

READING BOROUGH COUNCIL

REPORT BY FRANCES MARTIN

TO:	HOUSING NEIGHBOURHOODS AND LEISURE COMMITTEE		
DATE:	10 NOVEMBER 2021		
TITLE:	ENHANCED GRAFFITI REMOVAL PROJECT		
LEAD COUNCILLOR:	ADELE BARNETT- WARD & KAREN ROWLAND	PORTFOLIO:	NEIGHBOURHOODS AND COMMUNITIES/ CULTURE, HERITAGE & RECREATION BOROUGHWIDE
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report provides an update to Housing, Neighbourhoods & Leisure Committee on the Community Infrastructure Levy (CIL) funding available in 2021/22 and the proposal to implement an enhanced graffiti removal policy to tackle graffiti not included within the current Graffiti Removal Policy.
- 1.2 This report seeks approval to proceed with the proposed Enhanced Graffiti Removal Policy and to fully commit the available CIL funding to improve the Town's appearance.
- 1.3 Appendix 1: Current & Enhanced Graffiti Removal Policy
Appendix 2: Proposed list of Enhanced Additional Graffiti sites
Appendix 3: Financial Implications Report
Appendix 4: Street Art Advisory Panel

2. RECOMMENDED ACTION

- 2.1 That Housing, Neighbourhoods & Leisure Committee notes the current position on Graffiti Boroughwide and the available Community Infrastructure Levy (CIL) funding in 2021/22.
- 2.2 That Housing, Neighbourhoods & Leisure Committee approves the Enhanced Graffiti Removal Policy set out in Appendix 1 & 2.
- 2.3 That Housing, Neighbourhoods & Leisure Committee approves the immediate commencement of the Enhanced Graffiti Removal Policy.
- 2.4 That Housing, Neighbourhoods & Leisure Committee approves the proposal to set up a Street Art Advisory Panel as set out in Appendix 4

3. POLICY CONTEXT

- 3.1 To secure the most effective use of resources in the delivery of high quality, best value public service.
- 3.1 To make travel more secure, safe and comfortable for all users of the public highway.
- 3.2 To provide a public highway network as safe as reasonably practical having due regard to financial constraints and statutory duties.
- 3.3 Policy Committee of 14th June 2021 approved the allocation of the Community Infrastructure Levy 15% Local Contribution following the public consultation. The Committee approved the final allocation of £1.557m Local CIL collected up to 31st March 2020 to various schemes across the Borough with the balance of available 15% local CIL funding (£0.112m) to be carried over to be allocated in future years. This approval included £75,000 to tackle graffiti removal within the Borough in the financial year 2021/22.

4. THE PROPOSAL

4.1 ENHANCED GRAFFITI REMOVAL

Current Position: Graffiti Removal Policy

- 4.1.1 Graffiti can be defined as any drawings, scribbles, messages or 'tags' that are painted or written on walls and other surfaces. Graffiti is criminal damage and costs the UK over £1 billion per year. For the purposes of this report, we are not including 'Graffiti-Art', where this is commissioned or tolerated by the owner of the surface.
- 4.1.2 The current graffiti removal policy includes removal of up to 1 sq. M. free of charge following reports of graffiti on private property with the owner's permission. The Council will either 'paint out' the graffiti or use a chemical removal process.
- 4.1.3 Graffiti above 1 sq. M is chargeable; the Council will provide a quotation to the property owner and will attend once payment has been received.
- 4.1.4 The Council will remove graffiti and spillages from the public highway and from Council property / equipment free of charge, including the cleaning of road signs and name plates.
- 4.1.5 The Council will work with businesses, large companies and organisations, including Duty bodies, (Statutory Undertakers - mainly Utility companies, transport undertakings such as Network Rail, and defined educational establishments such as Schools and Colleges), as appropriate to remove and /or prevent graffiti, for a charge.
- 4.1.6 Racist or offensive graffiti is removed free of charge within 24hrs of notification as long as it is accessible.
- 4.1.7 Whether we select removal or obliteration will depend on the type of surface that the graffiti is on:
 - For brick, stonework, metal and glass, we will use appropriate chemicals and/or washing with water (including hot water under pressure) to remove the graffiti.
 - For painted surfaces, we will use the closest match from one of a small range of standard paint colours to obliterate the graffiti. This will not include covering the entire surface.

- For wooden fences, we will use one of a small number of standard paint colours to cover the graffiti, on the panels affected only.

4.2 Options Proposed

- 4.2.1 The Council proposes to utilise the available CIL funding to operate under the current policy guidelines - i.e. gain appropriate permissions to remove graffiti from private property but to increase the free to remove to 2 m².
- 4.2.2 The CIL funding will allow for the removal of a maximum of **502 additional pieces of graffiti up to 2 m²** - with approval we can use multiples of these to remove any reported graffiti over this size (i.e. a report of graffiti 4 m² would take up 2 x allocations or 6 m² would take up 3 x allocations)
- 4.2.3 The Council propose to record all of these on the Love Clean Reading App.
- 4.2.4 The Council also propose to include 20 x Community Removal Kits for allocation to local community groups who show an interest to use on low level graffiti in their local area.
- 4.2.5 After the visit of Banksy to Reading earlier this year, a strong desire from the community has been noted to keep valued street art should it fit within the policy as set out above. Appendix 4 sets out the proposal to establish a Street Art Advisory Panel to consider and advise on how street art in Reading could be managed and how the definition of graffiti/street art definition could be updated to better support and inform artists.

Other Options Considered

- 4.2.6 No capital investment - A lack of investment will result in the increase of graffiti and expose the Council to reputational damage for not addressing this very visible graffiti issue and undermine confidence in the Council's ability to tackle anti-social behaviour and improve the image of Reading.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 Reading Borough Council's vision is:

To help Reading realise its potential - and to ensure that everyone who lives and works here can share the benefits of its success.

- 5.2 The Highway Asset Management Policy and Well Managed Highway Infrastructure: A Code of Practice will contribute to the Council's Corporate Plan 2021 - 2022 objectives of:

- **Healthy environment** - Keeping the town clean, safe, green and active
- **Inclusive economy** - Providing infrastructure to support the economy
- **Thriving Communities** - Remaining financially sustainable to deliver these service priorities and to ensure everyone has an equal chance to use the public highway

- 5.3 **Together** - Collaborative working approach between the Council, property owners, volunteers and the public

Efficiency - Tackling multiple graffiti tags efficiently savings time and resources

Ambitious - Investing to improve the public realm

Make a Difference - Providing a safe, welcoming and inclusive public realm for all

6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS

- 6.1 The Council declared a climate emergency at its meeting in February 2019 and as such recognises the need to minimise the climate impacts of its decisions. To this end, Council on 15th October 2019 formally adopted of the 'Unite Construction Charter' where the Authority supports the 'Get Britain Building' campaign, which is aimed at supporting and sustaining the British construction industry. All relevant construction contracts will be required to comply with the Authority's Sustainable Buying Standard for Highways and Construction Materials, which requires structural steel and other relevant materials to be covered by BES 6001 Responsible Sourcing of Construction Product certification.
- 6.2 There will be some marginal increase in water usage as we are expecting to carry out more cleaning as a result of this proposal. This will also mean a very small increase in the use of fuel to power the pressure washer unit.
- 6.3 The chemicals that are used for the removal of graffiti are standard cleansing chemicals which are neutralised, emulsified and diluted once rinsed down. The chemicals are also 'Expected to be ultimately biodegradable' and are environmentally sustainable and REACH compliant.
- 6.4 The Reading Climate Emergency Strategy, which was endorsed by the Council in November 2020, highlights the importance of adapting to climate impacts as well as reducing the emissions which are driving climate change.

7. COMMUNITY ENGAGEMENT AND INFORMATION

- 7.1 Section 138 of the Local Government and Public Involvement in Health Act 2007 places a duty on local authorities to involve local representatives when carrying out "any of its functions" by providing information, consulting or "involving in another way".
- 7.2 Graffiti reported by members of the public on the Council's public highway network are assessed / considered for appropriate action in accordance with the Council's Graffiti Removal Policy.
- 7.3 Graffiti sites are identified through an assessment process; however, members of the public can also request sites for consideration, and these are considered as part of the assessment process.
- 7.4 The Graffiti Removal Policy and programme will be available on the Council's website following Housing, Neighbourhoods & Committee approval processes.

8. EQUALITY IMPACT ASSESSMENT

- 8.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The proposed Graffiti removal programme consists of enhancing the existing policy on within the existing public realm network. There is no overall change to service delivery at this time and all users will have an improved public realm. Should any future updates/amendments be required, which result in service delivery changes, an equality impact assessment will be carried out.

9. LEGAL IMPLICATIONS

- 9.1 The Council will carry out the work using Council staff and no contract is required to carry out the Graffiti Removal operations described in this report.
- 9.2 If a tender does become necessary, the tender process will be conducted in accordance with the Council's Contract Procedure Rules and the principles of the Open process as defined by the Public Contract Regulations 2015 ("the Regulations"). It is intended that each contract will be entered into based on the most economically advantageous tender received.
- 9.3 The principal environmental legislation enforced by the Council is the Environmental Protection Act 1990; other relevant provisions are in the Anti-Social Behaviour Act 2003, and the Clean Neighbourhoods and Environment Act 2005. There are also provisions in the Highways Act 1980 and the Town and Country Planning Act 1990. The Localism Act 2011 gave Council's additional powers relating to fly-posting and graffiti.
- 9.4 The Anti-social Behaviour Act 2003 contains provisions allowing fixed penalty notices to be given for offences such as graffiti (under the Highways Act 1980) or fly-posting (Town and Country Planning Act 1990).
- 9.5 Some of the above legislation contains powers for the Council to take action and recover its costs from those responsible; for instance the Localism Act 2011 amended the Town and Country Planning Act 1990, introducing powers to serve notices requiring occupiers of premises to remove graffiti. Where the graffiti is not removed the Council may remove it itself and recover its costs from the occupier; the Council may also remove graffiti on request and recover its expenses from the owner or occupier making the request.

10. FINANCIAL IMPLICATIONS

- 10.1 The proposed Enhanced Graffiti Removal Programme 2021/222 to 2022/23 will be fully funded by the following:
- Community Infrastructure Levy Funding Award for 2021/2022 of £ 75,000
 - The Council's Streetcare Services Revenue Budgets for 2021/2022 to 2022/2024.
 - The proposal set out in this report is a result of the investment into the Graffiti Service improvements.
 - Revenue & Capital budget, Value for Money and risk assessment, refer to Appendix 3

11. BACKGROUND PAPERS

- 11.1 Policy Committee Report 14th June 2021: Allocation of Community Infrastructure Levy 15% Local Contribution
- 11.2 Housing, Neighbourhoods & Leisure Committee 16th March 2016: Street Cleansing Policy