Item No.	Classification: Open	Date: 4 October 2023	Decision taker: Cabinet Member for Climate Emergency, Clean Air and Streets
Report title:		Graffiti Removal Charges	
Ward(s) or groups affected:		All	
From:		Director of Environment	

RECOMMENDATION(S)

1. That the Cabinet member for Climate Emergency and, Clean Air and Streets agrees for the council to undertake the removal of graffiti from privately owned buildings and infrastructure up to a height of two metres from ground level without charge with effect from 23 October 2023.

BACKGROUND INFORMATION

2. Graffiti is a problem in urban locations, in particular in town centres and on transport infrastructure. The level of graffiti in the public realm is measured using street-based surveys based on the Code of Practice on Litter and Refuse (CoPLR), which is the recognised method for measuring local environmental quality across a range of criteria that also includes litter, detritus and fly-posting. This survey methodology is more commonly known as National Indicator 195 (NI195). The NI195 survey results are a measure of any failure to meet the defined acceptable standard and are expressed as a percentage.

3. Based on the results of NI195 surveys the level of graffiti in Southwark has increased in recent years. Table 1 below sets out the results of the graffiti surveys for Southwark since 2018.

Table 1 – NI 195 graffiti scores for Southwark, 2018-19 to 2022-23

2018/19	2019/20	2020/21	2021/22	2022/23
4.96%	**4.06%**	**5.87%**	**8.4%**	**10.0%**

4. The council is responsible for the removal of graffiti from its own buildings and from public street furniture that is maintained by the council, such as lamp columns and litter bins. It is the responsibility of the owners of buildings and other infrastructure such as bus shelters, railway bridges and utility cabinets to remove graffiti from their property at their own cost.

5. The council's obligation for removal of graffiti from council buildings and public street furniture is undertaken through the in-house Cleaning Service. There are seven graffiti removal teams covering the whole of the borough, including Housing estates.

6. Graffiti removal teams carry out their work based on a combination of reactive works in response to reports received by the council through the normal reporting channels, either to the call centre or by using the on-line Fix-my-street reporting page at: https://report.southwark.gov.uk/, and also proactive works where known graffiti hotspots are visited and cleared whether or not reports have been received for them.

7. The target for speed of removal of reported graffiti is 98% within 24 hours of report. This target only relates to removal of graffiti from council buildings and public street furniture that the council is responsible for. Other than on occasional months, the Cleaning Service has historically been able to meet this target. Offensive graffiti is removed as quickly as possible after a report is received, often the same day.

8. The removal of graffiti from private property and infrastructure is not the responsibility of the council. The Cleaning Service does engage with private property owners to offer a chargeable graffiti removal service with the use of a signed disclaimer which provides authority for the council to carry out graffiti removal at an agreed cost. There has been limited success in securing signed disclaimers.

9. Where private property owners do not use the council's chargeable service to arrange removal of graffiti, nor make their own arrangements to do so, the council's operational graffiti removal service alone has a limited impact on reducing overall graffiti levels in Southwark.

KEY ISSUES FOR CONSIDERATION

10. There are powers that can be used to deal with graffiti vandals for the offence of causing criminal damage, the Police are responsible for exercising these powers. There are challenges for the Police in exercising these powers, firstly in terms of being able to apprehend those responsible, and secondly in terms of priorities for dealing with crime more generally within the resources that are available. It is unlikely that a solution to the rising levels of graffiti in Southwark will be achieved through criminal prosecution of graffiti vandals. However, there is potential for joint working with the Police to be used as part of a range of actions that could lead to a reduction in the level of graffiti in the borough by creating a risk for offenders that they could be apprehended and prosecuted.

11. There are powers within the Anti-social Behaviour, Crime and Policing Act to deal with the owners of buildings and infrastructure which can be used to force them to remove graffiti from their property through the use of Community Protection Notices, these powers can be exercised by local authorities and the Police. There are also other enforcement powers that could be used to enforce the removal of graffiti by the owners of buildings. The exercise of these powers can be complex and should be considered in the context that owners themselves are victims of graffiti vandals. Again, it is unlikely that the solution to the rising levels of graffiti in Southwark will be achieved through the use of enforcement powers, but they could be used as part of a range of actions that

could lead to a reduction in the level of graffiti in the borough.

12. One of the most significant barriers to reducing the level of graffiti in the borough is graffiti on private property that owners do not take action to remove either themselves or by using the council's chargeable graffiti removal service. There are a number of reasons for the reluctance of private property owners to act on this issue, which are as follows:

    - most owners are not willing to pay for, or cannot afford, the cost of graffiti removal
    - concern that more graffiti will be re-applied quickly after removal
    - some owners are tolerant of graffiti
    - concern over damage to surfaces from the cleaning process

13. Where private property owners do not use the council's chargeable service to arrange removal of graffiti, nor make their own arrangements to do so, the council's operational graffiti removal service alone has a limited impact on reducing overall graffiti levels in Southwark.

14. The single change that has the potential for the most significant impact on the level of graffiti in Southwark is to discontinue the policy to charge for removal of graffiti by the council from private property and provide this service free of charge instead. This change would address most of the issues that cause private property owners to be reluctant to use the council's graffiti removal service. This change could be implemented within a short period of time and it is anticipated that this will lead to a fall in the level of graffiti in the borough.

15. It should be noted that removal of graffiti at height is more complex and more costly than at ground level. A change in the charging policy would need to take account of these factors to avoid the council taking responsibility for potentially excessive cost burdens along with greater health and safety risks.

16. Therefore, it is recommended that the removal of graffiti from privately owned buildings and infrastructure up to a height of two and a half metres from ground level is undertaken by the council without charge with effect from 23 October 2023.

17. The proposed change in policy is part of a range of actions that have the potential to reduce the level of graffiti in Southwark. Other potential actions include;

    - working in collaboration with Safer Neighbourhoods Teams and British Transport Police to identify graffiti vandals and seek criminal prosecutions against graffiti vandals
    - use of Community Protection Notices or other enforcement powers where property owners do not use the council's graffiti removal service and do not make their own arrangements for graffiti removal
    - community arts initiatives including the use of public murals.

Policy framework implications

18. The proposed change in policy links directly into the vision that Southwark will be a clean, green and safe borough, as set out in the council's Streets for People Strategy. This will be achieved by reducing the level of graffiti which will make Southwark a better place for all who live, work, study and visit the borough.

Community, equalities (including socio-economic) and health impacts

Community impact statement

19. There will be no negative impact on the communities of Southwark arising from the proposed change to charging policy. A reduction in the level of graffiti will have a positive impact on communities, making Southwark a better place for all who live, work, study and visit the borough.

Equalities (including socio-economic) impact statement

20. There are no negative equalities impacts arising from the proposed change to charging policy. The NI195 surveys carried out in Southwark indicate that there is a correlation between the wards with the highest levels of graffiti and the wards with the highest level deprivation. Taking action to reduce the level of graffiti in the borough will help the council to achieve its Fairer Future value to always work to make Southwark more equal and just.

Health impact statement

21. There are no negative health implications associated with the proposed change to charging policy for graffiti removal.

Climate implications

22. There are no climate change implications associated with the proposed change to charging policy for graffiti removal.

Resource implications

23. The cost of providing resources for graffiti removal for streets is £215k per annum. These resources are also used to provide other cleaning services such as pavement washing and cleaning of street signs, litter bins and other street furniture that is maintained by the council.

24. The current mode of operation for graffiti removal is to set up safe working zones where graffiti is selectively removed from council-owned buildings and infrastructure, whilst graffiti on privately-owned buildings and infrastructure in close proximity is left in situ unless a disclaimer has been secured. This leads to outcomes of limited effectiveness and poor value for money. Whereas, for a marginal extra use of resources, the outcomes would be more effective and

achieve better value for money if graffiti on privately-owned buildings and infrastructure in close proximity is removed at the same time, taking advantage of the safe working zones that have already been set up.

25. The proposed change in policy is intended to achieve better overall results using existing resources. There is potential for the use of marginal extra resources to remove graffiti from privately owned buildings and infrastructure to lead to a delays in the completion other graffiti removal work, either reported or proactive graffiti removal. However, the overall benefits to be gained from the change in policy are likely to outweigh the impact of any such delays.

26. All costs connected with this proposal will be contained within existing departmental revenue budgets.

Legal implications

27. The legal implications of this proposal are set out in paragraphs 31 to 33 below.

Financial implications

28. All costs connected with this proposal will be contained within existing departmental revenue budgets.

Consultation

29. No consultation has been undertaken in connection with the recommendation in this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Assistant Chief Executive, Governance and Assurance

30. The report recommends the cessation of charging for the removal of graffiti from privately owned buildings and infrastructure up to a certain height.

31. Under Part 3D of the Council's Constitution, agreement of changes to existing fees and charges, other than those set by council assembly as part of the budget process, is reserved to individual cabinet members in relation to their areas of responsibility.

32. The cabinet member may therefore take a decision on the recommendation in this report.

Strategic Director of Finance and Governance (ENG23/065)

33. The strategic director of finance notes the recommendation to the Cabinet Member for Climate Emergency, Clean Air & Streets that charging for the removal of graffiti from privately owned buildings and infrastructure up to a height of two metres is discontinued with effect from 23 October 2023.

34. The strategic director of finance also notes that there are no additional financial implications arising from the recommendation.

35. Staffing and any other costs connected with these recommendations to be contained within existing departmental revenue and capital budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Matt Clubb, Director of Environment		
Report Author	Michael McNicholas, Head of Waste & Cleaning		
Version	Final		
Dated	18.08.23		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		**Comments Sought**	**Comments Included**
Assistant Chief Executive, Governance and Assurance		Yes	Yes
Strategic Director of Finance and Governance		Yes	Yes
List other officers here		n/a	n/a
Cabinet Member		Yes	Yes
Date final report sent to Constitutional Team			4 October 2023