



CABINET REPORT

Report Title	Graffiti and Flyposting Policy
---------------------	---------------------------------------

AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	16 th January 2019
Key Decision:	YES
Within Policy:	NO
Policy Document:	YES
Service Area:	CUSTOMER AND COMMUNITIES
Accountable Cabinet Member:	Cllr Mike Hallam
Ward(s)	ALL

1. Purpose

That Cabinet agree to adopt the graffiti and flyposting guidance document as policy.

2. Recommendations

- 2.1 That cabinet adopts a formal policy approach to graffiti and flyposting in the Town.
- 2.2 Domestic properties to receive a free removal service, upon completion of a suitable disclaimer.
- 2.3 Offer a chargeable removal service for commercial and other non-domestic property, upon completion of a suitable disclaimer.
- 2.4 To formalise existing education and enforcement processes relating to graffiti and flyposting.

3. Issues and Choices

3.1 Report Background

- 3.1.1 In June 2018, the Council's Environmental Services provider changed to Veolia. As part of the procurement exercise, a review of the existing contract was undertaken and a new specification drawn up which included more specific requirements surrounding the removal of graffiti and flyposting.
- 3.1.2 The Proposed policy document formalises the Council's approach to graffiti and flyposting removal and sets in place processes for Veolia and officers to follow.
- 3.1.3 The table below summarises the methods which the Council will use when receiving service requests regarding graffiti and flyposting.

Table 1

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

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

Property type	Method of contact	Charge for work
Domestic	Face to face, letter, telephone Indemnity form for permission to remove and estimate of cost (if any)	Priority 1 and 2 – No
Commercial	Telephone/ email/ letter with indemnity form and estimate of cost	Priority 1 and 2 - Yes, at cost plus administration fee.
NBC Property	Email/ telephone relevant service	Re-charge to relevant service area if appropriate – at cost
Northamptonshire Highways (Kier)	Report online or phone for Priority 1.	Work only completed in default of notice. Cost recovery only possible through courts. If requested by NCC, - contractor costs plus administration fee.
Other organisation e.g. housing associations, private landlords, Network Rail	Report online or telephone in first instance.	Work only completed in default of notice. Cost recovery only possible through courts. If requested, - contractor costs plus administration fee.

- 3.1.4 The table below details other neighbouring councils' approach to removing graffiti and flyposting.

Table 2

Local Authority	Domestic Property	Commercial/non domestic property
Daventry District Council	DDC will only remove graffiti or flyposting from its own property	

	and does not offer a removal service. It may take action against the landowner if the graffiti is deemed offensive or particularly unsightly.	
Corby Borough Council	Graffiti will be removed free of charge from domestic properties, flyposting will be removed following enforcement action	CBC will not provide a service to non-domestic properties.
South Northants Council	No response from query	
East Northamptonshire Council	Will only investigate reports of graffiti located on public buildings and the public highway.	Provides advice on removing graffiti from private property
Kettering Borough Council	Will only remove graffiti and fly posting from property which is owned and maintained by Kettering Borough Council.	

3.2 Issues

3.2.1 in the previous contract, all graffiti and fly posting was removed free of charge, regardless of whose property it was on, this policy retains a free removal service for council property and domestic residents of Northampton and introduces a chargeable service for all other property.

3.3 Choices (Options)

3.3.1 The cabinet can adopt this policy from 20th January 2019.

3.3.2 The cabinet can choose not to adopt this policy.

4. Implications (including financial implications)

4.1 Policy

4.1.1 This will establish the Council's policy position in relation to removal of graffiti and flyposting.

4.2 Resources and Risk

4.2.1 No financial implications from this policy as the costs are already included within the Environmental Services Contract though a paid for service may be offered to those properties not covered by the Council's service.

4.3 Legal

4.3.1 There are the following Legal Implications in relation to this report as agreed with Clive Tobin, Licensing and Litigation Solicitor on 8th January 2019.

4.3.2 The Council has power to remove graffiti and flyposting from its own land. It may also remove graffiti and flyposting from land which belongs to other persons provided that:

- 4.3.2.1 it is on a surface that is readily visible from a place to which the public have access;
- 4.3.2.2 it is detrimental to the amenity of the area or is offensive;
- 4.3.2.3 the Council serves the appropriate notice on the owner requiring them to do so within a specified time (at least 15 days after service); and,
- 4.3.2.4 the owner does not comply with that notice.

4.3.3 The Council also has power to remove graffiti and flyposting from land owned by other persons where the owner asks the Council to do so.

4.3.4 In either case the Council may, if it chooses, recover its reasonable costs of removing the graffiti or flyposting. If a charge is made for removal, the Council may not generate a profit from removing the graffiti or flyposting concerned.

The Proposed Policy reflects these powers.

4.4 Equality and Health

N/A

4.5 Consultees (Internal and External)

4.5.1 This policy has been considered by Cllr Mike Hallam as the appropriate Cabinet member, Senior Management Team, including Legal and Finance and Veolia, the Environmental Services Contractor.

4.6 How the Proposals deliver Priority Outcomes

4.6.1 Adopting this graffiti and flyposting policy will support the Council in creating an attractive, clean and safe environment, one of the Council's Corporate Priorities. This service has been tendered in line with EU procurement guidance and is provided as the Most Economically Advantageous option therefore providing value for money to protect local services.

4.7 Other Implications

4.7.1 None

5. Background Papers

5.1

6. Next Steps

6.1 Cabinet

Appendices

A. Proposed Graffiti and Flyposting Policy

Marion Goodman
Head of Customer and Communities
MGoodman@northampton.gov.uk