



## **Graffiti removal and management policy**

### **Purpose and Scope**

To confirm the North Hertfordshire District Councils policy and procedures regarding graffiti removal on property throughout North Hertfordshire.

Applicable to:

ALL ( X ) Officers of Council ( ) Management Contractor ( ) Members ( )

This policy deals with the following:

- Reporting of graffiti
- Removal of graffiti
- Partnership working
- Enforcement

### **Objectives**

The quality of the local environment has a significant impact on people's perceptions of well being and quality of life. The Council is committed to improving the environmental quality of its towns and villages and tackling crime and antisocial behaviour. The District 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.

Graffiti classified as offensive will be illegal or unauthorised and may contain 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.

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

Upon an officer's confirmation of an instance of graffiti, the graffiti is classified by the inspecting officer within 3 categories;

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

**Priority 2:** Graffiti which is racist, offensive.

**Priority 3:** 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/HCC structure
- North Herts 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 NHDC online via the Council website or by calling 01462 474000. Residents of North Hertfordshire 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 contractor, however work in parks may be undertaken by the grounds contractor, and other specialist buildings for example car parks and public conveniences may be cleaned by alternative 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 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 NHDC 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 NHDC, an Indemnity Form must be completed by the property owner or managing agent and if required payment received. Without this, North Hertfordshire District Council will not remove the graffiti, except in exceptional circumstances where instances of Priority 1 or 2 graffiti have occurred.

The use of Community Protection Notices will only be used in exceptional circumstances and where NHDC have intention to carry out works in default following failure to comply with

the notice and will only be issued where graffiti is offensive. NHDC will seek to recover the costs of work done in default.

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

<b>Property Type</b>	<b>Priority 1</b>	<b>Priority 2</b>	<b>Priority 3</b>
Domestic Property (excluding Housing Associations)	Hand delivery of indemnity form within 5 working hours of report. Repeat contact attempts. Clean within 1 working day of indemnity receipt. Issue Warning Notice followed by Community Protection Notice if cleaning offer not accepted.	Delivery of indemnity form within 3 working days of report. Repeat contact attempts. Clean within 2 working days of indemnity receipt. Issue Warning Notice followed by Community Protection Notice if cleaning offer not accepted.	Delivery of indemnity form within 5 working days of report. NHDC clean offered for accessible locations. (chargeable). Clean within 5 working days of indemnity and payment receipt.
Commercial Property	Hand delivery of indemnity form within 5 working hours of report. NHDC clean offered for accessible locations. (chargeable). Repeat contact attempts. Clean within 1 working day of indemnity and payment receipt. Issue Warning Notice followed by Community Protection Notice if cleaning offer not accepted.	Delivery of indemnity form within 3 working days of report. NHDC clean offered for accessible locations. (chargeable). Repeat contact attempts. Clean within 2 working days of indemnity and payment receipt. Issue Warning Notice followed by Community Protection Notice if cleaning offer not accepted.	Clean on request only (chargeable)
NHDC Property including street name signs	Clean within 1 working day of incident being reported.	Clean within 2 working days of verification.	Clean within 28 days of report. Priority 3 work is batched together to form complete day's work to achieve better value from resources.
HCC highway signs	Clean within 1 working day of incident being reported. Report clean to HCC Highways	Notify HCC online of incident within 1 working day of report. Removal to be carried out by HCC. NHDC clean offered	Notify HCC of incident within 3 working days of verification. Removal to be carried out by HCC.

		for accessible locations. (chargeable). Issue Warning Notice followed by Community Protection Notice if work is not completed within 28 days of report.	
Highway/HCC Structures- subways, underpasses, lamp posts	Notify HCC online of incident within 5 working hours of report. Removal to be carried out by HCC. NHDC clean offered for accessible locations. (chargeable). Issue Warning Notice followed by Community Protection Notice if work is not completed within 7 days of report.(where road closure is required 14 days)	Notify HCC online of incident within 1 working day of report. Removal to be carried out by HCC. NHDC clean offered for accessible locations. (chargeable). Issue Warning Notice followed by Community Protection Notice if work is not completed with 28 days.	Notify HCC of incident within 3 working days of verification. Removal to be carried out by HCC.
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. NHDC clean offered for accessible locations. (chargeable). Issue Warning Notice followed by Community Protection 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. NHDC clean offered for accessible locations. (chargeable). Issue Warning Notice followed by Community Protection Notice if work not completed after 28 days.	NHDC reports incident to the landowner and it is their responsibility to clean. We will offer to clean (chargeable) 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 Priority 3 – Yes at cost.

Commercial	Telephone/ email/ letter with indemnity form and estimate of cost	Priority 1 and 2 - Yes, at cost plus administration fee. Priority 3 – Yes, contractor costs plus administration fee.
NHDC Property	Email/ telephone relevant service	Re-charge to relevant service area if appropriate – at cost
Hertfordshire Highways	Report online or phone for Priority 1.	Work only completed in default of notice. Cost recovery only possible through courts. If requested by HH, - 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.

The removal of graffiti from council controlled land and a property is included within the Waste and Street Cleansing contract, due to expire in 2018.

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

For Priority 3 work domestic property owners will be written to twice in order to gain the signed indemnity form. This work is chargeable at cost.

For other Priority 3 graffiti on private commercial properties, 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 NHDC 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 owned by NHDC, 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. Posters and placards on Highways Authority street furniture are not the responsibility of NHDC.

### **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 / 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 contractor will assess the most appropriate method of removal for each case if it has not been previously specified or agreed.

### **Partnership Working**

North Herts District 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 or 2, NHDC will issue Community Protection Notices in accordance with the Anti-social Behaviour, Crime and Policing Act, 2014 and any subsequent Regulations. A written formal warning notice must be issued first giving a reasonable timescale to remove. NHDC will not use these powers for Priority 3 graffiti, other than in exceptional circumstances.

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.

The Waste Management Team will be responsible for issuing any relevant notices and taking subsequent action in consultation with the Head of Leisure and Environment and the Executive Member for Waste, Recycling and Environment.

#### **Links to relevant information:**

Town and Country Planning Act 1990

<http://www.legislation.gov.uk/ukpga/1990/8/section/215>

Anti-social Behaviour, Crime and Policing Act, 2014

<http://www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/1/enacted>

Equality Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

Other documents:

Street cleansing contract

For further advice contact :

Service Manager – Waste & Recycling

Last Updated : March 2016

To be reviewed no later than : August 2018