

Cheltenham Borough Council

Cabinet – 7 March 2023

Adoption of Graffiti Policy

Accountable member:

Councillor Martin Horwood, Cabinet Member for Customer & Regulatory Services

Accountable officer:

Louis Krog, Head of Public Protection

Ward(s) affected:

All

Key Decision: Yes

Executive summary:

The purpose of this policy is to set out the authority's approach for dealing with and preventing graffiti within the borough. Consultation was undertaken between 6 January 2023 and 13 February 2023.

This report, reports on the outcome of the consultation, consequential amendments to the draft policy and recommends adoption of the final draft policy.

Recommendations:

1. To note the consultation feedback; and
 2. To adopt the proposed graffiti policy, 'Statement of Policy regarding Unauthorised or Unwelcome Graffiti', as at Appendix 3, to come into immediate effect.
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1. Implications

1.1 Financial, Property and Asset implications

The Council own a large number of buildings, assets and adopted land across the town, some of which are regular targets for graffiti. The Council invests time and resources in cleaning the graffiti which could be alternatively invested into our wider asset portfolio or into other services. The revised graffiti policy provides a framework for dealing with these incidents as well as outlining deterrents for perpetrators.

Signed off by: Gemma Bell, Director of Finance & Assets (Deputy s151 Officer);

gemma.bell@cheltenham.gov.uk

1.2 Legal implications

The proposed Graffiti removal policy is in accordance with the Council's legal powers under the Anti-Social Behaviour, Crime and Policing Act 2014 and the Local Government Act 2003. The removal of graffiti from public and private property in order to improve the environment, is consistent with the Council's objectives. The removal policy will provide a transparent and consistent approach to dealing with the problem. However, this should only provide a general framework for the exercise of the Council's statutory powers and it should not be applied so rigidly as to fetter the Council's discretion to consider the specific circumstances in each case, to ensure that it is acting fairly, proportionately and in a non-discriminatory manner

Signed off by: One Legal, legalservices@onelegal.org.uk

1.3 Environmental and climate change implications

The chemicals found in cleaning products appropriate for this type of work often contain chemicals that are harmful to wildlife and their habitats. The Council and its partners will explore wildlife friendly cleaning products and using a sustainable approach to cleansing.

Signed off by: laura.tapping@cheltenham.gov.uk

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Being a more modern, efficient and financially sustainable council

1.5 Equality, Diversity and Inclusion Implications

N/A

1.6 Performance management – monitoring and review

As outlined in the draft policy.

2 Background

2.1 The purpose of this policy is to set out the authority's approach for dealing with and preventing graffiti within the borough.

2.2 Tackling graffiti is a challenge. This particular type of criminal damage has its own sub-culture with offenders creating large pieces of work in a short space of time. Offences are usually carried out under the cover of darkness making catching the offenders' very difficult and time intensive. It needs to be dealt with effectively to help prevent more serious crimes occurring in affected areas. Each instance of graffiti is costly to remove and has a financial implication for the authority, businesses and residents.

2.3 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.

2.4 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:

2.4.1 Set out who is responsible for removing graffiti

2.4.2 Outline how graffiti will be removed

2.4.3 Define how quickly graffiti will be removed

2.4.4 How we will work with partners to identify and take enforcement action

2.4.5 Identify preventative measures

3 Consultation

3.1 Consultation was undertaken between 6 January 2023 and 13 February 2023 with general support for the implementation of this policy.

3.2 A consultation summary report with officer responses is attached at Appendix 2 of this report. In addition, more comprehensive comments were received from the “Driving out Crime” Officer from the constabulary and the Civic Society. The proposed policy amendments incorporate the comments from the constabulary and Civic Society.

3.3 The draft policy is attached at appendix 3. For the sake of ease of reference, the draft policy includes highlighted areas to indicate the proposed changes made following the consultation. The formatting will be removed and policy tidied up prior to publishing it.

3.4 No fundamental changes have been made to the policy as a consequence of the consultation. Members will note that the proposed changes, highlighted, are mainly to provide further clarification, explanation and other minor amendments.

4 Reasons for recommendations

4.1 To ensure the authority has a clear and robust policy and approach to dealing with, and preventing, graffiti within the borough.

5 Alternative options considered

5.1 Cabinet can resolve to not adopt the policy or make any further amendments or changes as it sees fit and necessary.

6 Consultation and feedback

6.1 As outlined in the report.

7 Key risks

7.1 As outlined in Appendix 1.

Report author:

[Louis Krog, Head of Public Protection, louis.krog@cheltenham.gov.uk]

Appendices:

- i. Risk Assessment
- ii. Consultation responses
- iii. Draft "Statement of Policy regarding Unauthorised or Unwelcome Graffiti"
- iv. Climate Change Impact Assessment

Background information:

[Cabinet Member to approve the Draft Statement of the Graffiti Policy for Consultation](#)

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
	If the authority does not adopt this policy, it will not have a clear plan or approach to dealing with graffiti in the borough.	Head of Public Protection	3	4	12	Accept	Adopt policy	Head of Public Protection	
	The lack of a clear plan or approach will hold reputational risks for the authority from residents and businesses.	Head of Public Protection	2	4	8	Accept	Adopt policy	Head of Public Protection	