

GRAFFITI/FLY-POSTING REMOVAL AND MANAGEMENT POLICY

Purpose and scope

To confirm NCC's policy and procedures regarding graffiti removal on all property throughout the city.

This policy deals with the following:

- Reporting of graffiti
- Removal of graffiti
- SLAs and partnership working
- Enforcement

Objectives

Under its overarching mission of 'Improving People's Lives', in alignment with its current Corporate Plan, Newport City Council is trying to work on longer term strategies and improved service delivery that result in a better living space where our residents feel safe and secure. One of the areas where we are focusing our efforts, especially under the post-covid recovery setting, is general cleanliness and overall improvement of our streets, with the wide aim of promoting regeneration and economic growth whilst protecting the environment.

Within this context, and alongside other measures to tackle litter and fly-tipping, the Council is currently reviewing its policies and processes on graffiti, as an issue that has a significant impact on people's perceptions of wellbeing and quality of life.

The Council is committed to improving the environmental quality throughout the city and tackling crime and antisocial behaviour. The Council 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 and enforcement measures that could 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
- Equality Act 2010

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.

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

Priority 1: Obscene or offensive graffiti which offends sectors of our community and could be seen as inflammatory or inciting hatred.

Graffiti classified as offensive may contain some or all of the following elements:

- Offensive language
- Language of a racially/religiously/gender based/sexuality based 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.

Priority 2: General graffiti which is not offensive e.g. tags or unauthorised murals/artwork.

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

Property ownership

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

- Domestic - private household
- Commercial/ Industrial, including multi-property landlords
- NCC Owned Assets, including highway/road signs
- Other: Utility company/ Public body/ Service provider e.g. Housing Associations, National Rail

Reporting of incidents

Incidents of graffiti can be reported to NCC online via the Council website or by calling 01633-656656. Residents of Newport 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.

The majority of graffiti removal is undertaken by the street cleansing department, however work in parks and other specialist buildings, for example car parks and public conveniences may be cleaned by alternative departments/contractors.

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/wood stain.

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.

The Council will be responsible for removing graffiti from NCC owned assets only, although it may offer the Council services depending on the circumstances for removals on private property. In those instances, graffiti will not be removed without attempting to obtain permissions. Prior to graffiti removal upon property or land not controlled by NCC, a Disclaimer Form must be completed by the property owner or managing agent and if required payment received. Without this, NCC will not remove the graffiti, except in exceptional circumstances where instances of Priority 1 graffiti have occurred.

Graffiti work undertaken on private property is chargeable in line with contents of the following section.

The use of Community Protection Notices will only be used in exceptional circumstances and where NCC have intention to carry out works in default following failure to comply with the notice. NCC will seek to recover the costs done in default.

Table 1: Response

Property Type	Priority 1	Priority 2
Domestic Property (excluding Housing Associations and HMO's)	<p>Issue of warning letter and indemnity form within 5 working hours of report and repeat contact attempts.</p> <p>NCC clean FOC within 1 working day of indemnity receipt.</p> <p>Issue Community Protection Notice if cleaning offer not accepted or indemnity form not returned within 14 days.</p>	<p>NCC clean offered for accessible locations (chargeable).</p> <p>Issue of warning letter and indemnity form within 5 working days of report.</p> <p>Clean within 5 working days of receiving indemnity and sending out invoice.</p> <p>Issue Community Protection Notice if cleaning offer not accepted or indemnity form not returned within 28 days.</p>
Commercial Property/Utility Companies/Public Bodies/Service Providers/Housing Associations/HMO's	<p>Issue of warning letter and indemnity form where applicable, within 5 working hours of report and repeat contact attempts.</p> <p>For accessible locations, NCC clean offered (chargeable).</p> <p>NCC Clean within 1 working day of receiving indemnity and sending out invoice, if offer accepted.</p> <p>Issue Community Protection Notice if graffiti still in situ, cleaning offer not accepted or indemnity form not returned within 14 days.</p> <p>NCC clean by default of initial notice and seeking recovery of costs, where applicable.</p>	<p>Issue of warning letter and indemnity form where applicable, within 5 working days of report.</p> <p>For accessible locations, NCC clean offered (chargeable).</p> <p>NCC Clean within 28 days of indemnity and payment received, if offer accepted</p> <p>Issue Community Protection Notice if graffiti still in situ, cleaning offer not accepted or indemnity form not returned within 28 days.</p> <p>NCC clean by default of initial notice and seeking recovery of costs, where applicable.</p>
NCC Property including street signage	Clean within 1 working day of incident being reported.	Clean within 28 days of report. Priority 2 work is batched together to form complete day's work to achieve better value from resources.

Charges

Graffiti removal is offered free of charge to all domestic properties where the graffiti is offensive in nature (Priority 1) and where a signed indemnity form is received within 2 attempts of requesting. Services will be offered at cost for removals of priority 2 graffiti from domestic properties.

For graffiti on commercial properties/other organisations, 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 and an Indemnity Form must be completed by the land/property owner giving permission for the works to be carried out.

Where a charge is to be made, this fixed fee must be agreed in writing between NCC and the landowner prior to any work being undertaken.

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, The Council shall remove the graffiti using low water pressure, graffiti wipes and where Required, reapply the appropriate coating or paint.

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 entirety will not be painted. Property owners will be approached to supply paint in the first instance.

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

Service Level Agreements

In order to minimise the need for enforcement against large organisations and partner agencies, the Council will seek agreements to gain commitments from these organisations to remove graffiti within set timescales depending on priority types.

This would be achieved by one of two methods:

- Deploying their own resources as per agreed timescales
- Committing to fund NCC to carry out such works on their behalf (for locations that are at ground level and accessible, and do not require traffic management).

Partnership Working

NCC 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.

Tolerated Graffiti

NCC recognise the importance of encouraging street Art projects within Newport and will work with communities, schools and businesses to develop and co-ordinate pre-approved street art projects. The Council understands the benefits that street art can bring to a community in reducing anti-social behaviour and creating a sense of community ownership and togetherness

Enforcement

In the interests of swiftly removing graffiti, NCC will issue Community Protection Notices in accordance with the Antisocial Behaviour, Crime and Policing Act, 2014 and any subsequent Regulations. A written formal warning notice must be issued first giving a reasonable timescale (Priority 1: 14 days, Priority 2: 28 days) to remove.

Enforcement Stages:

- Issue Community Protection Warning Letter
- Issue Community Protection Notice
- Issue Fixed Penalty Notice for breaching CPN

The waste enforcement team will be responsible for issuing any relevant notices and taking subsequent action in consultation with the Service Manager – Waste & Cleansing and the Council legal department. .

For further advice contact:
Service Manager – Waste & Cleansing

Created: June 2021

To be reviewed no later than: June 2024 or if relevant legislation changes