

	<p style="text-align: center;"><b>Executive</b> 6 April 2009</p> <p style="text-align: center;"><b>Report from the Director of Environment and Culture</b></p>
<p style="text-align: right;">Wards Affected: NONE</p>	
<p><b>Graffiti Policy</b></p>	

Forward Plan Ref: E&C-08/09-033

## 1.0 Summary

- 1.1 This report makes available the results of a recent community consultation on tackling graffiti. It gives the outcomes of the consultation, and identifies policy options for improving the borough's response to graffiti vandalism.
- 1.2 The report requests approval from the Executive to approve a new Borough Graffiti Policy, which will consolidate the council's approach to this envirocrime, and set the scene for more effective partnership working.

## 2.0 Recommendations

- 2.1 That the Executive note the consultation results on Brent's proposed Graffiti Policy.
- 2.2 That the Executive gives approval to a new Graffiti Policy Statement for Brent (Appendix A).

## 3.0 Detail

- 3.1 The purpose of this report is to request approval for a formal policy on how to tackle graffiti in a more holistic manner.
- 3.2 Historically, the council's approach to tackling graffiti has been disjointed and focused primarily on cleansing, with cleansing resources primarily focused in StreetCare and social housing providers such as BHP. There has been little historical coordination between these cleansing resources.

3.3 The results of a disjointed cleansing-only can be seen in the high scores and high variation in our ENCAMS scores for the old best value performance indicator BV199c:

Inspection period	2005/06	2006/07	2007/08	2008/09
<b>Tranche 1 Apr-Jul</b>	24%	18%	16.3%	9% (under BV199b measurement) or 6% (under NI195 measurement)
<b>Tranche 2 Aug-Nov</b>	10%	25%	26.2%	22% (BV199b measurement) 16% (under NI195 measurement)
<b>Tranche 3 Dec-Mar</b>	15%	17%	16.8%	[not available]
<b>Annual score (average)</b>	<b>16%</b>	<b>20%</b>	<b>19.7%</b> (officially reported as 20%)	<b>15.5%</b> year to date (BV199b) <b>11%</b> year to date (NI195)
<b>Target</b>	[no target]	<b>10%</b> BV199b measurement	<b>7%</b>	<b>5%</b>

Note 1: scores indicate the percentage of inspected land types that fail cleanliness standards.

Note 2: For benchmarking purposes, the better London boroughs consistently score under 6% of inspected land areas failing graffiti cleanliness standards. Brent is frequently in the lowest quartile. The Tranche 1 score for 08/09 followed a spate of offender apprehensions / arrests. The rise by Tranche 2 was a result of re-offending.

- 3.4 In the past few years, there has been an explosion in ‘tagging’ (writing signature letters or names on walls and street furniture) and graffiti vandalism, amongst (primarily) 13 – 17 year old males.
- 3.5 In response, the council provided additional funds in 2007/08 to the order of £110k to improve our graffiti response. The funding provided an extra graffiti removal team, bringing the total in StreetCare to four teams, which have done well to meet the rise in demand and amount of graffiti over the past few years.
- 3.6 Part of the funding for graffiti removal (£41k) has been diverted to the Anti-Social Behaviour Team to employ a Graffiti Case Worker.
- 3.7 In 2007, Brent council’s StreetCare and Anti-Social Behaviour Teams initiated a project to identify how to improve the council’s response to tackling graffiti. StreetCare and the ASB Team worked in partnership with council units and external partners such as the Met Police, London Underground, British Transport Police and Safer Neighbourhood Teams to identify how to integrate our responses. The project won a Staff Achievement Award in November 2008 for its strong partnership approach.

3.8 Three key messages came out of that initial project:

- 3.8.1 First, that the council needs a formal policy and clear policy objectives to help unify its approach internally and with partner organisations;
- 3.8.2 Second, that new policy areas around preventing graffiti vandalism and diverting graffiti offenders into more creative and constructive outlets is essential to support the cleansing approach (“prevention is better than cure”); and
- 3.8.3 Third, that a formal partnership board is necessary to oversee policy implementation and provide a cohesive multi-agency response.

3.9 A Brent Graffiti Partnership Board was established in early 2008. Its major success to date has been to improve SNT patrols and local crime assessments, resulting in the apprehension of at least 31 individuals, who have been – or are currently – going through the Youth Panel for graffiti vandalism. There is a better cross-agency process for dealing with offenders, and with each case the Partnership Board identifies further improvements for that process. The Board has also worked hard to collect better photographic and geographical evidence of graffiti, to help put a cost on cleansing operations, to give the Courts a better sense of the scale of the problem, and its effect on the public purse. Some offenders are believed cause over £60k worth of damage.

## 4.0 Consultation

4.1 The Board went out to consultation on a draft Graffiti Policy between 06 November – 15 December 2008. The consultation model included:

- 4.1.1 A generic consultation questionnaire which was sent to the Citizen’s Panel, StreetWatchers, available on Consultation Tracker (website), distributed to libraries and advertised directly to all Councillors;
- 4.1.2 A victim’s focus group – residents affected by graffiti who discussed their experiences;
- 4.1.3 A school-based consultation, using a “rant box” (a mobile inflatable room with a video camera, and off-camera facilitator); and
- 4.1.4 One:one discussions with known offenders regarding their motivations for being involved with graffiti.

### Response analysis

4.2 The consultations asked questions in five broad categories:

- Perceptions of graffiti;
- Reporting graffiti;
- Enforcement issues;
- Prevention and diversion options; and

- Satisfaction with urban environmental standards.

For clarification, the consultation provided respondents with the government's definition of graffiti: "Graffiti vandalism or 'tagging' is the marking of property without the permission of property owners."

A full report is available based on responses from 772 people from 1700 direct contacts / mail outs. Transcripts of discussions with offenders, victims and a DVD of the schools-based consultation are also available. Headline figures are discussed below.

4.3 Overall, 83.5% of respondents were fairly or very sure that the draft Graffiti Policy would help reduce levels of graffiti in the borough if approved and properly implemented.

4.4 When presented with photos of both graffiti and wall-based visual art works in Brent, respondents showed a degree of uncertainty about the boundary between graffiti and formal art works:

- 97.3% correctly identified 'tagging' (scribbled or written letters and signatures) as graffiti vandalism;
- 44% identified a mural project undertaken privately by Preston School as graffiti vandalism. This mural predates the council's current approach for a thorough commissioning, community involvement and quality approval process, run through Libraries, Arts and Heritage.
- 26% identified the recently commissioned Harley Road Mural as graffiti vandalism, suggesting that greater community involvement and a thorough commissioning process improves public acceptance; and
- Only 43% recognised a graffiti work on Warfield Road (off Harrow Road) as graffiti, suggesting the majority (57%) considered it a commissioned work of art.

The conclusion from this is that 'tagging' is the most widely recognised form of graffiti. Respondents are unsure about the quality of some historical visual art and murals in Brent that predate the current approach of community involvement and using qualified artists through a proper commissioning process within Libraries Arts and Heritage. Where community involvement is thorough – for the Harley Road Mural – recognition and acceptance of the artistic value is much higher.

4.5 For reporting, only 37% of respondents would report graffiti, even though around 81% were aware of the council's services. Of the remaining 63% who would not report, around 42% felt nothing would happen, and 43% cleaned it themselves. This suggests that there is a greater need to communicate our graffiti removal services and its successes, which is covered in the draft Graffiti Policy.

4.6 Questions around preventing graffiti returned a strong desire (72%) for more targeted patrols by PCSOs, more creative lighting (62%) in the worst affected spots, and more green areas (51% of respondents) in the borough, with 'vertical planting' (shrubs and plants that climb walls) strongly preferred as a means of preventing graffiti.

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4.7 For those times when we apprehend offenders, the top three responses chosen showed respondents preferred community service for offenders (61%), fines or parents / guardians clearing up the graffiti (48% each). There are strong logistical issues against using parents or offenders to clean their own graffiti (for example, when one person is believed to cause £60k worth of damage, the administrative time necessary to identify them all and supervise the offender is highly significant; graffiti would also have to stay up for perhaps a year or two before offenders are caught). However, the results suggest that respondents would like to see families taking more responsibility.

4.8 Diversionary issues came out strongly in the consultation responses. The top three schemes that respondents would like to see in place are: more sporting activities (61%); more youth clubs (60%); and regular creative art workshops (60%). The Graffiti Partnership Board has started developing projects to deliver more consistent and sustainable diversionary activities, which can be implemented quickly should the policy gain approval. The projects are being developed in collaboration with the community, offenders, youth workers, the council's Cultural Development team and other stakeholders to ensure broad community acceptance.

4.9 Finally, consultees were asked how they feel about the area they live in. 75% of respondents – offenders, victims, consultees - reported feeling a connection to their area, and a pride in where they live. Many (50%) want to see more public art in Brent, although a number of respondents made written comments wondering where our public art works are, and what counts as public art. This reflects the initial comments from the consultation that residents may not have historically felt so included in the commissioning of Brent's public art, and would like greater involvement in their design and nature. Offenders were particularly interested in opportunities to make money out of their activities, seeing themselves as creators of work rather than defacing property. Brent has a successful history of including offenders in creating murals, and feedback from them suggests that a stronger approach to developing creative opportunities will reduce the amount of graffiti in the public realm.

## 5.0 Summary and policy options

5.1 The draft Graffiti Policy formalises and creates policy objectives to respond to the concerns and attitudes expressed by residents and other consultees. Its policy objectives cover:

- **Removing graffiti**  
including making it easier for people to report graffiti;
- **Dealing with offenders**  
including a more coordinated approach to change the behaviour of offenders;
- **Preventing graffiti**  
including education and diversionary activities;

- **Transparency on delivery**  
including measuring our performance.

The full policy is attached as Appendix A.

5.2 If approved, the policy will be implemented through an annual ‘Multi-Agency Action Plan’ developed and delivered by the Graffiti Partnership Board. Oversight will come through the Anti-Social Behaviour Steering Group, into which the Board reports.

## **6.0 Financial Implications**

6.1 Adopting the draft Graffiti Policy has no immediate financial implications, other than continuing with the current budgets for StreetCare’s graffiti removal teams (£390k inclusive of all overheads) and the ASB Graffiti Case Worker (£41k).

6.2 Members should be aware that initial implementation of the policy will require oversight and will be met from current budget arrangements (ref: 6.4). The Graffiti Partnership Board has immediate responsibility for implementation, and oversight is through the ASB Steering Group, which reports to the Crime Prevention Strategy Group (CPSG). The Board’s major output to date has been to align and manage processes between separate agencies (like Youth Services or the Police) to ensure there are integrated methods of identifying, apprehending and dealing with graffiti offenders.

6.3 Some implementation will require the creation and piloting of diversionary projects, like youth art clubs, with stringent success criteria to ensure they are leading to longer term behaviour change. As far as possible the Graffiti Partnership Board will meet these from existing budgets, or seek external funding. The Board is mindful of the need for joint outcomes, for example when implementing the prevention and diversion policy, perhaps by creating youth art diversionary projects that tie in with 2012 cultural development work.

6.4 Officers may identify the need for additional funding to implement the policy at a future date. Any such requests will go through the council’s normal budget planning process. Although this report does not request funding at this stage, Members should be aware there is a need to improve case work handling due to the volume of work being created through apprehending offenders (possibly through another Case Worker at £41k, subject to review), and that prevention and diversion activities, once piloted, will need permanent funding (costs are difficult to predict, and are dependent the type of project, external funding opportunities and available budgets across service areas).

## **7.0 Staffing/Accommodation Implications (if appropriate)**

7.1 There are no accommodation implications directly related to adopting the policy.

7.2 In the longer term, if a significant amount of graffiti is prevented, officers will need to rebalance the current resource given to tackling graffiti. Successful diversion and prevention programmes will reduce the amount of graffiti,

requiring fewer cleansing resources, but this will require a stronger approach to coordinating creative enterprise, diversion and prevention. The Environment and Culture Board will report to full council on any such budget and staffing decisions.

## **8.0 Legal Implications**

- 8.1 The offence relating to graffiti is covered by section 1(1) of the Criminal Damage Act 1971 which involves only the painting or writing on, or the soiling, marking or other defacing of, any property by whatever means.

### Legal Powers

- 8.2 Section 43(1) of the Anti-Social Behaviour Act 2003 provides powers to councils to issue fixed penalty notices in respect of the offence set out in section 1(1) of the Criminal Damage Act 1971. The fixed penalty notice offers the alleged offender the opportunity of discharging any liability to conviction for that offence by payment of a penalty fine in accordance with the penalty notice.
- 8.3 Under section 48 of the Anti-Social Behaviour Act 2003 (“the 2003 Act”), where a local authority is satisfied that a relevant surface in an area has been defaced by graffiti, and that the defacement to the amenity of the area or is offensive, it may issue a “graffiti removal notice” upon any person who is responsible for the surface imposing the requirement set out in subsection (3) of section 48 of the 2003 Act. Section 48(3) of the 2003 Act provides that the requirement is that the defacement be removed, cleared or otherwise remedied within a period specified in the notice being not less than 28 days beginning with the day on which the notice is served. Under section 48(4) of the 2003 Act, if the requirement in section 48(3) is not complied with, the local authority (or any person authorised by the authority) may remove, clear or otherwise remedy the defacement.
- 8.4 Under section 49 of the Anti-Social Behaviour Act 2003, a local authority may recover from the person, on whom a graffiti removal notice was served, expenditure reasonably incurred in exercise of its power under section 48(4) of the 2003 Act, as mentioned in the previous paragraph. A local authority may not recover expenditure from a person unless they have served on that person a notice which sets out the amount of, and details of, the expenditure it proposes to recover.

## **9.0 Diversity Implications**

- 9.1 Introduction of a formal graffiti policy will balance the council’s and its partners’ approach to tackling the issue, correcting current inequalities. The traditional approach has been entirely in the favour of the graffiti victim, and only their voices have ever been sought in developing or improving services. The point of this policy is to ensure young people’s motivations are sought, and that the causes of this envirocrime are understood. This will allow officers to develop diversionary activities that give young people practical activities that lead to long term skills development, and which retain their interest in creative enterprise. This supports the Corporate Strategy’s aim of developing

a “borough of opportunity”.

## **10.0 Environmental Implications**

- 10.1 The intent of adopting and implementing the policy is to reduce the amount of land affected by graffiti to around 5%, supporting the ‘cleaner, greener’ vision set by Corporate Strategy under its separate headings of being “a clean place” and “a safe place”.

### **Background Papers**

- Young Offenders Transcript – verbatim notes from one-to-one discussions with graffiti offenders
- Focus Group report – summary report from the graffiti victims focus group
- Graffiti Survey Report – Consultation Team’s report from the broad consultation asking for opinions on the draft policy
- ‘Rant box’ DVD – a short video from the schools-based part of the graffiti policy consultation

Any person wishing to inspect the above papers should contact Graeme Maughan, Service Development Manager, StreetCare, 1<sup>st</sup> Floor (West), Brent House, 349-357 High Road, Wembley, Middlesex, HA9 6BZ. Telephone 020 8937 5066.

Richard Saunders  
Director of Environment and Culture



## Appendix 1

### Graffiti Policy (for approval)

#### Policy Objective A: Removing graffiti

1. We accept reports of graffiti from any person, body or organisation. The StreetCare Graffiti Removal Team will only remove graffiti<sup>1</sup>:
  - a. on the public highway and Council-owned street furniture;
  - b. on private residential property with the property owner or occupier's written permission or fourteen days after issuing a notice to the property owner or occupier, where we receive no reply; and
  - c. on business, commercial and Council-owned property on a chargeable basis.
2. The StreetCare Graffiti Removal Team's services to residents, commercial, business or other organisations, and Council-owned property (other than street furniture) will be on a "first time free" basis, with subsequent removals on a 50% subsidised basis.
3. Graffiti on private and social housing land will be removed by the housing provider's own resources, or on a chargeable basis with the StreetCare Graffiti Removal Team, according to the size of job.
4. We will ensure that there is regular information available to the general public on how they can report graffiti and access Council services such as the Graffiti Removal Services and Casework Services.
5. When removing graffiti we will:
  - a. abide by all relevant environmental legislation, and continually improve the environmental performance associated with these works;
  - b. operate to the Council's accepted standards of customer service; and
  - c. ensure our work is consistent with any quality standards to which we subscribe.

#### Policy Objective B: Dealing with Offenders

6. We will work in partnership<sup>2</sup> to combat graffiti. We will follow our Enforcement Policy, and work with enforcement agencies where education and diversionary projects fail to stop persistent offenders.

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<sup>1</sup> ref: Section 12 of the London Local Authorities Act of 1995

<sup>2</sup> Partners will include Brent Police, Transport for London, British Transport Police, Brent Anti Social Behaviour Team, Brent Housing Partnership and Registered Social Landlords operating in Brent

7. We will deal with graffiti vandals through the adopted “Persistent Youth Offenders” and “Persistent Prolific Offenders” policies when seeking prosecutions, and have due regard to the tools available to us under the Anti-social Behaviour Act 2003.
8. Where a graffiti offender is identified as being under the age of 18 years old, we will consult with the Brent Anti-social Behaviour Youth Panel and ensure that a balanced approach is taken to address the behaviour of the individual.
9. When sharing information with partners on the details of cases and individuals we will comply with the Crime and Disorder Information Sharing Agreement which follows section 115 of the Crime and Disorder Act 1998.

**Policy Objective C: Preventing Graffiti**

10. Through our Trading Standards Unit and EnviroCrime programmes, we will work with schools to educate teachers and pupils about the negative effects of graffiti. We will also work with local traders to ensure graffiti materials, such as spray paints, are not sold to under-age people. We will operate a Responsible Trader Scheme relating to the sale of age restricted goods
11. We recognise that in the right circumstances graffiti can be both a form of art and personal expression. We will support, within available resources, diversionary projects such as murals and creative workshops with offenders to encourage the development of practical skills.

We will do this in collaboration with affected or supportive communities. We will consult relevant stakeholders when supporting diversionary projects.

**Policy Objective D: Transparency on Delivery**

12. We will measure and report our performance on tackling graffiti. Specifically we will:
  - a. monitor levels of graffiti on public land and report this three times per year, through the Capital Standards Local Environmental Quality surveys;
  - b. measure how we meet our service standards and report on this every three months as part of the Council’s normal performance reporting;
  - c. test at regular intervals our customers’ satisfaction and use this information to improve our services;
  - d. report on the number of cases/individuals investigated and case outcomes every three months; and
  - e. Analyse partnership graffiti data via the six monthly Brent Crime and Community Safety Strategic Assessment.