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**Decision Session**  
**Executive Member for Environment and**  
**Climate Change**

**11 November 2019**

Report of the Corporate Director of Economy and Place

**Graffiti Removal Policy**

**Summary**

1. The quality of the local environment has a significant impact on people's perceptions of wellbeing and quality of life.
2. The supplementary budget approved earlier this year provided funding for the removal of graffiti to be extended to private property.
3. This report seeks approval of the policy within which this new service will be provided.

**Recommendations**

4. To approve the Graffiti Policy, and agreed set of parameters and expectations for the team to operate within.
5. To note the use of a consent form for signing by property owners for graffiti removal from private property. Without written consent from the property owner, City Of York Council would not remove graffiti from private property (except where, in exceptional circumstances, the Council may have chosen to serve a notice on the owner requiring removal of offensive graffiti using statutory powers and the owner has not complied with such a notice).
6. To note the proposed charging structure which will be built into the fees and charges for consideration in budget setting.

## Background

7. Incidents of graffiti can be reported to City Of York Council online via the Council website at <https://www.york.gov.uk/ReportGraffiti> or by calling 01904 551550. Upon approval of this report the online web form for reporting will be updated to reflect the reporting of graffiti on private property.
8. 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. In some instances it will be necessary to paint over the graffiti.
9. The Council cannot generally remove graffiti from private property without permission from the property owner. (As detailed in the attached proposed policy, the Council does potentially have statutory powers to:
  - (i) serve a notice on the owner requiring the owner to remove graffiti
  - (ii) Enter the land, remove the graffiti itself and recover the cost of doing so from the owner where the owner does not comply with such a notice

-but it is envisaged that the Council would only exercise such powers in exceptional circumstances where the graffiti is particularly offensive and the owner has declined to sign a consent form consenting to removal of the graffiti by the Council.)
10. A policy for the implementation of this new service is attached at Annex 1. This details the response time and charges that may apply for graffiti removal on different types of land use.
11. Prior to graffiti removal upon property or land not controlled by the Council, an Indemnity Form (See Annex 2) must be completed by the property owner or managing agent. Without this, the Council will not remove the graffiti (except where, in exceptional circumstances, the Council may have chosen to serve a notice on the owner requiring removal of offensive graffiti using statutory powers and the owner has not complied with such a notice).
12. Social housing residents will have commitments from their landlord on graffiti removal, the Council's is attached at Annex 3.

## Consultation

13. The Graffiti team will work with Ward Councillors and the Enforcement team, and Police to develop their knowledge of the various areas and hot spots.

## Council Plan

14. This report helps ensure the Council achieve its emerging Council Plan currently being consulted upon by delivering a greener cleaner city, and world-class infrastructure and an open and effective Council.

## Implications

15. **Financial** - The latest revenue programme has identified the following Graffiti budget.

	2019/20	2020/21	2021/22	2022/23	Total
	£'000	£'000	£'000	£'000	£'000
Previous Graffiti budget	20	20	20	20	80
Additional budget	47	70	70	70	257
<b>Total</b>	<b>67</b>	<b>90</b>	<b>90</b>	<b>90</b>	<b>337</b>

\*Future years budget allocations to be confirmed at budget council February 2020.

**Equalities** – The prioritisation built into the policy is designed to ensure that equality impacts are addressed.

**Legal** – 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 themselves) 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:

The Anti-Social Behaviour, Crime and Policing Act 2014 provides the council with powers to deal with graffiti on private property by means of a Community Protection Notice. (CPN). A CPN can be issued to an individual aged 16 or over if an authorised person is satisfied that:

a) the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality

b) the conduct is unreasonable.

The Council would only issue such notices in exceptional circumstances where there is a failure by the land owner/occupier to remove graffiti put on the land by someone else without the owner's permission.

The Town and Country Planning Act 1990 Section 225F allows the council to take action against graffiti or signs on surfaces which are readily accessible to the public and which it considers to be detrimental to the amenity of the area or offensive.

The LPA can serve a notice on the occupier of the premises requiring them to remove or obliterate the sign allowing at least 15 days to comply. If action is not taken within the time specified, the LPA can take the action itself and recover its expenses from the person who should have done it.

The recipient of a S.225F Notice can appeal against it on the grounds that the sign is not detrimental to amenity or offensive or that the specified period for compliance is not reasonably sufficient.

## **Risk Management**

16. The current funding balance is in officer opinion, at this time, appropriate. The development of the graffiti team will seek to reflect the council's commitment to ward based priorities improving the environmental quality by tackling graffiti.

## **Contact Details**

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**Report**  **Date** 11/10/2019  
**Approved**

**Specialist Implications Officer(s)** List information for all

Financial Implications

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Legal Implications

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**Wards Affected:** List wards or tick box to indicate all

**All**

**For further information please contact the author of the report**

**Annexes**

Annex 1 – Graffiti Policy

Annex 2 – Private property waiver

Annex 3 – Estate Management Service Standards

**List of Abbreviations Used in this Report**