

Project Information	
Project Name	Graffiti enforcement and removal
Service	City Environment

1. Background

The Environment, Transport & Sustainability Committee agreed the Graffiti Reduction Strategy at its meeting on 27 November 2018.

One of the activities to deliver the Strategy is to consult with statutory undertakers, businesses and residents on the introduction of an enforcement approach requiring property owners and businesses to remove graffiti from their property within a reasonable timeframe. Any enforcement approach needs to be carefully considered as property owners who are subject to graffiti are victims of a crime. However, in order to improve the look of the city and discourage graffiti as an activity in the city, it is important to remove graffiti as quickly as possible.

The proposal is that if a property owner does not remove graffiti as requested by the council, enforcement action may be taken and the council may charge the property owner for the costs of removal. Property owners that do not comply with requests to remove graffiti will be served a Community Protection Notice (CPN). A breach of a CPN could lead to a fine of up to £2,500 for individuals and £20,000 for businesses.

To complement this and to provide a means for property owners to remove graffiti, consideration has been given to determine the viability and options available for the council to provide a paid-for graffiti removal service for residents, businesses and statutory undertakers to access.

This brief outlines the preferred approach to graffiti enforcement and removal to support delivery of the Graffiti Reduction Strategy and the proposed public consultation to obtain feedback on this.

2. Proposed approach to enforcement

It is proposed that four approaches are adopted to enforce on graffiti removal given the different circumstances in the city. All approaches will use CPNs.

The preferred approach for residents is an educational and supportive one, taking into account the circumstances of the property owner, but ultimately removing and recharging for the cost of graffiti removal if the property owner fails to comply. This approach will apply to owner occupiers, landlords and HMOs and is detailed in diagram A.

The preferred approach for small and medium sized enterprises (SMEs) is, again, an educational and supportive one, taking into account the circumstances of the property owner but ultimately removing and recharging for the cost of graffiti removal if the property owner fails to comply. This approach will apply to all businesses with 250 employees or less and is detailed in diagram B.

The preferred approach for large businesses (those with 251 employees and over) is twofold:

- Businesses can sign a Service Level Agreements whereby the council will remove graffiti within agreed timescales when a complaint is received
- Businesses that do not sign a Service Level Agreement will be required to remove graffiti from their property as per the enforcement approach detailed in diagram C

For preferred approach for statutory undertakers (such as gas, water and electricity boards, telecommunications companies and transport providers) is also two-fold:

- Statutory undertakers can sign a Service Level Agreements whereby the council will remove graffiti within agreed timescales when a complaint is received

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- Statutory undertakers that do not sign a Service Level Agreement will be required to remove graffiti from their property as per the enforcement approach detailed in diagram D

Prior to any enforcement action being taken, City Environment will spend time providing advice to all property owners on how to prevent their property being subjected to graffiti, as well as educating them on the enforcement approach, their responsibilities and the consequences of failing to remove graffiti.

Community Protection Notice

The council can address offences which have a negative impact on a community's quality of life by serving a CPN in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014. Any behaviour that is detrimental to a community's quality can result in a CPN. This can include offences such as noise nuisance, rubbish on private land, graffiti and antisocial behaviour.

A CPN can be issued to an individual aged 16 or over if an authorised person is satisfied that the behaviour:

- has a detrimental effect on the quality of life of those in the locality
- is unreasonable and
- is of a persistent nature.

Prior to the CPN, a written warning will be issued to an individual, business or organisation suspected of causing the problem. The warning will detail the impact on the community and that the behaviour should cease, or the reasonable steps that need to be taken to ensure the problem does not occur again. The warning will include the consequences of not addressing the behaviour and that a CPN will be issued.

Failure to comply with a CPN can lead to a court summons and, on conviction, can result in a fine of up to £2,500 for individuals, or £20,000 for businesses.

In some cases, a Fixed Penalty Notice may be issued instead of prosecution.

Criteria

To adopt a fair, proportionate and supportive approach to graffiti enforcement, the following will be considered to determine appropriate enforcement action:

- the extent to which the incident affects the amenity of an area
- the nature of the incident e.g. mural, graffiti, offensive
- the size of the incident
- the coverage of the surface affected by the incident

Once the approach has been agreed by committee, the council will prioritise graffiti removal and enforcement on large businesses and statutory undertakers across the city.

3. Proposed approach to removal

To complement the proposed enforcement approach and provide residents, businesses and statutory undertakers with a means to remove graffiti from their property, the council is proposing to establish a graffiti removal service. This service would be available to all property owners in the city to remove graffiti from their buildings for a charge, either for each incident or through a SLA.

Many other local authorities offer paid-for graffiti removal services which vary in price and purpose. Through research other pricing models identified include:

- The same set price per hour for residents and businesses
- A tiered structure, with businesses charged more than residential properties

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- A tiered structure, with businesses charged considerably more, allowing residential properties to be cleared free of charge

The costs of the Brighton & Hove service include one operative, vehicle costs, jet washing costs and back office support including administration and invoicing.

To further supplement the supportive approach proposed for residents and SMEs, it is suggested that a tiered approach is adopted for charging for graffiti removal:

- For residents and SMEs, £63.00 per hour will be charged
- For large businesses and statutory undertakers, £89.00 per hour will be charged

SLAs will be negotiated on a case-by-case basis by the City Environment Commercial Team and a fee paid per annum for graffiti removal services.

4. Consultation

The consultation will ask residents, landlords, businesses, Local Action Teams, community groups, council teams and other stakeholders for their feedback on the proposed approach detailed in this document.

The consultation questions will be available online via the Consultation Hub on the council website and any stakeholder can respond. The consultation will be open for two months.

Officers will make themselves available to meet with stakeholder's to discuss the proposals in further detail, should a request be made.

The proposed consultation questions are:

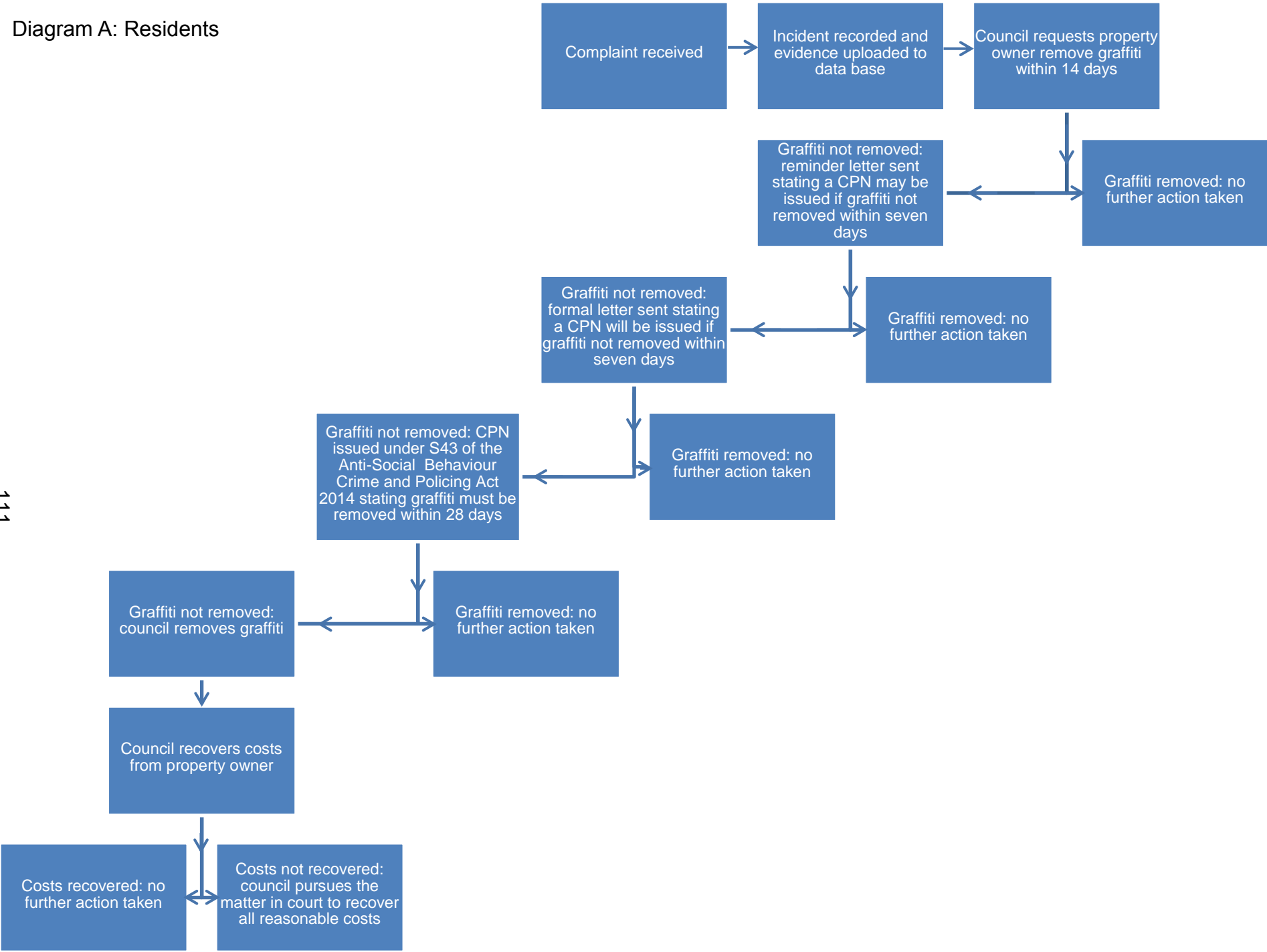
Do you agree that graffiti affects the amenity of a local area?	Available answers: Yes No Please explain your answer
Do you agree the council should take enforcement action against property owners that fail to remove graffiti from their property?	Available answers: Yes No
Do you agree with the proposed approach for residents?	Available answers: Yes No If no, please explain why and include any alternative suggestions
Do you agree with the proposed approach for SMEs?	Available answers: Yes No If no, please explain why and include any alternative suggestions
Do you agree with the proposed approach for large businesses?	Available answers: Yes No If no, please explain why and include any alternative suggestions
Do you agree with the proposed approach for	Available answers:

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statutory undertakers?	Yes No If no, please explain why and include any alternative suggestions
Do you agree that the council should prioritise graffiti removal and enforcement on large businesses and statutory undertakers?	Available answers: Yes No If no, please explain why
Do you agree that the council should set up a paid-for graffiti removal service for property owners to access across the city?	Available answers: Yes No
Do you agree with the proposed charges of the service depending on the type of property that is the subject of the graffiti?	Available answers: Yes No If no, please explain why and include any alternative suggestions
Would you be interested in attending a focus group to discuss these proposals further?	Available answers: Yes No
Do you have any other comments about how the council can support graffiti removal across Brighton & Hove?	Open text box

The feedback will be considered and a final approach for graffiti enforcement and removal will be presented to a future Environment, Transport & Sustainability Committee for approval.

Diagram A: Residents



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Diagram B: SMEs

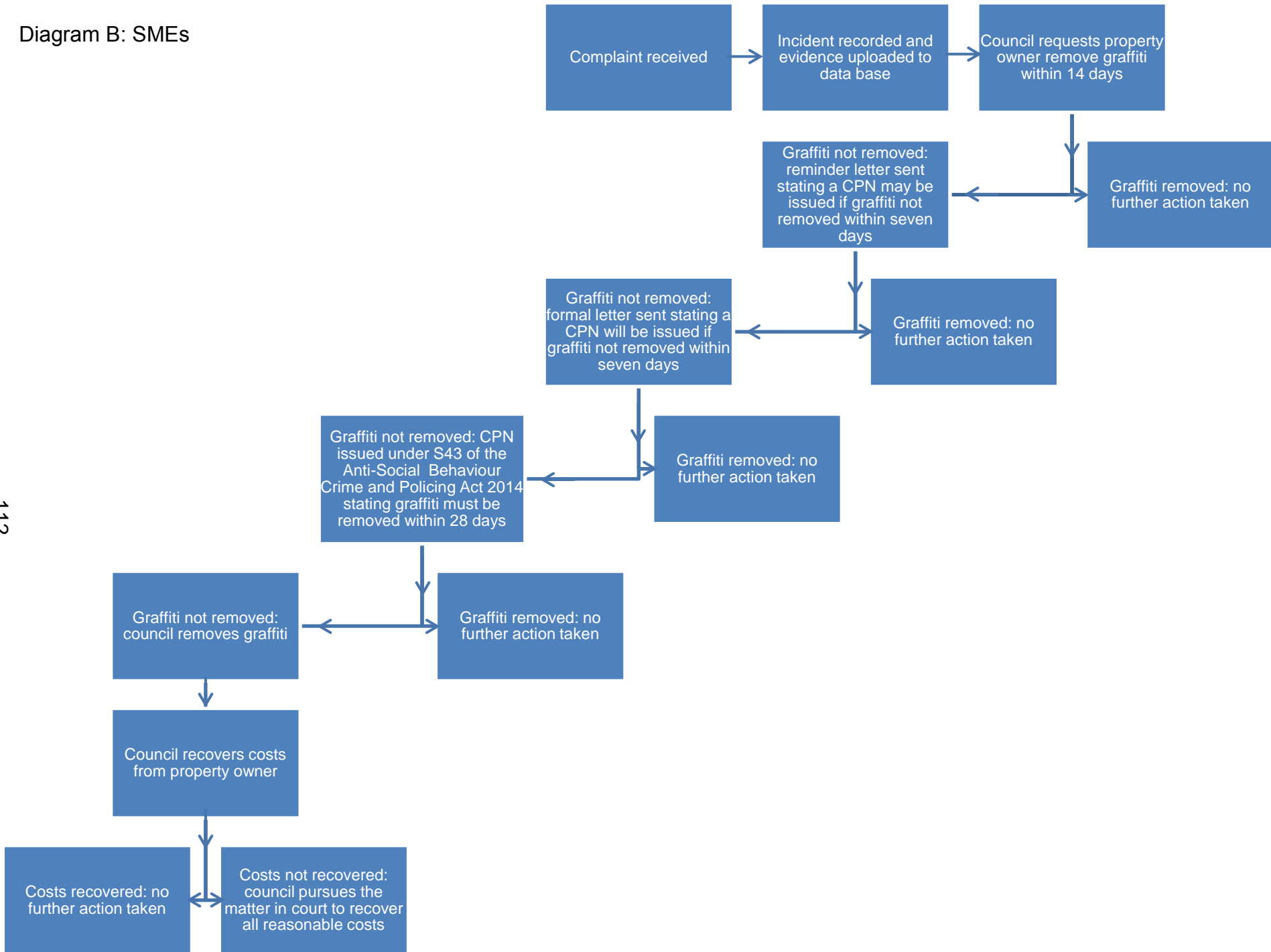


Diagram C: Large businesses

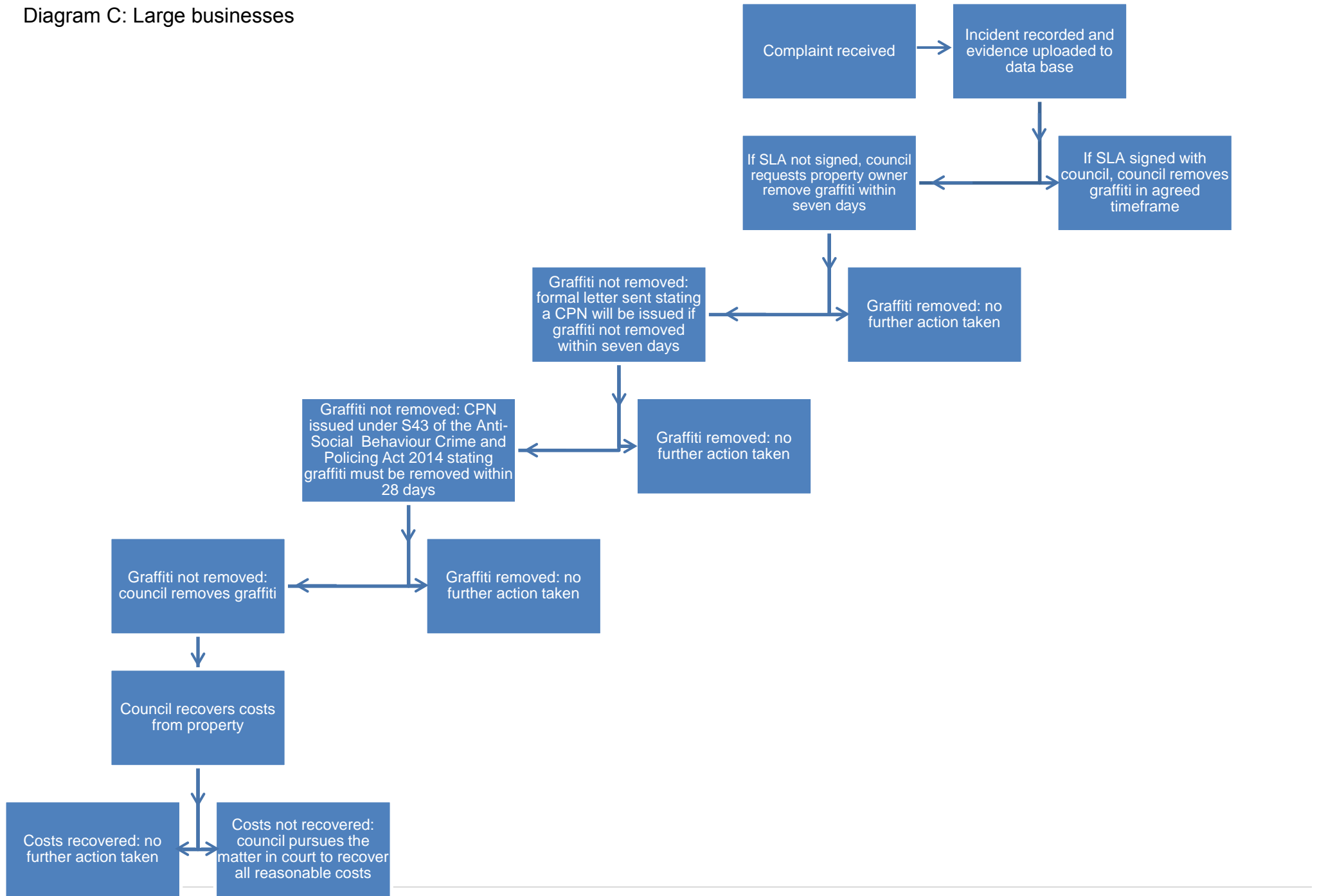


Diagram D: Statutory undertakers

