

GRAFFITI STRATEGY



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Preface

Tackling graffiti presents many challenges. This particular form of criminal damage has its own sub culture, popularised through music and advertising. Graffiti writers are able to produce sizeable pieces in a very short space of time. The speed at which they can create the pieces makes it extremely difficult to catch them actually committing the crime. More experienced writers act as mentors for those new to the scene, advising on style, speed and stealth.

The majority of graffiti occurs during hours of darkness and therefore the detection of offenders is particularly resource intensive.

Many of those involved use a tag, which can be used to mark territory and in some cases is related to street gang turf wars.

Graffiti is costly to remove and almost impossible to eradicate completely. However the extent to which it appears can be controlled by devising a long term plan of action.

1.0 Introduction

The strategy will cover how Leeds City Council will deal with graffiti. Delivery of the strategy will result in a cleaner city from smarter working and better services.

This document sets out what we as a Local Authority want do about graffiti, identifies clear aims and illustrates how we will achieve these aims.

Aims of the Strategy:

- Determine how we will work with external partners to prevent incidents of graffiti
- Establish how we will work to identify those responsible for graffiti and the steps we will take to prosecute them
- Outline how graffiti will be removed from Public, Private and Statutory Undertaker Property *
- Define how quickly graffiti will be removed
- To set out who is responsible for removing graffiti from Public, Private and Statutory Undertaker property
- To improve Best Value Performance scores

Success will result in an improvement of the overall visual environment and amenity of the area. This will be measured by regular and routine environmental surveys.

Who contributed to the strategy?

To identify who is best placed to deal with different aspects of graffiti Leeds City Council worked with key external partners.

* Statutory Undertaker – an organisation which has a legal responsibility to comply with a law established by an Act of Parliament

These are West Yorkshire Police, British Transport Police. Discussions are also taking place with statutory undertakers.

Continued partnership working between Council Departments and external partners will be key to the success of the strategy.

During this process high quality inter agency linkages were brokered. It is key to the success of this strategy that these linkages are maintained and developed.

We need to act on this because;

- Research shows that areas affected by low level anti social behaviours such as graffiti and other signal crimes are more likely to attract serious crime. By reducing the number of incidents of graffiti we can reduce the likelihood and fear of more serious crime happening.
- A decline in the quality of the local environment is often the result of a criminal act and / or anti social behaviour. The need to address graffiti as part of the Governments “together” Action Plan and the new “Respect” Action Plan to promote responsibility and good behaviour is significant.
- In 2006 Leeds City Council spent in the region of £500,000

2.0 Local Authority Powers

Part 6 Section 43 of the **Anti-social Behaviour Act 2003** created the ability to issue penalty notices to an offender to discharge the offence of graffiti or fly-posting, which is described by the Criminal Damage Act. The fixed penalty notice is to the value of £75.

The **Highways Act 1980** Section 132 states “if any person without consent of the Highway Authority paints or otherwise affixes any picture, letter, sign or other mark upon the surface if the Highway is guilty of an

offence and liable to a fine not exceeding level 3 (£2500) the standard scale”.

The **Town and Country Planning Act 1990** Section 215 states “if it appears to the local planning authority that the amenity of a part of their area, or adjoining land, is adversely affected by the condition of land in their area, they may serve on the owner and occupier of the land a notice under this section.”

Section 216 states “If any owner or occupier of the land on whom the notice was served fails to take steps required by the notice within the period specified in it for compliance with it, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale”

Section 219 states “If, within the period specified in the notice under Section 215 any steps required by the notice to be taken have not been taken, the local planning authority who served the notice may

- a) Take any reasonable steps to enter the land and take those steps,
- b) Recover from the person who is then the owner of land any expenses reasonably incurred by them for doing so”

3.0 Police Powers

The Police have primary responsibility and powers to prosecute for Graffiti. The Local Authority may also prosecute.

Graffiti is criminal damage under the **Criminal Damage Act 1971**. If the value of criminal damage exceeds £5,000 the maximum penalty for those aged 18 or over is 10 years imprisonment, for those aged 12-17 year the maximum custodial penalty is a detention and training order of up to 24 months. Where the damage is less than £5,000 the maximum sentence is three months imprisonment or a fine of £2,500 for adult offenders. This is enforced by West Yorkshire Police

The Criminal Damage Act 1971 is the preferred legislation for prosecution as it carries the heaviest penalty and is therefore the most effective. As this is enforced by West Yorkshire Police, upon receipt of complaint, enforcement staff will liaise with West Yorkshire Police to ensure the appropriate investigation is instigated and action taken.

Once the offender has been apprehended there are several options available:

- 1) A Reprimand is a formal verbal warning given by a police officer to a young person who admits they are guilty of a minor first offence.
- 2) A Final Warning is a formal verbal warning given by a police officer to a young person who admits their guilt for a first or second offence. Unlike a Reprimand however, the young person is also assessed to determine the causes of their offending behaviour and a programme of activities is identified to address them.
- 3) Leeds Youth Offending Team employ staff who carry out the assessments of the young people and supervise any interventions that are undertaken with the young person. These interventions are voluntary, however Leeds Youth Offending Team engages and works with almost 90% of all young people who receive a Final Warning.
- 4) The Final Warning is the last chance a young person gets to avoid going to court. Any further offending will be dealt with by the Youth Court.

The Police have the power to issue a Fixed Penalty Notice for offences of damage where the value of the damage is less than £500 and the value of the ticket is £80.

The Local Authority will move to notify The Police of any potential gang graffiti by working with them to develop an intelligence initiative through Safer Leeds.

Removal From Property

Local Authority Buildings and Structures

Where

Graffiti on a Council owned building

Report to the Police as Criminal Damage

Who is Responsible

Leeds City Council

If suspect known
Request Police
SOCO to attend to
photograph the
graffiti

Who Removes

Leeds City Council Graffiti
Removal Team

How Quickly

Offensive Graffiti within 24
hours
All other within 10 days

Who Pays

The Council

Private Buildings – Residential

Where

Graffiti on a **private house**

Report to the Police as Criminal Damage

Who is Responsible

Owner/Occupier

If suspect known
Request Police SOCO to attend to photograph the graffiti

Who Removes

Normally the Owner/Occupier – (currently free in NRF funded areas)

How Quickly

Offensive Graffiti within 24 hours
All other within 10 days

Complete Tension Monitoring form for Offensive graffiti

Who Pays

The Homeowner

Leeds City Council

Private Buildings - Business

Where

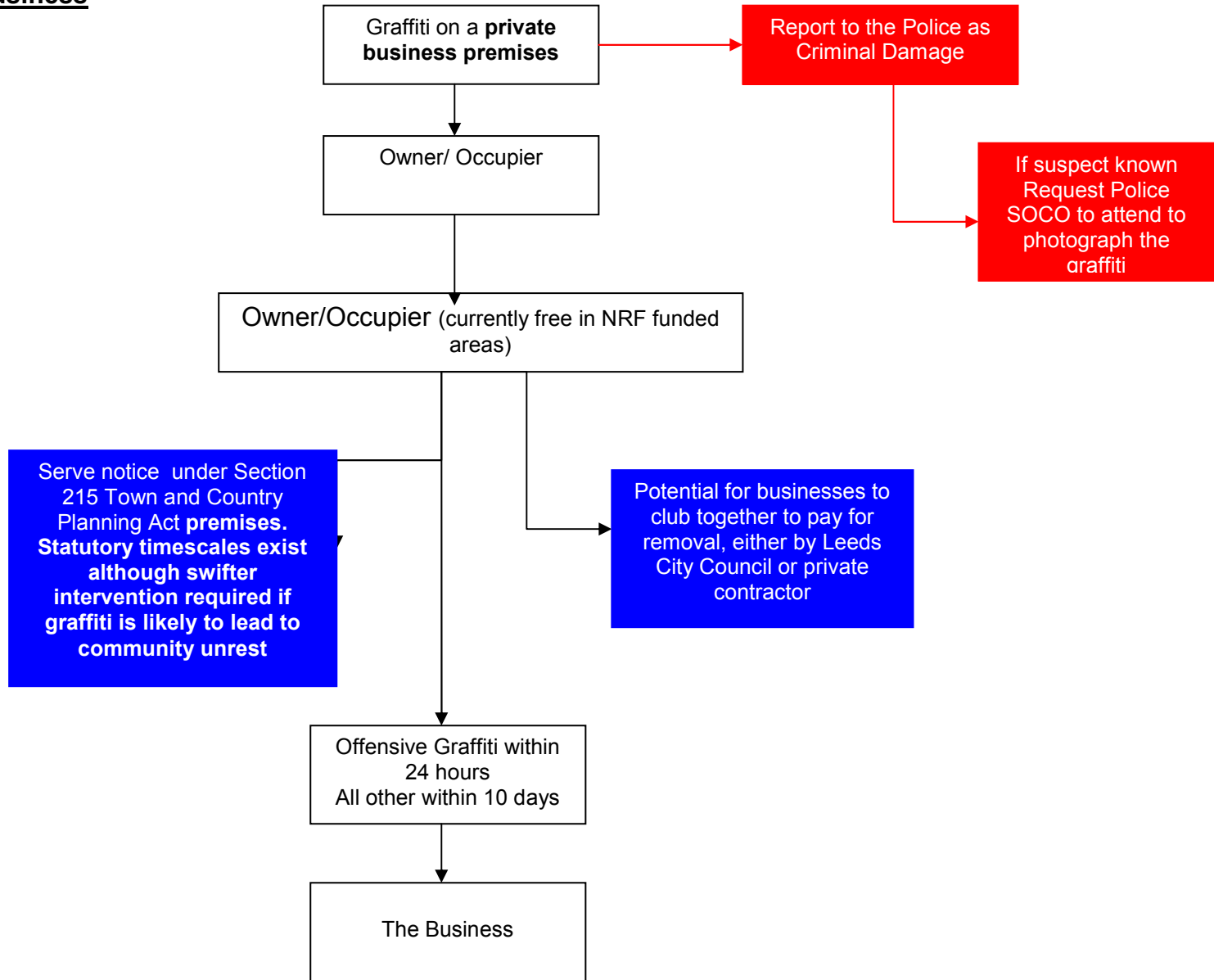
Who is Responsible

Who Removes

What if they don't

How Quickly

Who Pays



Statutory Undertaker

Where

e.g BT Phone Box
Royal Mail Box
Telewest "Green" Box

Who Removes

Negotiate Individual arrangements
through partnership agreements

What if they don't

Use defacement removal
notice -Clean
Neighbourhoods and
Environment Act 2005

How Quickly

Offensive 24 hours
Clean Neighbourhoods and
Environment
Act 2005

Separate arrangements
for Special
Circumstances for e.g
Network Rail

Who Pays

Statutory Undertaker

5.0 Enforcement

How we will obtain evidence

- We will photograph samples of graffiti before it is removed.
- In the event that there is a suspect the police scene of crime officer should be afforded the opportunity to photograph the graffiti before it is removed.
- Set up mechanism for reciprocal intelligence between key enforcement agencies. We will work closely with Safer Leeds to develop intelligence network, for example bi-monthly meetings. It is envisaged that, if resources become available, a database of tags and locations will be kept by and shared by the partners. This will build spatial intelligence on locations and the frequency which will highlight hot spots and identify routes used by offenders.
- Overt Surveillance to deter – High Visibility Policing / PCSO / and Council staff.
- Covert surveillance operations will take place in known hot spots where proportionate and reasonable.
- Witness statements
- Citizens prepared to identify the person
- Trading Standards test purchases for underage sale of aerosols
- We will support Parish Councils wishing to employ accredited persons to issue Fixed Penalty Notices
- The legal sanctions obtained throughout the City by the Police, Transport police and all areas of Leeds City Council will be collated to provide a holistic picture of activity taken in the city.

6.0 Prosecution

Upon assessment of the evidence and investigation of the matter, Leeds City Council will seek a legal sanction against the offender by whichever agency/legislation can achieve the best result.

Where evidence and investigation by West Yorkshire Police, Leeds City Council or British Transport Police cannot be taken forward to a satisfactory legal sanction, the partners will consider how best to process the case file so as not to allow any offenders to escape without punishment.

Where the offender is a juvenile, Fixed Penalty Notices will be considered. As an alternative to paying a fine the offender may be referred to a reparation scheme with Youth Offending Team.

We will aim to brief all front facing council staff on the action they can take if they see or catch any person committing graffiti.

7.0 Prevention and Education

To prevent graffiti occurring we will

- Seek to educate potential offenders by working in partnership with West Yorkshire Police, British Transport Police, Integrated Youth Support Services and Safer Leeds Executive.
- Seek to educate potential offenders who are still within the education system, schools, colleges and university.
- All Integrated Youth Support Service graffiti/art work will be done inside buildings or on moveable panels outside and then taken indoors to display and use.
- Integrated Youth Support Services will co-ordinate urban arts projects where appropriate as a basis for a dialogue on visual art versus illegal tagging. The sessions will include elements of community clean up, education, training and employment routes as

well as exploring the impact that such vandalism has upon the private property owner whose property has been violated. Any display of work will be out of public view unless it is urban art and has been specifically commissioned by a building owner.

- Increase the effort for the potential offender
- Increase the risk of detection
- Seek media and community support
- Reduce the rewards by rapidly removing graffiti
- Employ formal and deliberate guardianship through high visibility policing, neighbourhood wardens and camera surveillance with live feed to security staff to ensure a rapid response.
- Use informal and inadvertent guardianship by encouraging members of the public, business owners and statutory undertakers to monitor graffiti and report it as criminal damage to the police.
- Update our website with details of who to contact when an incident has been witnessed and who to call to arrange for the graffiti to be removed.
- Anti Graffiti Coatings will be considered where appropriate although the provision of AGCs is not the solution.
- Design

We will work with street design to ensure that the prevention of graffiti is considered.

Create natural surveillance, for example, by replacing solid block fencing with something easier to see through.

Review the positioning and design of street furniture to design out opportunities for graffiti to occur.

- Removal

Research demonstrates that rapid removal of graffiti reduces the number of repeat attacks. For some offenders the thrill of their graffiti being seen is a key motivator. By removing graffiti as quickly as possible we will remove this motivation.

- Distraction Techniques

Whilst enforcement and prosecution arm us with the tools to deal with those committing this form of criminal damage, consideration must be given to prevention. The use of Anti Graffiti Coatings and signage warning of the consequences for perpetrators are readily available forms of prevention. Diversion Techniques could provide an additional preventative measure.

Distraction Techniques are activities to channel the interests and energy of likely offenders into more positive and productive outcomes. It is considered inappropriate to encourage graffiti projects within the community. Integrated Youth Support Services do undertake graffiti/urban art projects however any workshops run by Integrated Youth Support Services do not include advice on producing work with speed or stealth, or advice on how to vandalise. All art projects will be done inside buildings or outside on moveable panels which are later displayed indoors.

Through art projects the Integrated Youth Support Service seeks to combat criminal damage and promote cleaner safer communities through educating young people and encouraging community clean ups. Integrated Youth Support Service will seek to host an online gallery on the Breezeleeds web site to provide an outlet where young peoples work can be seen without despoiling the environment for the majority.

Urban art placed on private property by the owner which is intended to prevent further graffiti or to advertise (subject to necessary planning permissions) will be acceptable.

- Understanding the offender.

We will obtain intelligence by building close partnership working with the Police, Youth Offending Teams and Integrated Youth Support Services.

We will look at the reasons why people get involved in graffiti and use this intelligence to help fight criminal damage from graffiti.

8.0 Community Engagement

We will engage with the local community by;

- Working with our external partners to ensure that requests for graffiti removal receive a rapid response by the appropriate graffiti removal team. This will encourage members of the community to report graffiti using and demonstrate the value of adopting a responsible approach.
- Through consultation with local communities combined graffiti hot spots will be identified and targeted for rapid removal.
- Explore ways to provide DIY kits to community groups and local business owners. These can be used to remove minor graffiti, for example a small tag or symbol. By providing equipment for Community Clean up days we can counter community feelings of helplessness and show residents that someone cares.
- We will seek to improve communication of our activity and performance in terms of outcomes. Field staff from the Council, such as Neighbourhood Wardens and ALMO staff, will be briefed on a monthly basis ensuring that they are able to answer questions from residents and also communicate our activities and results.

9.0 Statutory Undertakers

We will fulfil our duty to discuss the removal of graffiti with Statutory Undertakers and work with them to agree arrangements for the removal of graffiti from their assets.

Statutory Undertakers will have to arrange to remove graffiti and will have the choice whether to utilise Leeds City Council Graffiti Removal Service at an agreed cost or employ sub contractors.

Removal Agreements will be tailored to the individual Statutory Undertaker but they will all expect a removal response rate from the undertaker. Where no agreement is reached, or is felt not to be acceptable to the community, we will use our power to serve notice to enforce such removal.

Each Statutory Undertaker has to legally nominate a point of contact who we will ask to provide quarterly statistics on the number of graffiti incidents and the time taken to remove them.

Appendix

Statutory Undertakers

Education Leeds

Arms Length Management Organisations (ALMOS)

British Waterways

The Environment Agency

Metro/West Yorkshire Passenger Transport Executive (WYPTE)

Network Rail

Virgin Telewest

Yorkshire Electricity

Scottish Electricity (P.F.I contracts for street lighting)

British Telecom

Open Reach

British Gas

Royal Mail