



## **Safer & Stronger Theme Group**

### **Graffiti Policy**

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## **1. INTRODUCTION**

Graffiti is a form of vandalism where property is marked or defaced. It can have a very negative impact on an area making it look neglected, promoting the fear of crime and restricting investment in local regeneration. Conversely, by tackling this type of environmental crime we are improving the appearance of our area and building a stronger, more encouraged community. Moray has no major problems with graffiti, however there are areas where graffiti is more persistent. Owners who experience having their properties vandalised can find it very distressing. They would also become a victim of crime and can need support.

Whilst The Moray Council has powers under the Antisocial Behaviour (Scotland) Act 2004 to enforce graffiti removal on certain organisations. The Moray Council recognise that the owners of any property affected by graffiti are themselves victims. This can be distressing and the financial cost of removing graffiti can be substantial. Where practicable, and subject to financial constraints, The Moray Council will facilitate a free graffiti removal service across Moray, irrespective of who owns a property. The free service will only apply to the removal of graffiti by the main method of powerwashing. It will not pay for removal by any other method.

Research shows that graffiti that has been removed reduces the incidences or recurring graffiti and if all graffiti is removed it then becomes easier to control any new graffiti.

This policy will apply to all all public buildings, structures, street furniture and monuments. Other items such as telephone boxes and electricity boxes remain the responsibility of the utility company that owns them. It will also apply to all private property, within reason, providing appropriate permissions and access can be obtained, unless the private owner has authorised the display and obtained any relevant planning permission.

Any purposely-allocated graffiti walls or approved murals will be exempt from this policy.

The policy recognises that the need for a multi-agency approach to tackling graffiti is most effective so will be working closely with departments and partner agencies to ensure a more long term, sustainable environment free from graffiti. A more co-ordinated approach will set a clear message that graffiti is unwelcome in our area and will not be tolerated.

## **2. OBJECTIVE**

Our objectives are:

- To tackle environmental crime, with a particular commitment to reducing the prevalence of graffiti across the area.
- To provide a clean and visually pleasant environment throughout Moray communities for both residents and visitors.
- To reduce the fear of crime by improving and encouraging a stronger, more confident local community.

### 3. POLICY

Graffiti is defined as “painting, writing, soiling, marking or otherwise defacing by whatever means”.

The Safer & Stronger theme group of Community Planning will lead the policy on graffiti. The Lead Officer being the Antisocial Behaviour Co-ordinator. The Direct Labour Organisation (DLO) is the appointed contractor for the removal services of all graffiti that is reported. All reports of graffiti will be passed from the Antisocial Behaviour office to the DLO who will be responsible for the removal of all graffiti reported.

#### **Reporting**

Graffiti can be reported in a number of ways;

- 24 Hour Antisocial Behaviour Reporting Line on 0800 58 77 197
- Online Antisocial Behaviour Reporting Form which can be accessed through The Moray Council website, [www.moray.gov.uk](http://www.moray.gov.uk)
- Call the Antisocial Behaviour Office on 01343 563623/563316
- E-mail [antisocialbehaviour@moray.gov.uk](mailto:antisocialbehaviour@moray.gov.uk)

The antisocial behaviour office will log any report of graffiti. This should include;

- date of incident (if known) and date logged
- details of individual reporting the graffiti
- exact location/address
- description of the graffiti (whether general or offensive – see below)
- ownership of property
- ASG area, for reporting purposes

Graffiti is classed as offensive if it is in any way deemed to be racist, sexist, homophobic, abusive, sectarian in nature or is liable to discriminate against a section of the community. Priority for removal will be given in these circumstances.

Details of such offensive graffiti will be passed to Grampian Police for information and any necessary investigation.

A Racist Incident Monitoring Form (RIMF) will be required to be completed and submitted, following the supporting guidelines, for any graffiti of a racist nature.

#### **Removal Targets/Timescales**

If the Graffiti is deemed to be offensive in any way, as set out above, then the removal will be prioritised and be removed within **48 hours**.

Any other reported graffiti will be removed within **14 days** of reporting.

These timescales will be adhered to where possible however, in certain circumstances the following will need to be taken into consideration:

- graffiti which is difficult to remove or if the location of the graffiti dictates other factors are required i.e. road closure, traffic management.
- Grampian Police may require to see or photograph offensive graffiti prior to removal for recording/investigation purposes.
- if the property is privately owned and the owner is required to sign an indemnity form, excluding any liability from The Moray Council.

### **Liability**

Graffiti will be removed from all publicly owned sites and locations.

Owners of private property will be required to sign an Indemnity Form **(Appendix 1)** excluding The Moray Council of any liability to the property during the course of the graffiti removal process.

If a signature cannot be obtained from the property owner The Moray Council will not be able to undertake the removal of the graffiti.

### **Removal Methods**

The DLO will endeavour to remove the graffiti so that no trace of the graffiti is evident.

The graffiti removal team will assess the graffiti medium, i.e. type of paint, substance used and the type of surface the graffiti is on. They will use a combination of appropriate solutions, specific for the job, and/or hot or cold powerwash machines and to ensure best removal of the graffiti. Materials and methods appropriate to the surface are essential and will always be applied. Regard to the proximity of other property and pedestrians will also be taken into consideration during the removal process.

In all instances the materials used, removal methodology, use of personal protective equipment for the staff and exclusion of members of the public shall be carried out to comply with all health and safety requirements.

Whenever pressure washing or spray is being used adequate signs shall be displayed to warn approaching pedestrians.

On rare occasions, when graffiti cannot be removed, either due to the type of paint/substance used and/or due to the type of surface then the DLO may advise the next course of action as painting over the graffiti. In this instance individual decisions will be made, taking into consideration many factors such as the extent/nature of the graffiti, the property owner views, financial costs.

Payment will be made from the Antisocial Behaviour budget in accordance with rates tendered by the DLO for the service provided. No charge will be made to members of the public or the owners of the property involved.

#### 4. MEASURING & MONITORING

Incidences of graffiti throughout Moray will be measured and reported quarterly in line with the Antisocial Behaviour Outcome Agreement. These are plotted on the Antisocial Behaviour CAPS system which assists in identifying graffiti 'hotspot' areas. Any areas identified as experiencing recurring incidences of graffiti will be considered for action through joint Antisocial Behaviour and Grampian Police working. Further measures can then be explored such as the use of mobile CCTV cameras in such hotspot areas either to deter or assist in identifying individuals carrying out the graffiti. The identification of areas will also assist in highlighting any other relevant factors needing addressed in the area i.e. poor lighting, which can be passed to the relevant department for consideration.

Statistics will also be recorded on the removal timescales to assess whether they are being met.

#### 5. GRAFFITI AND THE LAW

Under the Antisocial Behaviour (Scotland) Act 2004, there is now a ban on the sale of spray paint to under 16s and new powers for enforcement.

In Scotland, graffiti is a criminal offence;

- it could fall under the common law offence of 'malicious mischief'. *The maximum penalty depends on the maximum range which the trial court possesses.*
- it is also a form of vandalism which is dealt with by section 52 of the Criminal Law (Consolidation) (Scotland) Act 1995. In terms of that section: "any person who, without reasonable excuse, wilfully or recklessly destroys or damages any property belonging to another shall be guilty of the crime of vandalism." *There is a maximum fine of £1000 or a maximum sentence of 60 days imprisonment in a district court. In the sheriff court, there is a maximum fine of £5000 and/or 3 months imprisonment (6 months for a second or subsequent conviction). The court in which a case would be heard would be at the discretion of the procurator fiscal (prosecutor) and would depend on the seriousness of the offence.*

Any information obtained regarding individuals carrying out graffiti, particularly of an offensive nature, should also be passed to Grampian Police for further investigation.

## **6. LINKS TO OTHER PLANS**

### **Moray Community Plan 2006-2010**

This policy supports the Community Plan and contributes to the corporate vision for Moray which is;

“To increase the quality of life and well-being of everyone in Moray.”

### **Corporate Development Plan**

This policy also supports the Corporate Development Plan through both the Environmental Programme “Manage and improve the environment....for the benefit of residents, visitors and businesses.” And the Social Programme “Support and encourage measures that....enhance quality of life.”

## Graffiti Policy

### Indemnity Form – For Private Property

#### INDEMNITY FORM

Name.....

Address:.....

.....

.....

Request The Moray Council remove the graffiti at the above address (or if not above address at the stated location).

.....

.....

I understand that The Moray Council will not accept any liability or any claim in the unlikely event of damages occurring directly or indirectly as a result of the graffiti removal work. I also agree to indemnify The Moray Council against any such claims made against it.

- I confirm that I am the owner of the property / I am authorised to sign on behalf of the owner.

Print Name.....

Signed: .....

Date: .....

Contact number: .....

- Delete as appropriate.

Please return to:

Anti-Social Behaviour Co-ordinator

The Moray Council,

Council Offices,

High Street,

Elgin,

IV30 1BX

Tel. (01343) 563322

Fax. (01343) 563605

**Please note the graffiti cannot be removed until this form is returned.**

