



---

# **Graffiti and Fly Posting Policy**

---

## Equality Impact Assessment

The Council strives to ensure equality of opportunity for all both as a major employer and as a service provider.

The Graffiti Policy has been equality impact assessed to ensure fairness and consistency for all.

### Version Control Schedule for Graffiti Policy

Author (Post Holder Title)	Environmental Services Manager
Type of Document	Policy
Version Number	
Document File Name	Graffiti and Fly Posting
Issue date	
Document Held by (name section)	Customer & Communities
For internal publication only or external also	External
Document stored on council website	Yes
Next Review	Annual Review
<b>Approved by</b>	TBA

Change History	Date	Comments
Version 1.4	Review started Nov 18	MG/CC changes to fee
Version 2		
Version 3		
Version 4		

# Graffiti removal and management policy

## Introduction

Northampton Borough Council recognises that graffiti may have a significant part to play in the way that residents and visitors perceive the town and has developed a policy document to explain its approach to graffiti removal.

The council is committed to improving the overall environment and in 2018, awarded the Environmental Services contract, which includes a significant investment in all relevant services. This in turn should show an improvement in the overall environment, portraying Northampton, the town, the residential areas and its parks as clean and green.

Graffiti or flyposting on public property (i.e. that owned by the council or its partners) is relatively easy to deal with, the council employs a contractor to remove graffiti and flyposting within prescribed timeframes but the removal of graffiti and flyposting from private property is a more prolonged process.

The council does not have a duty to remove graffiti or flyposting on private property but this policy sets out to establish the graffiti removal policy, timescales for removal and enforcement measures that could be used to manage graffiti.

## Definition and Classification of graffiti

Graffiti is only defined for certain legal purposes however, this policy defines graffiti as the illegal or unauthorised defacing of a building, wall or other structure or object by painting or otherwise marking it with words, pictures or symbols. Graffiti usually amounts to a criminal offence under the Criminal Damage Act 1971.

Graffiti is classified as offensive graffiti for the purpose of this policy if it contains 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.

## Key Legislation

The Council has legal powers under various legislation which potentially can be used to require the removal of graffiti. These powers will only be used in exceptional circumstances.

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;
- Public Order Act 1986
- Crime and Disorder Act 1998

Northampton Borough Council will consider each report of offensive graffiti on a case-by-case basis and the outcome will be dependent upon investigation. Where any offensive graffiti could amount to a hate crime details will usually be passed to the police for investigation.

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

**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 ownership**

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

- Domestic - private household
- Commercial/ Industrial
- Highway signs
- Highway/NCC structure
- Northampton Borough Council collectively owned
- Other Utility company/ Public body/ Service provider e.g. Housing Association, National Rail

### **Reporting of incidents**

Incidents of graffiti can be reported to NBC online via the Council website or by calling 0300 330 7000. Residents of Northampton 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 Environmental Services Provider, currently Veolia.

### **Procedures for removal**

Graffiti can only be removed by the contractor if it is accessible from ground level and on a surface on which graffiti wipes (impregnated with graffiti removal agents), or the contractors specialised pressure washing system, are suitable.

Graffiti on wooden, cement or certain utility boxes (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 NBC owned property will be removed without attempting to obtain permissions.

Some graffiti work undertaken on private property is chargeable, see Table 2.

Prior to graffiti removal upon property or land not controlled by NBC, an Indemnity Form must be completed by the property owner or managing agent and if required, payment received. Without this, NBC will not remove the graffiti, except in exceptional circumstances where instances of Priority 1 graffiti have occurred.

The council has legal powers under antisocial behaviour legislation which potentially can be used to require the removal of graffiti. These powers will only be used in exceptional circumstances.

The use of Community Protection Notices will only be used in exceptional circumstances and where NBC have intention to carry out works in default following failure to comply with the notice, and will only be issued where graffiti is offensive. NBC will seek to recover the costs of work done in default. The Council will use the powers to require removal of graffiti under sections 225F of the Town and Country Planning Act 1990.

**Table 1: Timescales for removal/obliteration**

<b>Property Type</b>	<b>Priority 1</b>	<b>Priority 2</b>
Domestic Property (excluding Housing Associations)	<p>Hand delivery of indemnity form within 5 working hours of report.</p> <p>Repeat contact attempts.</p> <p>Clean within 1 working day of indemnity receipt.</p> <p>Issue warning followed by an appropriate notice if cleaning offer not accepted.</p>	<p>Delivery of indemnity form within 5 working days of report.</p> <p>Repeat contact attempts.</p> <p>Clean within 2 working days of indemnity receipt.</p> <p>And if appropriate issue warning followed by appropriate notice if cleaning offer not accepted.</p>
Commercial Property	<p>Hand delivery of indemnity form within 5 working hours of report.</p> <p>NBC clean offered for accessible locations. (chargeable).</p> <p>Repeat contact attempts.</p> <p>Clean within 1 working day of indemnity and payment receipt.</p> <p>Issue warning followed by appropriate notice if cleaning offer</p>	<p>Delivery of indemnity form within 5 working days of report.</p> <p>NBC clean offered for accessible locations. (chargeable).</p> <p>Repeat contact attempts.</p> <p>Clean within 2 working days of indemnity and payment receipt.</p> <p>Issue warning followed by appropriate notice if cleaning offer</p>

	not accepted.	not accepted.
NBC Property including street name signs	In town centre, clean within 1 hour of incident being reported or 4 hours elsewhere.	In town centre, clean within 1 hour of verification or 2 working days elsewhere
NCC highway signs	Clean within 1 working day of incident being reported.  Report clean to NCC Highways	Notify NCC online of incident within 1 working day of report.  Removal to be carried out by NCC.  NBC clean offered for accessible locations. (chargeable).  Issue warning followed by appropriate notice if work is not completed within 28 days of report.
Highway/NCC Structures- subways, underpasses, lamp posts	Notify NCC online of incident within 5 working hours of report.  Removal to be carried out by NCC.  NBC clean offered for accessible locations. (chargeable).  Issue warning followed by appropriate notice if work is not completed within 7 days of report.(where road closure is required 14 days)	Notify NCC online of incident within 1 working day of report.  Removal to be carried out by NCC.  NBC clean offered for accessible locations. (chargeable).  Issue warning followed by appropriate notice if work is not completed with 28 days.
Other Utility company/ Public body/ Service provider	Notify land/property owner of incident within 5 working hours of report.  Removal to be carried out by land/property owner.  NBC clean offered for accessible locations. (chargeable).  Issue warning followed by appropriate notice if work not completed after 14 days.	Notify land/property owner of incident within 1 working day of report.  Removal to be carried out by land/property owner.  NBC clean offered for accessible locations. (chargeable).  Issue warning followed by appropriate notice if work not completed after 28 days.

**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 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.

Graffiti removal is offered free of charge to all domestic properties (Priority 1 or 2) and where a signed indemnity form is received within 2 attempts of requesting.

Where a charge is to be made, this fixed fee must be agreed in writing between NBC and their Contractor and paid by 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.

### **Posters and Placards**

Posters and placards are in general not permitted on street furniture, except those with exemptions under the Town and Country Planning Act 1990 and relevant Regulations. Posters

and placards may therefore be removed in accordance with S.225(1) of the Town and Country Planning Act 1990.

### **Removal methods**

**Anti-graffiti coated surfaces:** Where surfaces have been treated with an anti-graffiti coating, the contractor 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 or monuments, advice should be sought from the relevant Planning Officer before removal commences. Suitable chemicals or 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 contractor will assess the most appropriate method of removal for each case if it has not been previously specified or agreed.

### **Partnership Working**

Northampton Borough 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.

### **Enforcement**

In the interests of swiftly removing offensive or racially motivated graffiti categorised as Priority 1, NBC may issue Community Protection Notices in accordance with the Anti-social Behaviour, Crime and Policing Act 2014 and any subsequent Regulations it is considered appropriate. A written formal warning notice must be issued first giving a reasonable timescale to remove.

Where an area has become a targetted 'hot spot' for graffiti the use of Community Protection Notices or Public Space Protection Orders may be considered to either require the repeated removal of the graffiti or require anti-graffiti coatings to be applied.