

Culture and Communities Committee

10.00am, Tuesday, 15 September 2020

Graffiti Strategy for Edinburgh

Executive/routine	
Wards	All
Council Commitments	5, 11, 23

1. Recommendations

- 1.1 Committee is asked to:
 - 1.1.1 Note the current resources allocated to graffiti removal alongside other duties;
 - 1.1.2 Note the details provided on the Legal position in respect of Graffiti removal;
 - 1.1.3 Approve the Graffiti Management Strategy and Policy; and
 - 1.1.4 Note the estimated cost of a dedicated graffiti removal team and agree to consider this cost as part of the budget setting process for 2021/22.

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Graffiti Strategy for Edinburgh

2. Executive Summary

- 2.1 The purpose of this report is to update committee on the actions taken and strategy proposals following the Graffiti Working Group Findings Report, considered in [January 2019](#).

3. Background

- 3.1 Graffiti is a complex subject, crossing the boundaries between what can be considered vandalism, street art and heritage. To address graffiti, as a World Heritage City, the seat of the Scottish Parliament and the capital of Scotland, strong consideration on a meaningful, inclusive, and sustainable approach is required.
- 3.2 At previous committee meetings, graffiti was recognised as being a serious problem in the city, specifically graffiti 'tagging'. This has also been highlighted in Keep Scotland Beautiful's ['Local Environment Audit and Management System' \(LEAMS\)](#) report 2019/20 where it was noted that Graffiti was significant/severe in 20.3% and 8.8% of the streets surveyed in Zone 1 and Zone 2 respectively. The report also states, "a third of city centre sites recording a presence and one in five sites significantly". However, statistical information, taken from the volume of recorded graffiti by this Council, does not fully support this. As a guide, the number of recorded instances between 2017 and 2018 dropped by 36%.
- 3.3 The Culture and Communities Committee approved the creation of a Graffiti Working Group on the [20 March 2018](#) following concerns raised, highlighting a potential increase in instances of graffiti across the city. An update report was submitted in January 2019.
- 3.4 Current procedures and guidelines have been reviewed and best practice identified to ensure that a balanced approach is taken. Robust policy(s) and procedure(s) on Graffiti Management are key components of the future strategy, aiming to reduce instances of 'tagging', while still providing space for the more creative elements and potential benefits of graffiti, street art, and murals for local communities. This will also ensure that the city's residents and stakeholders are clear on the approach being taken by the local authority.

- 3.5 The City of Edinburgh Council has responsibility for the management of the local environment but there is no statutory responsibility for the removal of graffiti. Although there are statutory instruments available to local authorities (to address graffiti on private property), consideration must be given to the fact that those affected are generally regarded as victims of antisocial behaviour/crime, and all reasonable actions should be taken before these instruments are employed.
- 3.6 Associated behaviours, in the form of flyposting and the use of stickers on street furniture, should also be taken into consideration, going forward.

4. Main report

- 4.1 Following the submission of the Graffiti Working Group Report in January 2019, a Graffiti Project Officer was appointed in June 2019 to take forward the report's recommendations.

The Current Position/Resources

- 4.2 The Council do not have a dedicated graffiti removal team. The Cleansing team have two jetting vehicles with four dedicated operatives, who work on a four on four off, shift pattern. The operatives undertake the removal of graffiti across all four localities within the city alongside other programmed duties across the city, including (but not limited to):
- 4.2.1 close washing;
 - 4.2.2 chemical and paint spillages;
 - 4.2.3 bio-hazard and accidental death clean-up;
 - 4.2.4 road traffic accidents;
 - 4.2.5 bridge(s) wash-down (pigeon droppings, etc); and
 - 4.2.6 chewing-gum removal and Council fuel pump maintenance.
- 4.3 The team only actively remove graffiti from Council assets and have limited capacity to remove graffiti from private property.
- 4.4 However, where requested, removal of graffiti from private property is rechargeable in the vast majority of cases requiring the responsible party to agree to a provided quote and to sign a waiver, as appropriate. Property owners are also encouraged to seek additional quotes for any works and to request a method statement.
- 4.5 Offensive graffiti is removed from Council property within current guidelines, as resources allow. Graffiti which is threatening, obscene, racist, homophobic, or otherwise constitutes an attack on people protected under equalities legislation, can be removed from private property, providing: the Council are aware of the markings; the owner's consent is given; and a waiver signed.

- 4.6 Non-offensive graffiti on Council property is prioritised against other similar instances across the city, with its removal being affected by the number of priority offensive graffiti incidents reported and/or received. Graffiti on private property is the responsibility of the owner to remove.
- 4.7 The Council currently do not have a dedicated team to carry out investigations into instances of graffiti, pursue its removal or carry out research into those responsible, or to provide guidance on street art, murals, and graffiti management.

The Legal Position

- 4.8 Legal instruments are available to local authorities and Police Scotland. However, as referenced in section 3.5, consideration must be given to the fact that property owners are generally regarded as victims of antisocial behaviour and/or crime.
- 4.9 The Antisocial Behaviour Etc (Scotland) Act 2004, allows for the serving of Graffiti Notices on statutory undertakers under section 58, and Fixed Penalty Notices for Vandalism/Malicious Mischief under section 128 (*Criminal Law (Consolidation)(Scotland) Act 1995, Section 52(1)*).
- 4.10 Graffiti on Statutory Undertakers (Utilities) Above Ground Apparatus can be regarded as a defect. A Graffiti Removal notice can be served via the Antisocial Behaviour Etc (Scotland) Act 2004, Section 58.
- 4.11 The Roads (Scotland) Act 1984, can also be considered where unauthorised markings have been made on the Road Network, under Section 100(b).

Graffiti Strategy Proposal

- 4.12 An assessment is in progress to ascertain the current resources in place to address graffiti. This work is being undertaken in conjunction with costing resources that would be required to fully focus on graffiti management, going forward.
- 4.13 The addition of a dedicated and separate Graffiti Team to address all graffiti, including Council assets, private property, and historic structures on or adjacent to publicly adopted land is required to support graffiti management within Edinburgh. It is proposed that this would need to be part funded by key stakeholders.
- 4.14 Under the proposal, graffiti removal would be global in respect to structures and assets on or adjacent to publicly adopted, or Council owned land, additionally, creating the opportunity to offer paid services to private land owners and bodies not contributing to the proposed service, and not adjacent to publicly adopted land. Examples could potentially include NHS Scotland, Colleges, the National Trust, Scottish Canals, Scottish Government, and private businesses.
- 4.15 A draft Graffiti Management policy is provided in Appendix 4, which would be supported by a range of measures, as below.

Data Management and Intelligence

- 4.16 Graffiti Database – Prior to a database being initiated, appropriate and additional resources should be in place to investigate and take proportionate and proactive action on graffiti ‘tagging’ and other undesired graffiti, including removal. This is critical to manage expectations, ensure accuracy of removal costs and volume

removed, while supporting any enforcement actions; including detailed information sharing with Police Scotland (taking into consideration GDPR). The Council's current asset management database has been identified as the best fit to record and share information, without incurring additional financial impact. All actions should follow the PIER (Prevention, Intervention, Enforcement, and Rehabilitation) Model.

Prevention and Intervention Examples and Opportunities:

Tolerance Zones

- 4.17 A 'Tolerance Zone' is regarded as permanent safe space(s), ideally located within or close to a city centre, unmanaged by the local authority (in terms of the graffiti space) and has high footfall with no through or heavy vehicular traffic. Effectively, this is a space where the local authority and Police can exercise a degree of tolerance (blind space).
- 4.18 This approach is not a new concept and the Council currently, and in the past, works in close partnership with developers and the graffiti arts community to provide a temporary space for graffiti, usually on development hoardings.
- 4.19 Policy and procedures will be developed (including Terms of Use) for Tolerance Zones and other types of intervention, providing clear direction for the City's residents and stakeholders.
- 4.20 More information on Tolerance Zones is outlined in Appendix 1.

Legal Walls

- 4.21 'Legal Walls', are managed safe spaces recommended to be within or close to a city centre and having no through or heavy vehicular traffic. These spaces are managed by stakeholders, in partnership with the local authority (e.g. Marine Parade Graffiti Wall). Legal Walls can prove to be a valuable showcase for street art and experienced graffiti artists, increasing community engagement and lifting the vibrancy and economy of the locations where they are installed. Legal Walls work in a similar way to local authority approved murals but without the same guidelines or restrictions.
- 4.22 As above, policy and procedures will be developed (including Terms of Use) for Legal Walls, providing clear direction for the City's residents and stakeholders.
- 4.23 Several cities have taken the approach of actively engaging with the Graffiti Community and making use of Tolerance Zones and Legal Walls, including Vienna, Ghent, London, Leicester, and many others to varying degrees. See Appendix 1 for further information and an example of Terms of Use.

Above Ground Apparatus (Utility Cabinets/Boxes)

- 4.24 Utility apparatus is often heavily targeted by graffiti and its removal can take a number of weeks to address. Normally, and once reported, this is due to necessary programming of works by the property owner. Most utilities do not have a maintenance inspection regime in place and rely on defects being reported directly to them.

- 4.25 It is recognised that commissioned murals/street art deters graffiti. Some cities and towns have carried out projects where street art is used on utility apparatus, often reflecting local themes or history. The main concern with this kind of intervention is maintaining the functionality of the apparatus (not blocking cooling vents or allowing paint/moisture inside the asset, causing damage), and therefore gaining any required permissions from the owner. For key areas, like World Heritage or Conservation areas, this intervention would not be appropriate.

Murals/Street Art

- 4.26 As recommended in the Graffiti Working Group Report, a more streamlined process for the application and installation of murals and/or street art is required. Initial discussions with the Planning Service have taken place, and a joined up approach to update current Planning policy has been identified. Procedures to support this work are being developed.

Historic Monuments and Listed Buildings

- 4.27 Historic Environment Scotland (HES) have oversight on structures of historic significance. Any works on such structures, including graffiti removal, must be approved by HES with a method statement submitted for those works. The Council works closely with HES to ensure removal methods are appropriate to the structure and do not cause unnecessary or long term damage. The Planning Service should also be consulted when the removal of graffiti on listed buildings is desired.

Southside Corridor Pilot (A7)

- 4.28 The Southside Corridor was identified as a pilot area for a graffiti clean-up, including stickers and fly-posting. This pilot feeds into the Locality Improvement Plan 2017 – 2022 (Small Area Plan) for the South East Locality. Once complete a procedural template should be available for other areas within the City. The first section (zone) was scheduled to be complete by March 2020 as outlined in Appendix 2. The pilot was unavoidably delayed and will be re-scheduled as soon as it is practical to do so.
- 4.29 Business proposal will be developed to be implemented in early 2021/22 Financial Year.

5. Next Steps

- 5.1 Where appropriate and/or necessary, implement the use of legal instruments. And continue to target graffiti, etc on council-maintained street furniture.
- 5.2 Procedure(s) are being developed to support the following:
- 5.2.1 Graffiti Recording (using the identified asset management database) and information sharing with Police Scotland, and potential key stakeholders. Key stakeholders may include Family and Household Support, Housing Services, and Responsible Social Landlords (RSLs). Procedures will take into consideration the General Data Protection Regulation (GDPR).

- 5.2.2 Management and development of Tolerance Zones and Legal Walls – to include identification of potential sites and initiating a pilot scheme(s). Procedures will also address: Use of Development hoardings, guidance on Terms of Use, site specific information boards, potential locations for managed fly-posting/advertising, and temporary/mobile graffiti structures (intervention and events).
- 5.2.3 Mural/Street Art Applications and Management (Policy/Procedure) - Existing Policy covering street art requires review and new procedures developed; with a view to providing a clear and streamlined process for the installation of art in the public realm. Planning and Waste Services to take a joint approach.
- 5.3 In addition, continue to develop the use of Confirm Connect (for council employees) and Verint (public facing report form) to record and manage instances of graffiti.

6. Financial impact

- 6.1 Work has been undertaken to identify the resources and costs involved in creating a dedicated Graffiti Management Team for the city, i.e. a team capable of removing all graffiti on or adjacent to publicly owned or adopted land and without additional cost to those affected by unwanted/illegal graffiti.
- 6.2 Current research has identified the initial resources required to undertake this key role for the City of Edinburgh and is outlined in Appendix 3.
- 6.3 The total estimated cost for the above (proposed) Graffiti Management Team is currently £530,000 per annum. A full costing would be provided as part of any submitted Business Case.
- 6.4 The expectation is to have stakeholder buy-in for up to 50% of the total annual cost. It is recommended that this is initially on a rolling agreement and reviewed over the cycle, with future potential for a longer-term agreement if proven successful. Utilities have already been engaged and other stakeholders may include Education Bodies, The National Trust, Scottish Canals, The Scottish Government, Responsible Social Landlords, Business Improvement District's (BID's) and Rail Operators.
- 6.5 Alternative funding is being explored. However, the Graffiti Management Team proposal would fit well within discussions on how the Transient Visitor Levy can benefit and improve the city. Work is also being undertaken to understand the resources being spent in other Council service areas for graffiti removal, and how this proposal can be of benefit to those services going forward.
- 6.6 If established, a dedicated Graffiti Removal Service, managed by the local authority, could also offer a paid removal service for locations outwith, and not adjacent to, publicly owned or adopted land. As a public body would operate the service on a not for profit basis, it would be highly competitive with good potential to generate a viable income.
- 6.7 Consideration of any potential resource impact to Police Scotland would be reviewed as part of the proposals ongoing research and analysis.

7. Stakeholder/Community Impact

- 7.1 Stakeholder consultation and engagement has been undertaken with a number of bodies, including Police Scotland, the University of Edinburgh, HES, Spectrum Arts, utilities companies, Transport, Planning, Family and Household Support (ex - Community Safety), ICT Solutions, Waste and Cleansing Services, Street Enforcement Teams and Strategic Change and Delivery.
- 7.2 Engagement has taken place with Doncaster Council and Ghent City Council in relation to the successful approach they take to managing graffiti.
- 7.3 The Southside Corridor Pilot captures a wide range of engagement, including local residents, community groups, businesses, RSL's, education bodies, Police Scotland and local Councillors.
- 7.4 Better management of graffiti will help to enhance the local urban environment and ensure that Edinburgh remains an attractive place to live, work and visit.

8. Background reading/external references

- 8.1 Vienna: <http://wienerwand.at/index.php> [Graffiti Walls].
- 8.2 Ghent (Visit Ghent): <https://visit.gent.be/en/see-do/street-art-and-graffiti-ghent?context=tourist>.
- 8.3 Ghent: (Translate function on the web browser recommended to be active) <https://stad.gent/nl/samenleven-welzijn-gezondheid/samenleven/leefbaarheid/graffiti-en-wildgeplakte-affiches> [Graffiti and Flyposting Information Page].
- 8.4 London (Visit London): <https://www.visitlondon.com/things-to-do/openspace/street-art-london>.
- 8.5 London (Tower Hamlets Council): https://www.towerhamlets.gov.uk/News_events/2019/March_2019/Removing_blight_and_protecting_street_art_Tower_Hamlets_agrees_new_graffiti_and_street_art_policy.aspx.
- 8.6 London (Hackney Council): <https://hackney.gov.uk/graffiti>.
- 8.7 Leicester (Leicester Council/Bring The Paint festival): <https://www.visitleicester.info/whats-on/bring-the-paint-p771951>.
- 8.8 Graffiti Resource Council <http://www.anti-graffiti.org/cities-in-action/mural-programs> [Murals and Street Art as graffiti deterrents].
- 8.9 Design Against Crime Presentation: http://www.designagainstcrime.com/files/graffitialogues/A_Dialogue_DACWEB.pdf.

- 8.10 The Mural as Graffiti Deterrence <http://willsull.net/la597/resources/14-March/6-Craw-et-al.-2006.pdf> [PJ CRAW, New Zealand].
- 8.11 Does Urban Art Deter Graffiti Proliferation (Evaluation Paper) <http://www.britsoccrim.org/volume9/4.Taylor09.pdf> [M TAYLOR, Australia].
- 8.12 Roads (Scotland) Act 1984, Section 100(b): <http://www.legislation.gov.uk/ukpga/1984/54/section/100>.
- 8.13 Antisocial Behaviour Etc (Scotland) Act 2004: Section 58 <http://www.legislation.gov.uk/asp/2004/8/part/6>; Section 128 <http://www.legislation.gov.uk/asp/2004/8/section/128>.
- 8.14 Criminal Law (Consolidation) (Scotland) Act 1995: Section 52 <http://www.legislation.gov.uk/ukpga/1995/39/section/52>.

9. Appendices

- 9.1 Appendix 1 - Tolerance Zone and Legal Walls.
- 9.2 Appendix 2 - Proposal for Pilot Project.
- 9.3 Appendix 3 - Graffiti Team Resources Proposal.
- 9.4 Appendix 4 - Draft Graffiti Management Policy.

Appendix 1 - Tolerance Zone and Legal Walls

- 1.1 Tolerance Zones and Legal Walls are interventions intended to provide a safe space for the development of creative skills, skill sharing, and the potential to learn from other more experienced graffitiists, while presenting the opportunity to open dialogue with other users of the space. This diversionary approach can prove to be of benefit to overall graffiti management and develop respect for the community, and a sense of inclusion.
- 1.2 Rules or conditions on their use are common in cities that provide these areas, including responsible disposal and/or recycling of used materials; ensuring the area is tidied following use; respect for the surrounding property and other users; reporting or obliteration of offensive graffiti (as defined in section 4.6) by the user group; understanding that graffiti and tagging outwith the area is subject to legislative/enforcement measures.
- 1.3 By putting the management responsibility in the hands of those using these areas, especially in the case of Tolerance Zones, it can create an atmosphere of cultural openness and engagement. Although the approach would be considered a 'Tolerance Zone', offensive graffiti would still require removal where noted.
- 1.4 Location is key and will need careful consideration. It will also need robust resources in place to ensure success. There is likely to be overspill where these spaces are provided but with the closer engagement, clear and consistent terms of use, and adequate resources to act on overspill, these interventions could prove successful. Therefore, having a dedicated team to remove any overspill and acting on those not respecting the immediate environs will be paramount for this kind of intervention to work.
- 1.5 Graffitiists and artists welcome this kind of intervention and it provides a creative splash of colour to an area, especially where murals and street art is evident. It can also improve a local economy, especially where guided tours and arts tourism is exercised.
- 1.6 This approach, of being inclusive to this and other sub-cultures within the urban environment, has been adopted by many cities around the world and to varying degrees. Although it does not remove the issue of unwanted/illegal graffiti on public and private property, it can be considered to have a positive effect with relatively low financial impact.

Code of Conduct (Proposed)

The following Code of Conduct was developed to support the Marine Parade Graffiti Wall and it is proposed to use this as the basis for any future Codes of Conduct.

Respect Boundaries – Only Paint on the legal wall and not the surroundings

Get Permission – If you are not sure where to paint get in touch with [APPROPRIATE STAKEHOLDER'S NAME]. They will be able to advise (contact details)

Be Friendly – To the neighbours, visitors and other writers, this is a community space

No Tagging – Covering artwork only partially is disrespectful

No Disrespect – Don't cover artwork that is clearly of better quality or more elaborate than yours

Beginners – If you are starting out please use the practice wall provided

No Offence – Don't paint racist, sexist or in other ways offensive images and message

Don't Litter – Take your rubbish with you (or use bins provided) THIS MEANS CANS AND CAPS TOO

Take Care – This wall is on a thoroughfare, be aware of passing traffic

Appendix 2 - Proposal for Pilot Project

The table below is a brief on the intended process, utilising the resources currently available to this council. As resources stand, we are not able to provide a removal service for graffiti on private property, without recovering costs. This pilot will mould procedures going forward.

Action	Description
Split A7 (Southside Corridor) into Zones	Clearing graffiti, flyposting and stickers is less cumbersome to manage. Also allows for more manageable engagement with private owners and businesses.
Specialist Services (CEC Street Cleansing)	Assess all graffiti, flyposting and stickers. Also provide removal quote per address.
Mailshots	Inform owners of project and objectives, provide appropriate advice, offer quote, and seek a majority mandate where needed.
Contact private businesses and statutory undertakers	Request removal within project timeframe and offer quote with waiver.
Clean Graffiti, Flyposting and Stickers from CEC Assets	Lamp-posts, cabinets, structures, property.
Clear Graffiti from private addresses.	Where a majority mandate and permission/waiver is provided
Recharge works	Where required

Appendix 3 - Graffiti Team Resources Proposal

Resource	Description	Grade	Quantity	Estimated Costs
Graffiti Removal Vehicles	Long Wheel base (with Cherry Picker preference)	N/A	4 (2 x current; 2x additional Vehicles)	@ £25,500/year = £104,000/year
Supplies and Sundries	Chemicals, paint, PPE, Training, Maintenance	N/A	Forecast based on current service usage.	@ £153,000/year
Operatives/Officers	Graffiti Removal, Assessor, Project Implementation, Community Engagement	5	7	@ £29,510 = £206,571 (including shift enhancements)
Supervisors	Staff Management	6	1	@ £35,147 =£35,147 (including shift enhancements)
Project and Strategy Co-Ordinator	Project Development and co-ordination, Stakeholder Engagement, Programme Management	6	1	@ £31,484
				Total: £530,202

Appendix 4 - Draft Graffiti Management Policy

What is Graffiti?

Graffiti is defined as any unauthorised writing or other marking made to walls, buildings or other surfaces. It does NOT include street art, etc which is located by permission of the landowner, and with any relevant consents (e.g. planning, etc).

Graffiti can be treated as the common law crime of malicious mischief or the statutory offence of vandalism and if prosecuted the offender could face a fine or even imprisonment. The police can also issue fixed penalty fines for these offences.

Additionally, under 16's are not permitted to buy aerosol paint cans under the Anti-Social Behaviour Scotland Act 2004.

Removal of graffiti

The removal of graffiti from buildings and other structures is the responsibility of the owner. In certain circumstances the Council may be able to help.

Council Premises or Property

We will aim to remove graffiti as soon as possible, usually within the following timescales. These are not statutory targets and it may be necessary to extend these timescales for operational, financial or other reasons.

We will aim to remove offensive graffiti more quickly. Graffiti is deemed to be offensive if it is threatening, obscene, racist, homophobic or otherwise constitutes an attack on people protected under equalities legislation.

Offensive graffiti: 24 hours

Other graffiti: 10 days

Third Party Premises or Property

Where the graffiti is on either premises or property which does NOT belong to the Council, removal of this will be the responsibility of the landowner.

Where the graffiti is offensive, the Council can help you if you provide permission to do so. There is no charge for this service.

The Council can also assist in the removal of other graffiti but will levy a charge for doing so. We recommend that you also seek further quotes for this work as well as a method statement.

In certain circumstances, and in compliance with relevant legislation, we may take enforcement action to require graffiti removal.

Historic Monuments

In some cases, if the structure is a historic monument or structure the Council may not be able to remove graffiti or may have to agree a specialised programme with Historic Environment Scotland or other statutory bodies as appropriate. In those circumstances it may be necessary to extend the normal timelines for the removal of graffiti

Prevention

Where practicable we will work with landowners to encourage the use of preventative measures such as surface treatments which may reduce graffiti, or areas or locations such as graffiti walls, or murals/street art which are set aside for the purpose of graffiti.