

COMMENTS ON

CHELTHENHAM BOROUGH COUNCIL'S DRAFT GRAFFITI POLICY

Cheltenham Civic Society warmly welcomes this draft and appreciates the hard work and consideration that has gone into its preparation.

1. Overview.

CBC's stated aims of the policy are to:

- a. Set out who is responsible for removing graffiti.
- b. Outline how graffiti will be removed.
- c. Define how quickly graffiti will be removed.
- d. How we will work with partners to identify and take enforcement action.
- e. Identify preventative measures.

Does the policy achieve those aims?

2. Details.

Items in italics include suggested typo and grammatical improvements. Other recommendations relate to suggestions of content.

Para	Statement	Recommendation
1. Introduction		Link each policy with hyperlink for ease of reference.
2. Background	Offences are usually carried out under the cover of darkness making catching the offenders' very difficult and time intensive	Not necessarily. Glos Pol have identified good weather and light summer evenings as a particular risk for Cheltenham Minster. It is opportunistic but thwarted by cold/wet weather and light availability.
	It needs to be dealt with effectively to help prevent more serious crimes occurring in affected areas.	Needs specifics. Split into before (deterrence, design, observation, etc), during (reporting, actions on, etc) and after (reporting, cleaning, damage assessments, lessons identified, etc).
	One of authority's key priorities is to deliver a number of town centre and wider public enhancements that will continue the revitalisation of the town. This will ensure its longer-term viability as a retail and cultural destination. Another key priority is to continue to enhance our public spaces, parks and gardens. Areas blighted by graffiti undermine these aims.	Irrelevant to this strategy. Remove.
3. Aims	Such criminal activity can never be totally eradicated but by having a clear policy in place the authority aims to reduce the increasing instances of graffiti. In particular, it will: 1. Set out who is responsible for removing graffiti.	Number correctly and reorder to reflect before, during and after, as stated above. Logic and coherence.

Para	Statement	Recommendation
	<p>1. Outline how graffiti will be removed.</p> <p>2. Define how quickly graffiti will be removed</p> <p>3. How we will work with partners to identify and take enforcement action</p> <p>4. Identify preventative measures</p>	
4. Definitions		<p>The relevance of these definitions to this process needs to be clarified. Needs an introductory sentence to explain how and why definitions are used, then define each under separate headings. Remove 'World Heritage Sites', 'Protected marine wreck sites', 'Registered battlefields' and 'Protected military remains of aircraft and vessels of historic interest' as they are irrelevant to Cheltenham.</p>
5. Classification	<p>Failure to action this process may result in a Community Protection Notice (CPN) being issued.</p>	<p>Against whom – CBC? Landowners? Suspects? Needs to be clarified.</p>
	<p>Discretion. The authority expects action by responsible parties to ensure removal work is promptly scheduled to ensure removal work can be undertaken within the timescales referred to above. In the event where responsible parties are unable to comply with the authority's direction(s), the authority might exercise discretion to extend the timescales, on a case to case basis, and, where there is clear evidence that action or steps have been taken to schedule the removal but, practical or logistical difficulties mean that timescales might be missed.</p>	<p>Define 'responsible parties.'</p> <p>In the event Where responsible parties are unable to comply with the authority's direction(s), the authority might exercise discretion to extend the timescales, on a case to case basis, and, where there is clear evidence that action or steps have been taken to schedule the removal but practical or logistical difficulties mean that timescales might be missed.</p> <p>Define and clarify 'authority's direction'.</p>
	<p>Responsible parties unable to comply with the authority's requirements, outlined above, must contact the authority in the first instance to discuss their case with the relevant officer.</p>	<p>Define 'relevant officer.' Who or which department has primacy?</p>
6. Reporting	<p>The authority</p>	<p>Define 'the authority' or simply use a more obvious term such as Council or CBC. Try to avoid becoming jargonistic.</p> <p>How are they contacted out of hours?</p> <p>How are witnesses/reporters to decide who to report it to, and how will this be disseminated?</p>
	<p><i>Where graffiti occurs on buildings and structures not owned by the authority such as statutory undertakers, utilities etc. A written request to remove the graffiti will be sent to the responsible</i></p>	<p><i>Where graffiti occurs on buildings and structures not owned by the authority, such as statutory undertakers, utilities, a written request to remove the graffiti will be sent to the responsible person or</i></p>

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	<p><i>person or body specifying time frame depending on the graffiti classification.</i></p>	<p><i>body specifying time frame depending on the graffiti classification.</i></p> <p>How will this be monitored? How will their compliance be monitored and managed?</p>
	<p><i>Churchyards and Historic sites</i> <i>Churchyards and historic sites may need further investigation and special consideration. If the churchyard is ‘closed’ the local authority have an obligation to maintain, and if necessary repair, but this responsibility, is limited to the level to ‘make safe’, the legal ownership of the churchyard remains unaffected.</i></p> <p>The authority will remove graffiti in ‘closed churchyards’ where they have a maintenance responsibility.</p>	<p><i>Churchyards and Historic sites</i> <i>Churchyards and historic sites may need further investigation and special consideration. If the churchyard is ‘closed’ the local authority has an obligation to maintain, and if necessary repair, but this responsibility, is limited to the level to ‘make safe’. The legal ownership of the churchyard remains unaffected.</i></p> <p>What are the special considerations? Experience from the Minster suggests this section needs more detail.</p> <p>The authority will remove graffiti in ‘closed churchyards’ where it has a maintenance responsibility.</p>
8. Permission and Indemnity	<p><i>For occasions when the authority carries out removal work on buildings and structures it has responsibility for but does not own. No such work is to be carried out without first seeking the appropriate permission form the building owner and obtaining a completed indemnity form (see Appendix 2).</i></p>	<p><i>On occasion, there may be a need for the authority to carry out removal work on buildings and structures for which it has responsibility but does not own. No such work is to be carried out without first seeking the appropriate permission form the building owner and obtaining a completed indemnity form (see Appendix 2).</i></p>
	Listed Buildings	<p>This section is important but is just a description of what listed buildings are, not how to manage them in context of this policy. Needs development. Also, needs to highlight not just buildings but other structures, eg memorials, graveyard crosses, etc.</p>
9. Enforcement		<p>Good but suggest sections of the relevant acts be included. Criminal Damage Act 1971 is prime so should sit at top of list.</p> <p>This section needs development. It needs to demonstrate a stronger line on prosecution and include expectations for the range of punishments. It also needs to include restorative justice routes, approach to re-offenders and how various enforcement responsibilities will be optimised and deconflicted.</p>
10. Prevention		<p>Logically, this section should sit at the start of the document as the starting point.</p>

Para	Statement	Recommendation
	The authority will aim to work in partnership with others such as the Police, Trading Standards and Cheltenham Borough Homes to seek to identify and prosecute offenders. The authority is committed to partnership working to address Community Safety, Crime and Disorder and Environmental Crime issues. The authority will work with the Neighbourhood Policing Team to seek to identify offenders by providing photographs of offensive and racially motivated graffiti or where a 'Tag' has been identified at three or more sites.	This is insufficient. So CBC will only provide photographs of offensive and racially motivated graffiti or where a 'Tag' has been identified at three or more sites. A more rigorous approach needs to be adopted for the collection, collation and analysis of information to produce intelligence fit for prosecution. That should include a better reporting system, using community groups to be the eyes and ears of the authorities.
	Creating a shortcut in bureaucracy so future damage can be removed in a timely manner	If bureaucracy can be circumvented, why is it there in the first place?
	Use Street art as an alternative outlet.	This is a good idea and warrants a lot more development rather than a short bullet.
	Identify prolific offenders	To what end? This statement alone is meaningless.
Appendix		What happens if graffiti is not removed within required time period? What recourses should be considered and subsequent actions brought into play, eg s215 TCPA 1990?