

Purpose and Scope

To set out and detail the Council's policy and procedures regarding graffiti removal on property throughout the City.

This policy deals with the following:

- Reporting of graffiti
- Removal of graffiti
- Partnership working
- Enforcement

Objectives

The Council is committed to improving the environmental quality of the City of York itself, its towns and villages and tackling crime and antisocial behaviour. The Authority does not have a duty to remove graffiti from property it does not own, however it will work with property owners to offer advice and our graffiti removal services. This policy sets out the graffiti removal policy, timescales for removal any charge that may apply and enforcement measures which may be used to manage graffiti.

Key Legislation

The main legislation and guidance to which this policy relates, but not exclusively so, is:

- Town and Country Planning Act 1990
- Anti-social Behaviour, Crime and Policing Act 2014
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Definition and Classification of graffiti

Graffiti is the illegal or unauthorised defacing of a building, wall or other edifice or object by painting or otherwise marking it with words, pictures or symbols.

Graffiti classified as offensive will be illegal or unauthorised and may contain some or all of the following elements

- Offensive language
- Language of a politically/racially/religiously insulting/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.

The Council will consider each report of offensive graffiti on a case- by-case basis and the outcome will be dependent upon investigation.

Upon an officer's confirmation of an instance of graffiti, the graffiti is classified by the inspecting officer within 2 categories;

- Priority 1: Extreme racist/ obscene or extremely offensive graffiti which offends sectors of our community and could be seen as inflammatory or inciting hatred.
- Priority 2: General graffiti which is not offensive e.g. tags or unauthorised murals/artwork.

Property ownership

Property for the purpose of this policy is divided into types as follows:-

- Council Owned
- Domestic - private household
- Commercial/ Industrial
- Other Utility company/ Public body/ Service provider e.g. Housing Association National Rail

The Council can only remove graffiti from land it does not own with the property owners permission e.g. a tenants permission is not sufficient.

Council owned housing has its own service level agreement as will registered social landlords.

Charging Costs

- Domestic Property **Free**
- Commercial/ Industrial approx. **£57 m2/ subject to accepted commercial agreement.**
- Other Utility company/ Public body/ Service provider e.g. National Rail approx. **£57 m2 / subject to accepted commercial agreement.**

Reporting of incidents

Incidents of graffiti can be reported to City Of York Council online via the Council website or by calling 01904 551550. Residents of City Of York will be encouraged to report graffiti direct to the property owner to speed up graffiti removal on private property.

Reported instances of graffiti will be managed according to property ownership and classification, instances of a priority 1 reported on private property will not be a guaranteed removal until a signed indemnity form is received.

Procedures for removal

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 are suitable.

Graffiti on wooden, cement or certain utility box (e.g. telecoms) surfaces generally need to be painted over using paint supplied by the property owner.

The ability to remove graffiti and the method used will be assessed on a case by case basis taking the health and safety of the operatives undertaking the work and the potential for damage to property into account. Only graffiti on CYC owned property will be removed without attempting to obtain permissions.

Prior to graffiti removal upon property or land not controlled by CYC, a Consent & Indemnity Form must be completed by the property owner. Without this, the Council will not remove the graffiti.

The use of Enforcement action may be considered by the Council and will only be used in exceptional circumstances.

Table 1: Timescales for removal/obliteration

Time frames for work on private land are indicative and will be subject to agreement with the landowner.

Property Type	Priority 1	Priority 2
Private Domestic Property	<p>Hand delivery of indemnity form to the property within 5 working hours of report.</p> <p>Repeat contact attempts.</p> <p>Council to clean / cover accessible locations within 1 working day of indemnity receipt, for rented/social property this must be signed by the landlord.</p>	<p>Delivery of indemnity form to the property within 3 working days of report.</p> <p>Council to clean / cover accessible locations within 5 working days of indemnity receipt, for rented/social property this must be signed by the landlord.</p>

Commercial Industrial Property including Utility Company / Public body / Service provider	Hand delivery of indemnity form to property within 5 working hours of report. CYC clean / cover offered for accessible locations. (chargeable) Repeat contact attempts. Clean within 1 working day of indemnity and commercial agreement. Council will consider issuing warning notice followed by Community Protection Notice if appropriate	Deliver of indemnity form within 3 working days of report. CYC clean / cover offered for accessible locations. (chargeable). Clean within 5 working day of indemnity and commercial agreement. Council will consider issuing warning notice followed by Community Protection Notice if appropriate
CYC property including street name signs Highway signs	Clean / cover within 1 working day of incident being reported.	Clean / cover within 5 working days of verification.

Table 2: Methods of contact and costs

Property type	Method of contact	Charge for work
Domestic	Face to face, letter, telephone Indemnity form for permission to remove / cover Graffiti removal on social housing and or social housing is managed by the Councils housing team or the registered social landlord	Free
Commercial or utility	Telephone/ email/ letter with indemnity form and estimate of cost	Priority 1 & 2 Commercial cost recovery
CYC Property	Email/ telephone relevant service	Re-charge to relevant service area if appropriate – at cost

Graffiti removal is offered free of charge to domestic properties and where a signed indemnity form from the property owner is received within 2 attempts of requesting.

For Priority 1 and 2 graffiti on private commercial properties, removal works will only be offered if there is easy access without the requirement for road closures or specialist equipment. Prior to any work being carried out the relevant fee must be agreed in writing and an Indemnity Form must be completed by the land/property owner giving permission for the works to be carried out.

Where repeated instances of graffiti occur, the application of anti-graffiti coatings may be offered if appropriate. This service is chargeable.

Removal methods

Anti graffiti coated surfaces: Where surfaces have been treated with an anti graffiti coating, CYC shall remove the graffiti using low water pressure, graffiti wipes and where required reapply the appropriate coating or paint at cost.

Bare brickwork: A mix of chemicals and high pressure washing will be appropriate for most cases.

On listed buildings / monuments advice should be sought from the conservation officer in planning before removal commences. Suitable chemicals / low pressure washing should be used and a test area may need to be undertaken.

Painted surfaces: Painting using a best colour matched paint. Colour matching is not guaranteed. Only the actual graffiti and close surrounding area will be painted. The structure in its entirety will not be painted. Property owners will be approached to supply paint in the first instance.

CYC will assess the most appropriate method of removal for each case if it has not been previously specified or agreed.

Partnership Working

City Of York Council will aim to work in partnership with others such as the Police, and housing associations to seek to identify offenders. The Council is committed to partnership working to address Community Safety, Crime and Disorder and Environmental Crime issues.

The Council will work with the Police to seek to identify offenders by providing photographs of offensive and racially motivated graffiti or where a 'Tag' has been identified at three or more sites.

Local authority powers to tackle graffiti

Before the Council enters private property to remove graffiti it should seek written consent from the property owner. However if the property owner refuses to give such consent (and refuses/fails to remove the graffiti them self) then there are several statutory powers that the Council (as a local authority/local planning authority) may potentially be able to use to require or achieve the removal of graffiti on property that is not owned by the Council – as detailed in the Report of the Corporate Director of Economy and Place to the Decision Session of Executive Member for Environment and Climate Change pursuant to which this policy was approved and adopted