graffiti removal. At present resources are sufficient to deal with graffiti removal from Council properties and sites together with the removal of reported contentious graffiti from public places. Any increase in the scope of the current service provision for graffiti removal will have significant cost and resource implications, which will be a considerable burden on the rates if Council decides to undertake graffiti removal on sites which are the responsibility of others.

	<u>Equality or Good Relations Implications / Rural Needs Assessment</u>
3.23	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.
3.24	All graffiti removal is undertaken in line with Council's equality and good relations policies and procedures.
4.0	Appendices – Documents Attached
	None