

Culture and Communities Committee

10.00am, Tuesday, 29 January 2019

Graffiti Working Group Findings Report

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Executive Summary

The purpose of this report is to update committee on the key findings of the Member/Officer working group on graffiti and to recommend priority actions that should be pursued in order to improve the Council's approach to managing graffiti in the city.

Graffiti Working Group Findings Report

1. Recommendations

- 1.1 Committee notes the findings of the working group outlined at section 3.20.
- 1.2 Committee approves the progression of the findings as part of a Graffiti Action Plan.

2. Background

- 2.1 In recent months, several elected members have raised concerns regarding the level of graffiti in the city and the lack of a clear policy on how this issue is tackled.
- 2.2 At its meeting on the 21 September 2017, an amended motion was passed which outlined the requirement for a report to the Culture and Communities Committee reviewing the current procedures for dealing with graffiti and examining best practice in the city to deal with the issue.
- 2.3 On the [20 March 2018](#), Culture and Communities Committee approved the creation of a Graffiti Working Group to consider the current approach to managing graffiti in the city and to identify opportunities for improvement.
- 2.4 This group consists of Councillors McNeese-Mechan, Osler, Rae, Graczyk, Wilson and Mitchell. In addition, the Head of Place Management and the North East Locality Transport and Environment Manager attend the group. The group has met on four occasions since March 2018.
- 2.5 The group was unanimous in acknowledging that there are wide spread problems with graffiti (particularly tagging) across the city and that this issue did need to be tackled. However, the group also noted that this should not be at the expense of street art or murals where appropriate and that the Council needed to lead by example in tackling this problem.

3. Main report

The scale of the problem

- 3.1 The Council has long operated a graffiti removal service however this service is limited to removal from Council property only and has prioritised the removal of offensive graffiti over non-offensive graffiti.

- 3.2 From the 1 April 2018 until the 30 November 2018, the Council has received 134 reports of offensive graffiti. In the same period of time, only 121 reports of non-offensive graffiti have been made. This is a reduction on the same period in 2017.
- 3.3 It is likely that this low number of reports is reflective of the fact that residents and businesses know the Council's policy of only removing from public property and therefore do not report issues to us, as opposed to there being a low incidence of graffiti. This is reinforced by a trial of a new Cleanliness Index Monitoring System (CIMS) survey of the South East Locality in September 2018, which found that 71% of streets surveyed had some form of graffiti on them.
- 3.4 By contrast, the Edinburgh People Survey (2017) found that only 63% of respondents were satisfied with the management of vandalism and graffiti in the city.

Graffiti versus Street Art

- 3.5 Graffiti is defined as 'writing or drawings scribbled, scratched or sprayed illicitly on a wall or other surface in a public place'.
- 3.6 Street Art is usually authorised by the land or building owner and tends to take the form of a pictorial based as opposed to graffiti which is usually word-based and is undertaken without permission.
- 3.7 The group had a lot of discussion about the difference between graffiti and street art. There was a widespread view that there were many good examples of authorised street art in Edinburgh, but that the problems of graffiti, tagging particularly, needed to be better controlled.

The legal position

- 3.8 In Scotland, graffiti without permission is treated as vandalism and can be prosecuted under section 52 of the Criminal Law (Consolidation)(Scotland) Act 1995.
- 3.9 Where graffiti is present on certain types of infrastructure that are located on, or close to, a road it is possible for the Council to serve a notice on the owner of that equipment requiring the removal of that graffiti under section 58 of the Antisocial Behaviour etc. (Scotland) Act 2004. If the graffiti is not removed then the Council can remove it and recharge all reasonable costs incurred back to the owner.
- 3.10 Examples of the type of equipment that would be covered by this act include telephone boxes, telecommunications cabinets and electricity substations.
- 3.11 There is no legal requirement for a resident or business owner to remove graffiti from their property. However, in extreme cases, the Planning Authority (the Council) can use section 179 of the Town and Country Planning (Scotland) Act 1997 to serve a notice which requires remedial action from the owner/occupier to improve land which is 'adversely affecting' the surrounding area. This is a more complex legal test to meet and may not be appropriate in many situations.

Current Council approach to managing graffiti

- 3.12 As stated at paragraph 3.1, the Council does operate a small graffiti removal service from Council property only. This resource is not dedicated to graffiti removal on a full-time basis and is also used to operate the street and close washing function in the city centre.
- 3.13 It is fair to say that there are significant amounts of Council property and equipment that are targeted with graffiti. This includes traffic signal control boxes, litter bins, communal waste bins and streets signs (examples shown at Appendix A). There is not sufficient internal resource in the service to ensure that all this equipment is kept free of graffiti.
- 3.14 Whilst the Council does have the power to serve graffiti removal notices under the Antisocial Behaviour etc. (Scotland) Act 2004, no notices have been served in recent years under this act. Furthermore, there has been no formal contact with key equipment and landowners in recent years to highlight the importance of managing graffiti on their property.
- 3.15 There has been no noted enforcement action against perpetrators of graffiti. This is not uncommon in most local authorities as it is very difficult to identify and prosecute those responsible.

Approved/Authorised Sites

- 3.16 The group discussed several examples where the Council, or other major landowners, have given permission for street art on their land or equipment. Examples are shown at Appendix B.
- 3.17 It was felt that street art pieces or murals offered great opportunities to improve the appearance of local areas and to reflect local heritage in some cases. There is also anecdotal evidence that suggests that the prevalence of a mural or street artwork discourages graffiti as there is a perceived sense of ownership of the artwork from the local community.
- 3.18 There was, however, a recognition of the fact that it would not be practical or responsible to allow a blanket policy where murals or street art would be assumed to be permitted due to the large number of conservation areas in Edinburgh and the potential conflict with heritage protection.
- 3.19 On this basis, the group felt that there would need to be some form of a process which gave formal permission for murals or street art, protected conservation and heritage sites where appropriate, but was not overly bureaucratic.

Summary of the Working Group findings

- 3.20 The key findings of the group were as follows:
- 3.20.1 an assessment should be undertaken to determine the cost of increasing our graffiti removal resource to allow the service to better tackle graffiti on Council property;

- 3.20.2 as part of this assessment, the potential to make this resource available to other key landowners and private property owners/occupiers (at a cost) should be considered to ensure that graffiti was being managed effectively on both public and private property;
- 3.20.3 contact should be made with all key land and equipment owners on whom the Council could serve a graffiti removal notice. This primary contact would set out the renewed focus on graffiti and seek the cooperation of the organisation to tackle the issue. However, it would also make clear that the Council would commence the serving of removal notices if there was no voluntary cooperation;
- 3.20.4 the feasibility of a tagging database should be investigated to allow for better intelligence gathering on prolific offenders. This database could be shared with Police Scotland to allow for identification and legal action where appropriate;
- 3.20.5 if adopted, the tagging database could be used to undertake regular communication campaigns to highlight persistent tags and seek public cooperation to identify the culprits. This type of campaign has been successfully adopted in several other local authorities; and
- 3.20.6 a policy statement on approved/authorised sites where street art could be permitted should be drafted. Once finalised, this policy and the method for gaining approval would be required to be approved by the relevant committee.

4. Measures of success

- 4.1 An improvement in the percentage of residents that feel that vandalism and graffiti are appropriately managed in the city.
- 4.2 The successful delivery of all actions set out as part of a Graffiti Action Plan (if approved).

5. Financial impact

- 5.1 There are no immediate financial impacts as part of this report. However, any required growth in service provision would need to be fully costed and considered as part of the annual budget setting process against other priorities.

6. Risk, policy, compliance and governance impact

- 6.1 The Council does not currently have a clear policy position on graffiti. A policy would need to be approved by the relevant Executive Committee and would be reviewed as part of the ongoing annual policy assurance process.

7. Equalities impact

7.1 There are no equalities impacts that have been noted in relation to this report.

8. Sustainability impact

8.1 Not applicable.

9. Consultation and engagement

9.1 There has been no consultation or engagement to date on this report. If a formal policy were to be drafted on graffiti, it is likely that a public consultation would be required to consider the varied number of views on the subject.

10. Background reading/external references

None.

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11. Appendices

Appendix 1 – Examples of authorised street art sites in Edinburgh

Examples of Authorised Street Art Sites in Edinburgh

1. Gifford Park Mural, Southside/Newington¹



¹ Southside Community Council (www.sccedinburgh.org.uk)

2. Marine Parade, Leith²



² City of Edinburgh Council, Twitter