



Tackling Graffiti



A report from Overview & Scrutiny





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Preface

By Councillor Martin Mullaney

Chair, Transportation and Street Services
Overview and Scrutiny Committee



As Councillors, we get many complaints about street cleanliness. One particular aspect of this is graffiti. We therefore set out to see how the City Council tackles graffiti in an attempt to ensure that we work more effectively in removing it from our neighbourhoods.

When faced with senseless scrawling of nicknames or 'tags' (as they are known) on walls, shops or bus stops, I share the concerns of many of the residents in Birmingham who feel their streets are no longer clean or safe. It was interesting to learn, when we spoke to graffiti artists (some of whom made a living from doing graffiti, sometimes for international companies), that they don't like graffiti tagging either.

Whilst they argued that graffiti art is used in a wide range of settings, including advertising and music videos and was a valid form of creativity, they highlighted the need for proactive activity with young people. Indeed, a former youth worker who managed a graffiti wall in the city, told us of the need for such a facility. He was clear, however, that it needed to be managed, located appropriately and art pieces should fit their surrounding. He felt that as a consequence of this, those actually interested in the art form would concentrate in applying themselves and those seeking the opportunity to 'publicise' themselves would fall away. We therefore think it is worth exploring the value of such a facility in Birmingham – within very clear parameters and with the support of local people – and if this does prove to be one of the solutions to this problem, then we will have made a difference to people's lives.

However, we are equally clear that those committing acts of vandalism should be caught and dealt with. We heard from the Youth Offending Service of the reparation schemes involving offenders cleaning up graffiti. We believe this to be a useful tool in getting those people who are committing these acts of vandalism to understand the hard work involved in cleaning graffiti.

We found that the City Council alone spends in excess of £600,000 on the removal of graffiti. We are very aware of the potential squeeze on resources as a number of services involved in tackling graffiti depend on NRF funding – a resource which is due to end as of 31st March 2008. We have therefore asked the Executive to consider this issue urgently.

Another crucial recommendation is that we share information, resources and intelligence both within the City Council and with our partners through the Birmingham Community Safety Partnership to develop good practice. Throughout the review we heard of the excellent work being undertaken in this area by partners such as the Police, British Transport Police, Centro and Travel West Midlands.



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Partnership working is the only way to tackle this problem and the only way in which we can really start to effectively tackle graffiti as a city.

M. Mullany



Summary

Graffiti is an area of concern for many residents of Birmingham. Nuisance tagging on walls, bus shelters and cable boxes contributes to people feeling uneasy in their environment and increases their fear of crime. We all want clean streets and indeed there are government targets we must meet in achieving this.

The purpose of this review therefore was to examine how the City Council can tackle graffiti effectively and thus support the city's Anti-Graffiti Strategy due to be launched in April 2008. During the review we have seen how we work in partnership with others involved in tackling graffiti, especially our Community Safety partners, and how we can do things better.

We have heard evidence from City Council departments involved in removing graffiti. It became clear that even though many people reported graffiti for removal to the City Council's call centre there was no one comprehensive system which told us how much graffiti there was in the city, or how much was being removed.

One factor here was that many constituencies employed graffiti removal squads who carried out removals as they came across them. Additionally, graffiti on housing estates could be removed by Neighbourhood Caretakers or Environmental wardens. In other words, graffiti is not always counted as it is immediately removed. However, figures we do have indicate a real problem in some areas, and we know that substantial sums are spent removing it.

We also learned about the cost of graffiti to other organisations involved in tackling graffiti such as Centro who spent £130,195 last year in maintaining the cleanliness of their bus shelters and bus stops. Add to this other activity to repair or replace damaged surfaces, install CCTV on premises and the use of anti-graffiti paint (on for example shop walls) then the costs for what can be seen as a "victimless" crime mounts up.

We know that a portion of Council activity is currently funded through the Neighbourhood Renewal Fund such as the funding of Environmental Warden posts in some Constituencies. This is to cease as of 31st March 2008 and be replaced by the Working Neighbourhood Fund, with an emphasis on worklessness. This has implications for 'clean and safe' projects, such as those tackling graffiti. We therefore need to get a clear picture of the problem and what resources we are prepared to deploy to tackle this issue, and one of our recommendations asks the Cabinet Member to do just that. We need to manage budgets effectively in order to provide resources to help us invest in the removal and prevention of graffiti.

British Transport Police told us of the importance of IT and surveillance in gathering intelligence on perpetrators – also used by Travel West Midlands to apprehend vandals on their buses and a valuable tool in criminal proceedings.

This gave us food for thought. It is apparent that there is good practice across different agencies and there is a need for closer working in the sharing of information to meet the common goal. We therefore recommend a means of improved co-ordination between partners, including agreements on sharing information and setting standards for removal.



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Overall, Members found this review very interesting and informative. We found a number of examples of good work, and these are highlighted in this report.

The recommendations in this report conclude that a three-legged approach is taken: that of removal, enforcement and prevention. We must work together with key agencies within the Birmingham Community Safety Partnership to share intelligence and good practice to tackle graffiti effectively.



Summary of Recommendations

	Recommendation	Responsibility	Completion Date
R01	The Cabinet Members should work with the Community Safety Partnership to put in place a Graffiti Strategy for the city in conjunction with Community Safety partners which sets out a strategy for: • Removal; • Enforcement / regulation; • Prevention; and • Intelligence gathering and sharing.	Cabinet Members for Transportation and Street Services and Local Services and Community Safety	30 April 2008
R02	The Council should consider working with partners to improve co-ordination of information on graffiti between partners in order to improve effectiveness in tackling this issue. This should include agreement upon: • Clearly-designated information contacts for all relevant Community Safety Partners; • Compatible standards for how information should be kept; • Protocols for how information should be shared; • Ways in which these information databases can be potentially linked.	Cabinet Members for Transportation and Street Services and Local Services and Community Safety	31 August 2008
R03	Consideration should be given to how the number of Council staff that report graffiti can be extended. This should include: • Ensuring that they have access to / are equipped with digital cameras; • Maintaining a clear list of City Council contacts to report this information to; • Publicity within the City Council to encourage staff to get involved in keeping their communities clean.	Cabinet Members for Transportation and Street Services and Local Services and Community Safety	30 September 2008
R04	An assessment should be made in the City Council of the capacity to remove graffiti within a specified timescale. This should also identify the resources needed to close the gap on graffiti, particularly in the context of the changes to funding sources such as NRF. Given the imminent end of NRF this should be done urgently.	Cabinet Members for Local Services and Community Safety; Chairman, Public Protection Committee	30 September 2008



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	Recommendation	Responsibility	Completion Date
R05	In taking a leading role in shaping the quality of the street scene in the city, the Council should commence discussion with a range of partners, including: • Centro, Travel West Midlands, Network Rail and private transport operators; • British Waterways; • Utilities and statutory undertakers; • Police and British Transport Police. This should be with a view to: • Establishing agreed standards to which each will work to for removing graffiti; • Examining how cleaning resources can be shared in an area; • Examining ways in which communication of necessary action can be shared between different partners.	Chairman, Public Protection Committee	30 September 2008
R06	That full consideration is given to ensuring that there is continued funding for the Environmental Crime Unit following the withdrawal of NRF funding from April 2008.	Chairman, Public Protection Committee	30 April 2008
R07	The Youth Offending Service should continue to seek funding to continue the good work with graffiti offenders on reparation schemes removing graffiti. These schemes should be publicised through Forward, the Council website and other media to build awareness of this.	Cabinet Member for Children, Young People and Families	31 August 2008
R08	The Council should consider providing a central guidance point on best practice in graffiti prevention, providing access and information for: • Council landowning services; • Private businesses and landowners; • The general public; • Centro, Network Rail and private transport operators; • British Waterways; • Utilities and statutory undertakers.	Cabinet Member for Transportation and Street Services	31 December 2008



	Recommendation	Responsibility	Completion Date
R09	Further to recommendation 8 of the Sustainability and Climate Change (Task and Finish) Overview and Scrutiny Committee, as part of clarifying the definition of 'whole life costing' of assets, the definition should include the application / use of anti-graffiti coatings and surfaces for street furniture. These coatings should also be "environmentally friendly" so far as is practicable.	Deputy Leader	30 April 2008
R10	In working with others to develop local solutions to anti-social behaviour where graffiti is a part of the problems experienced, the Council should consider: • Providing defined areas where mural art will be accepted; • Establishing appropriate parameters within which artists are expected to work; • Using mainstream resources such as youth workers to support and actively manage these measures. In such cases, this must ensure that there is acceptance from Ward Members and that the views of local residents are fully taken into account.	Cabinet Member for Transportation and Street Services; Cabinet Member for Children Young People and Families	31 August 2008
R11	Where defined areas are provided for mural art there should be clear measures for evaluating their financial and environmental impact on addressing unauthorised graffiti in and around the area.	Cabinet Member for Transportation and Street Services	31 August 2008
R12	Progress towards achievement of these recommendations should be reported to the Transportation and Street Services Overview and Scrutiny Committee in September 2008. Subsequent progress reports will be scheduled by the Committee thereafter, until all recommendations are implemented.	Cabinet Member for Transportation and Street Services	30 September 2008



Glossary

ASBO	Anti-Social Behaviour Order
BASBU	Birmingham Anti-Social Behaviour Unit
BVPI	Best Value Performance Indicator
CCTV	Close Circuit Television
CPS	Crown Prosecution Service
ECU	Birmingham City Council's Environmental Crime Unit
NIM	The Police National Intelligence Model
NRF	Neighbourhood Renewal Fund
OCU	Police Operational Command Unit
PCSO	Police Community Safety Officer
RFA	Request for Assistance

Graffiti Terms

Bombin'	Tagging as many places as possible during any one given time
Crew	A group of graffiti writers who organise the tagging of large areas
Gang	A group of graffiti writers
Tag	A nickname or identifier of an artist. Some artists use more than one tag
Throw Up	A bigger and bolder version of a tag using aerosols

Note:

Crime and Disorder Reduction Partnership	In Birmingham, this is referred to as the Birmingham Community Safety Partnership . It includes Birmingham City Council, West Midlands Police, Birmingham PCT's, National Probation Service, West Midlands Fire Service and Birmingham Voluntary Services Council (BVSC)
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1 Introduction

1.1 Why Have We Done This Review?

- 1.1.1 Graffiti is not a modern phenomenon – since people could write and build walls, there have been people who will write on those walls. The word 'graffiti' is derived from the Latin word *graphium*, which means 'to write'. Indeed, the term 'graffiti' was originally used by archaeologists to describe drawings and writings found on ancient buildings and monuments in Pompeii, Egypt and in Roman catacombs.
- 1.1.2 Historically, graffiti has expressed contentious public views and opinions, often against the establishment. However, graffiti in its modern sense covers a broad spectrum of ways in which it is done. Since the 1970s and 1980s in particular, some aspects of graffiti have developed in a specific way, with links to pop / public art and the development of its own popular culture. Those who advocate the artistic side of graffiti point to its modern origins in New York and particularly the book 'Subway Art' by Martha Cooper and Henry Chalfant, which contained photographs of graffiti on subway trains in the city.
- 1.1.3 The reverse side of this is that whilst on the one hand some graffiti can be considered artistically proficient, where that art is expressed on someone else's property it remains a criminal offence. There is also the matter that much graffiti is little more than defacement and vandalism. Tackling graffiti brings with it a cost to those who have to remove it, enforce it and seek to prevent it – but also a cost in that the resources spent doing these things could be deployed in other ways.
- 1.1.4 Graffiti is a concern to our citizens in Birmingham and it is difficult to find someone who does not have an opinion upon it. Its growth in prevalence means it is seen as an issue that Local Authorities should work in partnership to deal with and is linked to a perceived growth in anti-social behaviour in general and a consequent desire that these be dealt with.
- 1.1.5 The City Council, in conjunction with its partners in the Community Safety Partnership, is reviewing its approach to graffiti with the aim of developing a strategy towards tackling graffiti. This review is a positive contribution towards that strategy from Overview and Scrutiny Members.

1.2 How We Did the Review

- 1.2.1 This review was conducted jointly by members of the Council's Transportation and Street Services and Local Services and Community Safety Overview and Scrutiny Committees, with evidence taken throughout the autumn of 2007.
- 1.2.2 In planning the review, we considered the issue by looking at different methods through which the City Council might seek to have an impact upon graffiti. These are common to many



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environmental and street scene cleanliness issues and consist of three main elements, underpinned by a fourth:

- i. How it is cleaned and removed;
- ii. Enforcement activity that takes place;
- iii. Preventative steps and proactive measures that can be taken; and
- iv. Intelligence on the problem, which underpins the ability to take action in these three areas.

1.2.3 Our examination of the process has focussed on these areas.

1.2.4 We gathered evidence through a combination of methods, including:

- Discussion with and evidence taking from witnesses and relevant parties during our Review Group meetings, including those who are responsible for:
 - Removing graffiti for the City Council;
 - Providing the range of enforcement activities, from penalty notices to prosecutions for criminal damage;
 - Conducting proactive activities that can influence the incidence of graffiti;
 - Transport organisations affected by graffiti such as Travel West Midlands and Centro.
- Researching best practice approaches advocated by the Home Office and pursued by other local authorities;
- Meeting those involved in graffiti and aerosol art to discuss their perspective on the problem.



2 About Graffiti

2.1 What is Graffiti?

- 2.1.1 The term 'Graffiti' is used to describe the illegal or unauthorised defacement of property. Typically, this is done by marking with words, pictures or symbols and using marker pens, household/aerosol paint or by etching into the surface. Places where graffiti is done are varied but are typically in public spaces or on private property accessible from them.
- 2.1.2 To a certain extent, graffiti will appear in places where there are opportunities to do it. Essentially, this means blank walls that are visible to lots of people. Property that borders canals and railways is also seen as attractive to the potential perpetrator.
- 2.1.3 However it is widely recognised that there is a difference between incoherent markings such as the placing of a nickname on a wall known as a 'tag' to those that require a high degree of skill and technical proficiency in producing a piece of graffiti 'art' or a mural.
- 2.1.4 There is no official categorisation of types of graffiti. However, the following definitions are used by the Council's Fleet and Waste Management team to categorise graffiti that is reported to them, which have some general characteristics:
- **Juvenile:** Generally taking the form of 'X loves Y', usually written in marker / felt-tip pen;
 - **Tags:** Stylised personal graphic identifiers of street / nicknames. These range from marker pen designs to pictorial tags or stencils done with spray paint;
 - **Scratches:** Also called 'etching' or 'Dutch Graffiti', this involves deliberate marking of surfaces with a sharp instrument, including painted surfaces, wood and glass;
 - **Contentious:** This includes any graffiti that could be offensive to people, including racist or religious graffiti, but also political statements;
 - **Stencil:** Graffiti sprayed through a stencil that is not considered to be a tag;
 - **Ghost:** Graffiti that has been partially removed or which has faded.
- 2.1.5 These cover a broad range of methods of defacing property. Within these categorisations there are certain distinctions between what is actually being done. As we will explore later, these can be linked to the motivation of the individual for doing the graffiti.



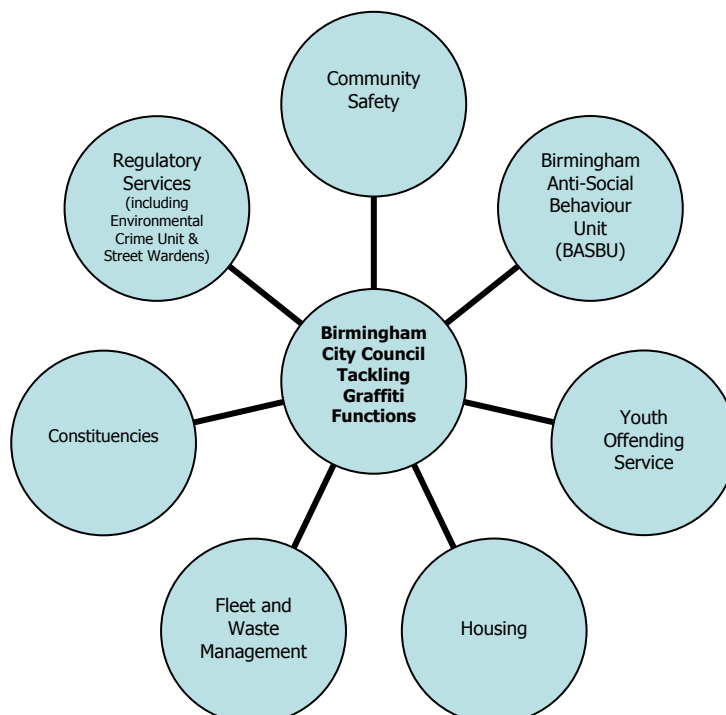
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2.2 Graffiti in Birmingham

Recording Information on Graffiti

- 2.2.1 Graffiti is considered by the Home Office and Police to be grossly under-reported as an offence. Information on graffiti is incomplete at best but can potentially be derived from a number of sources.
- 2.2.2 In Birmingham, a number of areas of the Council are involved in responding to graffiti and these are shown in Figure 1. In addition, the City Council has obligations under the Cleaner Neighbourhoods and Environment Act 2005 (CNEA) to work with partners in keeping communities clean and safe. Partnership arrangements are currently in place with West Midlands Police, Fire Service, Probation Service and others. Partnerships include the Birmingham Community Safety Partnership, Birmingham Environmental Partnership, Local Delivery Groups and Safer Estate Groups. The sharing of information and good practice in the removal of graffiti, enforcement methods and preventative and diversionary work are essential in minimising the negative impact of graffiti.

Figure 1: Birmingham City Council functions and resources for tackling graffiti





2.2.3 There are therefore a number of ways in which graffiti can be reported and/or dealt with. For example:

- Graffiti reported to the City Council may be reported to Fleet and Waste Management for removal either directly by the public or through a Environmental/Community Warden or Ward Support Officer;
- Graffiti may be dealt with directly by Constituency or ward-based teams, or Environmental Wardens, and therefore never be formally reported;
- It could be reported to the Police as a case of criminal damage; or
- It may be discovered by those who take care of property (private or public) and removed without being recorded.

2.2.4 As with other public environmental issues, there is a degree of inconsistency in whether it is reported which can influence Police response. Individual attitudes to reporting graffiti can be affected by:

- Whether people assume that it has been reported by other people;
- Some people may be passing through an area and / or not feel any real ownership of it (and therefore are disinclined to report graffiti);
- How tolerant people are of graffiti in an area. For example, if there is graffiti on a prominent civic building such as the Council House, this would be expected to be noticed and removed quickly. If the graffiti is on a derelict building that is inaccessible, the opposite would be the case.
- Others may think "What's the point" – a perception that either nothing will be done or because the area is already 'run down' and suffering from other anti-social behaviour.

2.2.5 There is therefore no single source of information on the incidence of graffiti and no way for this Review Group to accurately quantify the amount of graffiti in the city. However, there are some indicators that can be used to illustrate the problem.

City Council Information

2.2.6 The City Council measures the incidence of graffiti in two ways:

- i. Calls received from the public to the City Council's call centre to remove graffiti, known as 'Requests for Assistance' (RFAs); and
- ii. Statutory monitoring of Best Value Performance Indicator (BVPI) 199b: The percentage of sites with unsatisfactory levels of graffiti. The Local Government Act 1999 states that Local Authorities must measure themselves against statutory set targets (BVPIs) to achieve best value and continuous improvement in service delivery. Surveys are carried out to measure the state of the local environment in relation to graffiti and graded from A (completely graffiti free)



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to D (extensive and clearly visible graffiti). The grading system is designed to reflect the way that a member of the public would perceive the local environment.

2.2.7 However, the first of these do not give a complete picture of graffiti removed within the city only those reported to the City Council's Fleet and Waste Management team. Graffiti falling outside this may include some that is:

- Reported through other City Council routes, e.g. through Housing Neighbourhood Caretakers or through the Highways department (responsible for highway signage and infrastructure);
- Removed without being recorded;
- On street furniture owned by others, including bus shelters, utility boxes and so forth; or
- On other private property, such as houses or walls / fences.

2.2.8 Calls to the City Council's call centre from the public (RFAs) totalled 1,879 RFAs during the 2006/07 financial year across the city. Figure 2 shows these according to the number of days it took to remove the graffiti, and shows a third of reported RFAs relating to graffiti are removed within a day.¹ Around 15% remain for over a week.

Figure 2: Requests for Assistance to the City Council's call centre by days taken to complete

Days taken to complete	Number of RFAs completed	% of Total RFAs
0-1	720	38.83%
2-3	577	31.12%
4-5	232	12.51%
6-7	55	2.97%
8+	270	14.56%
	1854 ²	

2.2.9 In addition to this data, Members received some data from the Constituency based Clean and Safe Graffiti Removal Squads, which shows that they carried out a far greater number of removals than is suggested by the RFA data alone. These removals included requests from Councillors, Environmental and Community Wardens, Ward Support Officers and City Council staff in Highways and Housing.

¹ A number of these may relate to obscene or racist graffiti which must be removed immediately.

² Does not include 25 RFAs received for removal of graffiti at recycling sites.



- 2.2.10 By way of a comparison, a sample count from Hall Green and Hodge Hill Constituencies shows that in total 2,003 graffiti-related jobs were dealt with by the Removal Squads in 2006/07, whereas only 449 RFA's were recorded for those two Constituencies in the same period. This comparison suggests that a far greater problem with graffiti in the city exists than is suggested by the RFA's received by the call centre from members of the public.
- 2.2.11 Information is also collected through periodic Environmental Quality Surveys. These form the basis of performance against the Best Value Performance Indicator BV199b – the percentage of sites surveyed with unsatisfactory levels of graffiti. The City Council sets annual performance targets for the percentage of survey sites found to have unsatisfactory levels of graffiti. In 2006/7 this was set at 21% - and the target was exceeded. Of the sites surveyed:
- More than half were completely free of graffiti (Grade A);
 - 18% were found to be unsatisfactory or poorer (Grade B/C to Grade E inclusive);
 - Unsatisfactory sites were most likely to be found on 'Other Highways' land uses, such as alleyways in housing areas (47%), Secondary retail / Commercial sites (25%) and Industry, Warehouse and Retail sheds (23%).
- 2.2.12 Further analysis of the graffiti present at these sites was assessed by reference to the definitions shown in 2.1.4. Just over half of graffiti reported as RFAs is relatively minor juvenile graffiti, with tags accounting for 32% of all recorded graffiti most likely to be found on lampposts and walls.



Example of extensive tagging

- 2.2.13 Combining the information received in RFAs and also the levels of unsatisfactory sites in wards gives some indication of the geographical pattern of graffiti. For example, it clearly identifies the eastern A45 corridor as having a high incidence of graffiti. This correlates with information provided from the Community Safety Partnership, which shows high intensity of graffiti offences reported in the Yardley Constituency.



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- 2.2.14 It is important to note that using administrative boundaries such as City Council wards is largely artificial and can mask some of the geographical characteristics giving a distorted perception of where graffiti is prevalent. For example, Ladywood ward generally has a low number of RFAs and generally very good levels of BVPI 199b performance. However, there is a graffiti 'reporting hotspot' there with the Police in terms of offences reported focused on Colmore Row and St. Philip's Cathedral.
- 2.2.15 Other information can be gained from the sites identified for graffiti removal by Fleet and Waste Management: over 2,642 in 2006/07. Further information provided from the Environmental Crime Unit shows that the City Council's Regulatory Services received an additional 292 requests for graffiti removal.
- 2.2.16 Environmental Wardens based within Regulatory Services have also proactively identified graffiti problem areas during their 'beat patrols'. In some instances graffiti is removed directly via graffiti kits held by Environmental Wardens. It should be remembered that where Environmental Wardens and Removal Teams are removing graffiti in Constituencies, this may have an impact on the number of sites ultimately identified in the Environmental Quality Surveys.

Police Information

- 2.2.17 West Midlands Police record graffiti under 'criminal damage' as there is no Home Office sub-category for it. There are Home Office approved protocols for recording, reporting and sharing information on all crime categories. However it is accepted that graffiti is under reported as a crime. Crime data showed that in Birmingham over a 6-month period (April to Sept 2007) some 53,000 crimes were reported and 9,700 of these were recorded as criminal damage. As graffiti is not recorded as a separate crime category, a search was conducted by the Police which revealed that the word graffiti was used to describe 311 criminal damage offences (3.2%). This is by no means an accurate reflection on the level of graffiti or recording as not all police officers use the word graffiti when describing this type of damage.
- 2.2.18 Evidence and intelligence gathered by the Police on perpetrators of graffiti shows that :
- Peaks in criminal damage tie in with Christmas, Easter and Summer School Holiday periods;
 - Offenders are most likely to be male (93%) and between 14-17 years old (however there is association with youths up to the age of 20);
 - Friday and Saturday early evening are the main time when "tagging" takes place;
 - Offenders are likely to "tag" close to where they live (or often using local bus routes).

2.3 The Cost of Graffiti

- 2.3.1 There can be a perception that graffiti is a relatively victimless crime. However, this is not the case as there are considerable costs associated with prevention, removal and enforcement. Costs associated with graffiti can be broadly divided into direct and indirect costs:



Direct Costs	Indirect Costs
• Cleaning or removing graffiti • Repairing or replacing damaged surfaces • Incidental damage caused from access (e.g. breaking in) • Fatalities (e.g. on railway lines) • Cost of prosecutions, forensics and evidence gathering	• Public transport vehicles taken out of service • Delays caused by fatalities • Measures to prevent access (e.g. security) • Measures to make it harder to do (e.g. easy-clean surfaces) • Measures to make it unattractive to do (e.g. CCTV) • Can lead to negative view of the city with detrimental impact on attracting visitors and new businesses

2.3.2 Just as we cannot be sure how much graffiti there is in the city, calculating an accurate overall direct cost is not possible. However, we have been able to get some indication of what is spent on graffiti removal through those with whom we have conducted this review:

- Fleet and Waste Management: approximately £600,000 per annum;
- Youth Service: there are no specific mainstream costs but projects run use external funding;
- Youth Offending Service: Graffiti Project £62,545 per annum (including staffing, equipment, vehicle and material costs);
- Housing: A snapshot of information presented for the period 1 April 2007 to 31 August 2007 for housing contractors to remove graffiti from Constituency areas showed an approximate £99,625.48 had been spent. This does not account for Neighbourhood Caretakers based in Constituency areas and any other graffiti removal work authorised by Constituencies;
- Centro: £130,195 per annum for graffiti removal of roadside bus shelters.

2.3.3 From the figures gathered, it is fair to say that Birmingham City Council spends in excess of £760,000 per year in tackling graffiti both in direct costs and through other services to work with young people and offenders. (British Transport Police cannot provide figures specific to Birmingham as costs are set in a wider area.)

2.3.4 It is worth noting that other costs to Birmingham as a whole include the perception that people have of the city which may have a detrimental effect on visitors coming to the city, using public transport such as buses and deterring those seeking to set up new businesses in the city.

2.4 How People Generally Feel About Graffiti

2.4.1 Getting a sense of what people felt about graffiti was an important part in informing this review. The people of Birmingham were asked for their views and the Scrutiny Office received a number of letters, emails and comments on their experience of graffiti:



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“Someone spread graffiti right across the road. Almost outside my house, the same writing over houses up the road and a gully way. It’s disgraceful. I feel ashamed to walk down there”.

“For some weeks I have noticed the scribbling along Washwood Heath Road, This week it has been worse than ever, whoever is doing this seems to be aiming to get as high as they can to disfigure buildings. It depresses me every time I make a bus journey”.

“The graffiti particularly on the school has been there for as many as 15 years. I feel so sad that the youth of today take no pride in where they live or go to school; they see no wrong in what they do”.

“I’ve noticed that many residential and commercial areas have been sprayed including garden walls, utility boxes, fences, road signs and bollards. Its quite depressing to see it and frustrating that whoever is doing it is getting away with it. I’ve lived in the area for over 10 years and the problem has definitely got worse recently. The area is a complete eyesore”.

“Persistent, widespread graffiti in any given area will cause an increase in crime, lower property prices and increase in fear. It is imperative that hotspots are dealt with robustly”.

“Graffiti is a huge nuisance in Birmingham. It appears that it is a territorial mark of gangs. The gangs are male, female and mixed. It is not just ‘latch key’ kids that are doing it, so called kids from ‘well to do’ families are prone to this behaviour too”.

“Bus stops, youth centres, lamp posts, fencing, private housing – walls and doors, road signs have been vandalised. Nothing is sacred. Even churches”.

- 2.4.2 Residents felt a sense of sadness, shame and frustration and gave their thoughts on what could be done to tackle graffiti productively:

“The people who are doing this should be named, shamed and fined”.



“Surely the Schools, Police and Council can put up cameras after the graffiti is removed to see who is offending, find out why they are doing this and make them clean it off”.

“My only suggestion is to remove temptation by reducing the amount of areas for them to spray on. Instead of having vast expanses of walls or fences surrounding open spaces – why can’t hedging, shrubs or even ivy be planted instead? It looks attractive, covers previous graffiti, aids security and isn’t an ideal canvas for spray paint!”

“Why not give these, sometimes talented people, an area of their own such as a skateboard park, where they could express their art? Periodically it could be sprayed over and used again”.

“I was in New York fifteen years ago and even then there was an artist wall, with wall and pavement covered. The wall was for graffiti and the floor was covered for protection. It was very popular with some really amazing work being displayed. So yes I am all for this in Birmingham”.

“One excellent scheme is the cleaning kits given to identified persons/organisations³ by the Council. The result is graffiti is cleaned within 24 hours and stays clean because the perpetrators see that they are wasting their time. The Council should promote this scheme to shopkeepers and the public”.

“Frequently graffitied furniture, walls or fences (whether publicly or privately owned) should be coated with anti-graffiti paint making removal markedly easier”.

- 2.4.3 The British Crime Survey⁴ indicates that graffiti is one of the key drivers of perceptions about whether an area is safe. The West Midlands Police *Feeling the Difference Survey* (June 2006 to July 2007) showed that 13.4% of people in Birmingham felt that vandalism or graffiti was one of the three biggest problems in their neighbourhood at that time.

³ We understand that this refers to cleaning kits that have been given to shopkeepers in residential areas in one Constituency.

⁴ Crime in England & Wales 2006/2007, incorporating the British Crime Survey [Home Office Statistical Bulletin 4th Edition. ISSN 1358-510X].



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2.4.4 Research conducted in the course of this review on perceptions⁵ additionally shows that:

- 71% of Birmingham people see graffiti as vandalism; and
- 57% of respondents saw a distinction between 'graffiti art' and 'tagging'.

2.5 Summary

2.5.1 Graffiti when unauthorised and done without consent of the property owner is a criminal offence. Whilst the majority of people recognise the difference between more technical and mural type graffiti and tagging, graffiti nevertheless is seen as a widespread problem.

2.5.2 It is widely recognised by both Police and the City Council that graffiti is an under-reported crime for a number of reasons including tolerance and apathy. It should also be noted that although graffiti is removed by the City Council and recorded (by Fleet and Waste Management when receiving a RFA) this does not represent the actual amount of graffiti that is taking place or being removed as there are other resources within the City Council who remove without necessarily recording.

2.5.3 However, we do have some information and this indicates that the A45 corridor towards the east of the city has a higher number of incidents of reported graffiti. Whilst, more than half of the sites surveyed for graffiti using the BVPI 199(b) were shown to be completely free of graffiti, 18% of sites were shown to be unsatisfactory or poorer. These sites were most likely to be alleyways, retail and commercial sites or industrial/warehouse sheds. Most of the reported graffiti to the City Council for removal was classed as juvenile graffiti and tags.

2.5.4 Evidence gathered by Police shows that offenders are most likely to be boys between the ages of 14-16. Graffiti is shown to peak during school holiday periods, namely Easter and Summer and over weekends. Perpetrators are also more likely to tag close to where they live.

2.5.5 It is difficult to establish direct costs in relation to the impact graffiti has on communities and the costs involved in removal and enforcement. The City Council alone spends in excess of £600,000 on these activities. It should be noted that this does not take into account indirect costs to make it harder and less attractive to do or the activities put in place to divert young people into doing something else with their time.

2.5.6 Residents in Birmingham feel strongly about the effect graffiti has both on their community and environment. There is a feeling of frustration coupled with shame at the negative impact it brings. There is a strong determination that offenders should be made to clean it up. It is also recognised that better security measures should be deployed to make it harder to do.

⁵ Conducted by the Scrutiny Office at www.Birmingham.gov.uk/tackling_graffiti_questionnaire.



3 Why Do People Do Graffiti?

3.1 Introduction

- 3.1.1 Gaining an understanding of why people do graffiti is critical to identifying the areas in which the City Council and partners should focus their efforts. It enables the most effective measures to be identified and a degree of assessment of the likelihood of preventative measures being appropriate to the problem.
- 3.1.2 Our understanding of why people do graffiti comes from a combination of research evidence and general / anecdotal information. The anecdotal information comes from a particularly wide range of sources, but tends towards much common ground. These sources include people who have done graffiti and convicted offenders, as well as those who have worked with them (such as Youth Workers, the Police and others).
- 3.1.3 This section explores some of the reasons behind doing graffiti in these terms.

3.2 Survey Information

The Graffiti Perceptions Survey

- 3.2.1 The City Council's Environmental Crime Unit commissioned the Graffiti Perceptions Survey which ran for five weeks between May and June 2007. It provides a detailed examination of (i) why people do graffiti and (ii) their attitudes to graffiti.
- 3.2.2 It should be noted that the survey was self-selecting and people chose to take part therefore it should not be seen as wholly representative of every one who has done or does graffiti. It is nonetheless very helpful as it gives a lot of insight and information on the reasons why.
- 3.2.3 It consisted of a web-based survey examining the perceptions that people have of graffiti, but also looking at the factors that encourage or deter tagging. The survey was promoted through Birmingham-based radio station Kerrang!, with prizes offered for participants. Kerrang! Radio is a station with a generally young listener base and the survey returned 878 individually identifiable entrants.
- 3.2.4 The profile of these entrants was as follows:
- 7% currently did graffiti;
 - There was a 46% male / 54% female split;
- 3.2.5 The majority of respondents were in the 11 to 17 (34%) and 18 to 24 (31%) age categories. It should be remembered that these are 'those who responded', rather than 'those who do graffiti'.



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3.2.6 The most common reasons cited for doing graffiti were:

- 'To express myself' – 78%;
- 'It's my hobby' – 50%;
- 'Relieve boredom' – 46%;
- 'Gives me a buzz' – 34%.

3.2.7 Some of the responses here are interesting. Some show that respondents were doing it to show off and be noticed (e.g. "To show people what I can do that is individual", and "What's better than displaying your art in the world's biggest free gallery?!"). Others indicate that they felt there was a social aspect to it (e.g. "It's good to meet up on a weekend and paint a nice wall with friends, it's an art format that's fun", and "A social thing").

3.2.8 In terms of where they like to do graffiti, the most popular responses were Skate Parks (57%), Alleyways (47%), Underpasses (44%) and Bridges (42%).

3.2.9 The survey asked about possible enforcement actions that could be taken and whether respondents felt the threat of these would deter them from doing graffiti. Responses included:

- Being 'charged and sent to court' (83% of all respondents) and 'getting arrested' (69%) were the reasons why respondents were most likely to be put off starting / continuing to do graffiti;
- Enforcement actions ranging from a Police Caution (33%) to Fixed Penalty Notices (64%) would be effective in deterring upwards of nearly two thirds;
- 23% of respondents who stated they currently do graffiti said that nothing would deter them from doing / continuing to do graffiti.

3.2.10 In terms of how respondents felt about graffiti, 50% indicated that graffiti 'was' or was 'beginning to be' a problem in their area. Only 23% of respondents classed graffiti as 'criminal damage', but 70% knew the 'law' classed it as criminal damage.

3.2.11 Respondents were also given six different examples of types of graffiti and asked to say whether they considered them to be art or vandalism. Of these, four were considered by respondents as 'art', being linked to subjective factors such as the degree of skill required to produce it, the style used, the time taken and the use of colour.

3.2.12 253 respondents that previously used to do graffiti were asked why they stopped. The most common reasons given were "Just did – No reason" (33%) and "Grew out of it" (32%).

3.2.13 It is important that this survey information is set in context. The information gathered can only give a picture of those respondents that took part and was aimed at young people (through the Kerrang! Radio station). In particular, it is worth noting that whilst 54% of respondents were



female, the profile of those arrested by West Midlands Police⁶ independently and in joint operations with the ECU indicates that there is a much smaller proportion of females involved. In addition, only 7% of known offenders for graffiti are female.

Information Gathered for this Review

3.2.14 The Scrutiny Office compiled an online questionnaire available through the City Council's web page⁷ aimed at gathering the views of those people not reached through the Kerrang! Radio survey. Its aim was to get a broader view of what the people of Birmingham thought about graffiti and took place during the period of the review (September to December 2007).

3.2.15 The questionnaire captured the views of only a small sample, but does give some clues about what people think are the most effective ways for the city to tackle graffiti:

- Over half the number of all respondents felt that graffiti was being removed within 48 hours of where they live;
- The majority of people (93%) said it was a good idea to ensure those doing the graffiti are made to clean it up;
- 29% thought perpetrators should be issued with a penalty notice;
- 57% felt that those caught in the act of graffiti should be fined;
- The idea of an offender receiving an ASBO was not thought as an effective method of deterring those who did graffiti with 14% of respondents choosing this option;
- 29% of people believed the City Council should provide services to young people to encourage them to do more productive things with their time;
- Areas where young people can legally graffiti was seen as a good way of cutting down nuisance graffiti and "tagging" by 29% of respondents.

3.2.16 Some of the detailed responses to the survey also indicate some of the feelings around the subject:

"It is pretty widespread; It is regularly removed, but keeps reappearing. Birmingham City Council do work hard to tackle the problem, but I think they need more support from other agencies".

"Local residents should be able to access graffiti removal produces through Birmingham City Council, so they can help tackle the graffiti on their doorstep. Birmingham City Council and residents should work more closely with Police

⁶ 'Community Safety Profile of Criminal Damage: Graffiti', Birmingham Community Safety Partnership, September 2007.

⁷ At www.Birmingham.gov.uk/tackling_graffiti_questionnaire.



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Community Support Officers as anti social behaviour such as graffiti is exactly the kind of issue that they are ideally suited for.

“Graffiti art sessions should take place that both educate and engage”.

“The small number of individuals responsible should be dealt with under the already existing law. I also believe that if trees and bushes around the area were trimmed and the street lighting improved this would also deter the copy cats”.

‘Exploring Solutions to Graffiti in Newcastle Upon Tyne’

3.2.17 In 2003 Newcastle City Council’s Graffiti Forum commissioned a piece of work to look at how graffiti could be better managed in the city.

3.2.18 Part of the research involved speaking to people who did graffiti. The researchers found that:

- There was a need and desire to ‘get your tag up’ and for it to be seen. This was a key driver to the process.
- There was a distinction within the graffiti ‘community’ between ‘artists’ (those that are technically proficient and undertake artistic pieces such as murals) and ‘taggers’ (associated with those that write or ‘tag’ a nickname illegally onto property). However it was explained that ‘tagging’ was an unavoidable part of the ‘career’ development of an ‘artist’.
- ‘Artists’ felt the terms ‘graffiti’ was a derogatory description as its name has evolved driven by a variety of sources. Therefore it was felt that this tarnishes the image of the culture.
- The use of over-enforcement by the authorities (City Council, Police) of those undertaking graffiti could be seen as a challenge, the result of this being a ‘turf war’.
- To attempt to totally eradicate graffiti was unrealistic and impossible. This would lead to a ‘turf war’.
- Interventions needed to be varied and should include well managed and resourced areas that graffiti could occur in.

3.3 Anecdotal Information

3.3.1 Just as there are many different types of graffiti, there are also many different routes through which people channel their graffiti. However, the basic driver is that those who do it want it to be seen by others.

3.3.2 Some go out to spread their tag across an area, travelling along an entire route or across an area that they spend a lot of time in. This can be to achieve fame or notoriety or to mark an area as ‘theirs’, from either an individual basis or as part of a gang or crew. For others, it is about ‘the buzz’ – gaining credibility among their peers from placing their marking in accessible or dangerous



places. This is part of the explanation behind the attraction of painting along railway lines or on trains, as well as the amount of graffiti that is found high up on walls or structures.

- 3.3.3 In some cases, graffiti is highly organised. For example, although it is not really a feature of graffiti in Birmingham, the British Transport Police described how some of the graffiti done in Bristol, involves large gangs of writers working together with lookouts as they broke into train depots. The lookouts stay in contact with the writers by mobile phone, warning if anyone approaches. The use of the internet has also added to this phenomenon with sites such as 'YouTube' and 'MySpace' used to glorify acts of vandalism and raise the status of the offender in their peer groups.
- 3.3.4 It has been common for writers to include within their graffiti something that shows their associations with groups of other writers – such as a crew name. One factor is an increased tendency to include identifiers such as their postcode in the tag. This can also link to involvement with gangs, using tagging as a means to mark their territory. This can lead to graffiti attracting other graffiti if it is not removed. In such cases, putting your gang's tag over that of another gang is seen as challenging their territory and can be a potential cause for conflict.
- 3.3.5 During the conducting of this review, views expressed by those involved in graffiti art consistently pointed to tagging being a stage of development that most artists go through. Graffiti writers usually start off with a marker pen to tag. Once they feel confident enough some may progress onto a 'throw-up' – a bigger and bolder version of their tag using aerosols. Some who progress beyond this may even become commercial artists, specialising in spray paint or aerosol art. Perhaps naturally, the more artistic they become, the less tolerant they seem to become of the less artistic forms of graffiti, such as tagging.



Examples of a 'throw-up' (left) and a tag (right)

3.4 Summary

- 3.4.1 Graffiti is done for various reasons but mainly by young people who want to express themselves, are bored, get excitement from doing it or consider it their hobby. Others experience peer



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pressure to become part of a selective group or those that are engaged in other forms of anti-social behaviour – obviously including involvement in local gangs.

- 3.4.2 This latter group highlights the links to other forms of crime. As we will explore under enforcement actions later, graffiti is quite often a lesser part of a general pattern of anti-social behaviour that individuals can exhibit.
- 3.4.3 To a certain extent, the attitude of those doing graffiti towards its legality challenges the view of much of the rest of society. This is part of it being a phase of rebelling and would explain why many who do graffiti are young people who subsequently grow out of it as highlighted in the Graffiti Perceptions Survey. Whilst they might feel that it is artistic and should be legal, many do understand that it isn't and actually constitutes criminal damage.

4 Responding to Graffiti

4.1 Introduction

- 4.1.1 From all the information gathered for this review, one thing has become clear: we must have a '3 legged stool' approach to tackling graffiti, in other words removal, enforcement and prevention. Our examination of the subject has therefore focused on these areas.
- 4.1.2 In doing so, we recognise that we need good quality information that enable these processes to be efficient and focused. Understanding the reasons behind why, when and how people do graffiti is critical to shaping the way the City Council can respond. Focussing its efforts and resources into effectively removing graffiti, working with partner organisations to enforce the law and putting in place preventative measures to make it harder to do are key. Additionally educating and encouraging our young people to do something else should be considered as a long term strategy in tackling graffiti effectively.

4.2 Removal

- 4.2.1 The City Council removes graffiti from any of its infrastructure, street signs, footways, furniture and Council owned properties. On request from members of the public or the owners themselves it can also be removed from other public or private property with their written permission.
- 4.2.2 The City Council currently has 4 Graffiti Removal Squads which are predominately funded through the Clean and Safe budget. The following constituencies share a squad:
 - Erdington and Sutton Coldfield
 - Hall Green and Hodge Hill
 - Ladywood and Perry Barr



Yardley Constituency fund their own graffiti removal team.

- 4.2.3 A further team is deployed by the Street Cleansing Team (and is core-funded) to cover those areas of the city not being met through these resources.
- 4.2.4 These teams are deployed to deal with all RFAs received from Fleet and Waste Management.
- 4.2.5 Housing has its own arrangements for removing graffiti in the buildings and areas that it manages. These consist of:
 - Internal communal areas and stairwells of high- and low-rise blocks;
 - External graffiti.
- 4.2.6 How this is done depends upon the scale of the graffiti and the availability and training of local staff who can deal with it.
- 4.2.7 The cheapest (and probably fastest) means of removing it is through estate-based staff. These can be either Neighbourhood Caretakers or traditional Caretakers.
- 4.2.8 They have materials for removing graffiti, depending on the application used and what surface it has been used on. Neighbourhood Caretakers are trained in the safe use of certain products and can perform a wider range of removal than traditional caretakers. Graffiti removal is part of their training.
- 4.2.9 Many low-rise blocks are served by contract cleaners. In these cases, graffiti removal can be done by issuing a variation order to the contract.
- 4.2.10 For larger scale graffiti on Council housing or surfaces that requires a special removal process, referrals are made to two repair contractors for the city (North and South). Offensive graffiti is prioritised and is to be removed within 24 hours; for other graffiti it can take up to 30 days to be removed.
- 4.2.11 The Neighbourhood Caretaking and Cleaning Case Study illustrates that effective and sustained removal can have an impact.

Case Study: Neighbourhood Caretaking on Cockhill Estate

The Cockhill Estate is in the Northfield Constituency. It contains high rise blocks with stairwells which became subject to heavy graffiti tagging and scorching (writing on ceilings with cigarette lighters).

The Neighbourhood Caretaker undertook a daily routine of cleaning off and removing graffiti from those areas targeted until the graffiti disappeared. Within a period of six months all graffiti had disappeared.

However, a one-off 'blitz' of graffiti over the whole estate left walls, fences and residents houses (including front doors) covered with tags. The Neighbourhood Caretaker undertook the painting of residents housing. A major clean up was then undertaken of the walls and fences and other areas to remove the graffiti. This was done with the help and expertise provided by the Environmental Crime Unit who provided jet washers



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and specific chemicals to remove tough graffiti from bricking. Graffiti on street signs and cable boxes was removed by Environmental Wardens. The entire graffiti was removed within a period of three days.

Residents on the estate were very angry and upset about this incident. As a consequence, a number of individuals came forward and provided the name of the tagger anonymously to the Neighbourhood Caretaker, who in turn got in touch with local police. The police were able to apprehend the tagger, who confessed to the crimes. Action taken against the offender (a minor from the estate) included:

- A Police Caution;
- A ban for a period of three months from the local community hall which had also been subject to the graffiti and of which he was a user;
- A morning spent removing graffiti from local shops to understand the amount of effort and time involved.

He later commented that he "would never write on the walls again," as he realised the amount of hard work endured by those that had to clean it off. He was also humiliated, as his friends watched on as he cleaned.

The experiences of the Neighbourhood Caretaker show that:

- Regularly patrolling and cleaning by Neighbourhood Caretakers and cleaners, with daily checks on areas subject to graffiti are essential;
- Persistently removing the graffiti as soon as it is reported or noticed can be an important part of getting on top of the problem;
- The support of local residents in 'owning their community space' is essential;
- Partnerships and good working relationships are important, with:
 - Other Council departments (such as the Graffiti Removal Team within Fleet and Waste Management);
 - The local Police, to apprehend known offenders of graffiti;
 - Owners of street furniture, such as Centro (bus shelters), to ensure that the whole neighbourhood is clear.

The Neighbourhood Caretaker was passionate about his role and said;

"I scrubbed the stuff off the ceilings and removed the graffiti. The next week it was back so I removed this again. A few days later this was back so I checked the block every two days and removed the graffiti as soon as it appeared. After a three week period the graffiti in the block stopped. I think the kids got sick of doing this as it was removed as soon as it was done."



“The trouble with graffiti is it needs to be removed straight away or this does become a problem, as others seem to want to add to this.”

Responsibilities of Others

- 4.2.12 The Clean Neighbourhoods and Environment Act 2005 emphasised Sections 48-52 of the Anti-Social Behaviour Act, 2003 which gives Local Authorities the power to serve defacement removal notices on certain companies and organisations that own property that is defaced by graffiti.
- 4.2.13 The Act serves as a reminder to owners, occupiers, operators (such as telecommunications companies) of ‘relevant surfaces’ (including street furniture), statutory undertakers and educational institutions that they should remove graffiti from any property for which they are responsible as soon as possible. If they do not do so then a defacement removal notice can be served to them by the Local Authority.
- 4.2.14 However Local Authorities are encouraged to “make reasonable attempts to enter into partnerships with property owners in order to remove graffiti within agreed timescales”.⁸ Due regard should be given to the demands put on national companies who may well have to put in place similar arrangements with a number of other authorities and the financial implication of this.
- 4.2.15 It should be noted that not all properties are easy to get to and clean (due to in some cases to access and/or health and safety considerations) and an acknowledgement of this is made through the statutory guidance⁷.
- 4.2.16 Local Authorities are guided to consider issuing a defacement removal notice as a last resort where, for example, a company fails to respond to informal requests for graffiti removal. If after that time it has not been removed the Local Authority can remove it and recover the costs.
- 4.2.17 However it is worth noting that taking action with owners, occupiers, operators and statutory undertakers is a difficult area:
- In graffiti hot-spots there is a high probability risk that the infrastructure will be graffitied again quickly after being cleaned.
 - Defacement removal notices can only require defacement to be removed and cannot, for example, require other action such as applying anti-graffiti coatings/surfaces.
- 4.2.18 There are also issues with the implications of the cleaning of graffiti on private property relating to the Town and Country Planning Act 1990: the Local Authority can serve statutory notices to require the owners to remove graffiti. The Local Authority has to prove that the graffiti on private property or street furniture is ‘detrimental to the amenity of the neighbourhood’.

⁸ DEFRA (Department for Environment, Food and Rural Affairs), Guidance on Section 48-52 of the Anti-Social Behaviour Act 2003 as amended by the Clean Neighbourhoods and Environment Act 2005.



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Centro and Travel West Midlands

- 4.2.19 During the course of this review we spoke to Centro and Travel West Midlands. It was widely recognised that both of these agencies suffer adversely from graffiti.
- 4.2.20 Centro operates a scheduled cleaning regime which sees the majority of graffiti routinely removed by its cleaning teams which result in it not being reported. Hard to remove graffiti is reported by the cleaning teams to a specialist graffiti contractor for removal. This class of graffiti is recorded by the contractor together with time taken for removal from when the request was received.
- 4.2.21 95% of all recorded graffiti is reported to Centro by these specialist removal contractors. Members of the Public, Councils and Councillors, Centro Staff and Centro contractors make up the remaining 5% of graffiti reported to Centro.
- 4.2.22 Centro's 5,200 bus shelters and 7,000 bus stops are cleaned weekly and fortnightly respectively at a cost of £130,195 per annum. Centro currently has 48 single person teams carrying out scheduled cleaning of bus stops and infrastructure including the removal of minor graffiti. A further 2 graffiti teams are deployed to remove stubborn and spray paint graffiti within 24-72 hours depending on its severity. There are a further 6 specialist cleaning teams that carry out 'deep cleans'.
- 4.2.23 West Midlands Travel currently tackle graffiti through the use of CCTV to capture images of graffiti vandals and via a public information hotline. Cleaning staff are also encouraged to take photographic evidence when undertaking daily cleaning in order to use this as evidence for prosecutions of vandals.

Other Local Authorities

- 4.2.24 Whilst undertaking research for this review we found a number of examples of good practice relating to the removal of graffiti. These included:
- **Liverpool City Council** in 2003 as part of a £400,000 graffiti-busting clean-up campaign added 4 anti-graffiti vehicles to the street cleansing teams. 10 murals were set at locations previously subject to graffiti vandalism. A anti graffiti web site www.art-town.co.uk was set up. Also shopkeepers were persuaded to sign up to a Voluntary Code of Practice in which they agreed not to sell spray paints to under 18s.
 - **Manchester City Council** hosted the 'Challenge Manchester 2007' – a 100 day campaign to 'clean up' Manchester.
 - **Sheffield City Council** has established in partnership with South Yorkshire Police and major businesses in the city, the Sheffield Graffiti Charter. This is where a number of private businesses and organisations, Police and the City Council have signed an agreement whereby all signatories would arrange to remove obscenities and racist graffiti from their respective properties within 24 hours of it being reported. Other graffiti on their properties would have to be removed within 10 days of it being brought to their attention.



The City Council is responsible for a graffiti removal service to all signatories and the provision and application of anti-graffiti coatings to buildings owned by the signatories, if requested, and the provision of a maintenance agreement, whereby the on-going inspection and subsequent cleaning of the buildings is carried out to keep them graffiti free.

- **Nottingham City Council** - A graffiti team has been launched in 2007 to provide a quick reaction to all reported graffiti in the city and to proactively seek out graffiti to remove before it gets reported within 48 hours. Businesses can hire the team to remove graffiti on their premises and the Council is offering them cut-price cleaning services to help.

4.3 Gathering and Sharing Intelligence

Gathering Intelligence

- 4.3.1 The Police play a critical role in gathering intelligence because they have the expertise to analyse the information and the capability to directly link it to a range of enforcement and preventative actions. Whilst graffiti is not recorded separately from other criminal damage offences, it is possible to gain an indication of the level of reported graffiti by the number of times that the word 'graffiti' is used to describe a crime (see 2.2.17). Graffiti issues are identified and tackled using the National Intelligence Model and delivered locally through neighbourhood policing, neighbourhood tasking, Safer Estates and neighbourhood management.
- 4.3.2 The City Council through its Regulatory Services function carry out enforcement work under the authority's arrangement for delegation of powers. This includes
- Enforcing legislation relating to the under-age sale (those under 16) of aerosol spray paints.
 - The Environmental Crime Unit (ECU) funded predominately by NRF undertakes criminal damage surveillance operations supported by Police arrest teams. These operations include targeting graffiti hotspots and prolific offenders. Between April 2006 and September 2007, 119 operations were carried out which led to 57 offenders being arrested for criminal damage/graffiti.
- 4.3.3 The British Transport Police are a national Police force responsible for the railways, underground, metro and trains. Graffiti is a high priority and they gather intelligence to tackle graffiti through the use of IT and surveillance analysing data to apprehend perpetrators such as:
- The use of photographic evidence of tagging is inputted into the National Graffiti Tagging Database to build up profiles and information on offenders.
 - Using the internet to access sites such as 'MySpace' and 'YouTube' where offenders are known to post images of their graffiti work and hold discussions. The British Transport Police can use these sites to find out who the perpetrators are, their networks and signatory 'tags'.



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- When an offender is caught, their personal computer is taken away for analysis and used for evidence. Information such as emails can be used to detect whether conspiracy charges can be levied whereby two or more people have colluded to engage in a criminal act.

4.3.4 Travel West Midlands gather intelligence on graffiti offenders on their buses through use of CCTV technology.

Sharing Intelligence

4.3.5 The Environmental Crime Unit, West Midlands Police and British Transport Police meet in a range of forums and share information relating to offending and offenders of anti-social behaviour including graffiti.

4.3.6 The Police support the ECU surveillance operations across Birmingham based Operation Command Units. The number of arrests as stated in 4.3.2 show the success of this.

4.3.7 Travel West Midlands operate the Safer Travel initiative which is a partnership between Travel West Midlands, West Midlands Police, British Transport Police and other key local stakeholders. The use of CCTV on buses aims to make travel safer. Furthermore Travel West Midlands is supported by the Police in "Gateway Checks" on all buses which aims to detect and deter crime, criminal damage and anti-social behaviour. Travel West Midlands works closely with the Police to bring about prosecutions of offenders based on these operations.

4.3.8 The British Transport Police operate a National Graffiti Tagging Database. It can be accessed free of charge by those working on graffiti reduction and can be used in court.

Linking the National Intelligence Model to Action

4.3.9 There is an extensive role that the gathering of intelligence by agencies such as West Midlands Police plays. The Police identify and prioritise issues through the National Intelligence Model (NIM). The NIM is an intelligence-led business process that allows issues to be identified and resources allocated. The Home Office recognises it as one of the hallmarks of effective working for Crime and Disorder Reduction Partnerships⁹.

4.3.10 The NIM translates into action through neighbourhood policing, neighbourhood tasking, Safer Estates and neighbourhood management. West Midlands Police deliver neighbourhood policing through Operational Command Units (OCUs). This enables the Police to engage with communities and prioritise issues important to communities, alongside city and national priorities. The tasking and co-ordinating process then allows Police resources to be allocated to deal with issues.

4.3.11 Because of the level of vandalism that is experienced by rail and metro companies, graffiti is a significant issue for the British Transport Police. This has meant that the force has developed a degree of expertise in gathering information relating to graffiti offences. It also holds the National Graffiti Tagging Database, which is a tool developed with London Underground. It records tag

⁹ 'Delivering Safer Communities: A guide to effective partnership working', Home Office [September 2007].



names, where they were found, who reported it and also has the capability to hold digital photographs if supplied.

4.4 Enforcement and Regulation

What Do We Mean By Enforcement?

- 4.4.1 Simply removing graffiti is not a long-term approach to preventing it occurring in the first place. In that respect, enforcement and regulatory activity to penalise those who do it must form part of the solution to the problem.
- 4.4.2 Writing on, painting or otherwise defacing property owned by someone else constitutes an offence under the Criminal Damage Act, 1971. This is a matter that is enforced by the Police. However, there are other powers to deal with graffiti, which include those vested in the Local Authority. Accordingly, there is a range of enforcement and regulatory activities of differing scales that accompanies these.
- 4.4.3 Criminal damage is a priority for the Police because of its links with other anti-social behaviour, quality of life and its volume. This priority is reflected in it being one of the offences contained within the Home Office Public Service Agreement target PSA1 (to reduce crime by 20% (for Birmingham as a high crime area, compared to 15% nationally) by 2007/8).
- 4.4.4 Section 1 of the Clean Neighbourhoods and Environment Act, 2005 also places a duty on the Birmingham Community Safety Partnership (BCSP) to review anti-social behaviour adversely affecting the local environment in formulating and implementing its crime reduction strategies.
- 4.4.5 The BCSP is the lead on developing an Anti Graffiti Strategy for Birmingham. A conference including delegates from the statutory, business and third sector agencies took place in November 2007 with the aim of informing this strategy. A draft consultation strategy will be circulated towards the end of January 2008 with the intention that the full document will be adopted by key partners in March 2008.
- 4.4.6 In this section, we will look at the range of enforcement options that are available to public agencies and partners.

Police Enforcement Powers

- 4.4.7 The Police have the power to arrest for criminal damage. However, this is one of a range of options, which include the normal range of police options as well as to consider civil interventions.
- 4.4.8 A criminal prosecution brought before a court is determined by the Crown Prosecution Service (CPS). This is based upon the case presented to the CPS by the Police. In sentencing for a criminal damage case, the courts take into account the level of damage caused to property and the cost of repairing it:



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- **For damage exceeding £5,000 value:** A maximum custodial penalty (for offenders aged 18 or over) of ten years imprisonment, or (for offenders aged 12-17) a detention and training order of up to 24 months;
- **For damage less than £5,000 value:** A maximum custodial penalty (for offenders aged 18 or over) of three months imprisonment, or a fine of £2,500; or (for offenders aged 12-17) a range of community sentences, including Reparation Orders and the Final Warning Scheme.

4.4.9 The Police can also issue on-the-spot Fixed Penalty Notices (FPNs) for offences of environmental crime or anti-social behaviour. These provide a ready alternative to prosecution for certain offences that would otherwise need to be tried in court, but are not appropriate for more serious cases (such as those that are racially or religiously aggravated). FPNs include:

- Penalty Notice for Disorder (PND) for those over 16 years old destroying or damaging property under £500 in value;
- Fixed Penalty Notice (FPN) of £75 (or a locally-set level) for minor graffiti, which can be issued by either the Police or Police Community Safety Officers (PCSOs).

4.4.10 For more serious offences, where graffiti is racially or religiously aggravated, the Police will seek to prosecute under Section 30 of the Crime and Disorder Act 1998. If successfully prosecuted, it carries a maximum penalty of 14 years in prison and an unlimited fine.

Using These Powers

4.4.11 It would be very easy to put forward a view that the Police should simply 'enforce the law'. However, this is an overly-simplistic statement that ignores much of the judgement that the Police are expected to exercise in all areas of operation. In conducting enforcement action, ensuring a proportionate response is important. The Home Office advises that before taking action regarding graffiti, there are four particular aspects of the nature of the offence that should be considered:

- How serious is this incident?
- Is it part of a pattern – is there a common tag?
- Is the graffiti racially or religiously aggravated?
- Are any other types of anti-social behaviour shown?

4.4.12 In seeking to bring a prosecution for criminal damage, the standard of evidence required is to the criminal burden of proof i.e. beyond reasonable doubt. Unless the culprit is caught in the act or witnessed doing graffiti, it can be difficult to prove that they have done it. For example, with tagging, in many cases it can be identified which person uses tags. However, unless evidence can be presented that they have done specific tags, it is always open to their denying the offence. Close working with the Crown Prosecution Service (CPS) on this is critical.

4.4.13 There are no dedicated police teams looking just at graffiti. However, resources can be diverted to address any issues, using the National Intelligence Model. There are examples where 'tags' have



been photographed put into albums and shown to local schools resulting in arrests. Surveillance has also been used to target persistent offenders and searches of houses have also revealed 'tags' on their own walls showing affiliations to gangs.

- 4.4.14 The decision to pursue a prosecution is dependent on national and community priorities. In addition, the Police must also be conscious of the cost and public interest of bringing a prosecution. It is right that this should take into account the seriousness of the offence and level / volume of crime that a prosecution might stop. For example, pursuing a prosecution that will require forensic examination and matching of paint samples might be appropriate where an individual is suspected of habitually causing many thousands of pounds of damage. However the Police would be expected to balance convicting or prosecuting an individual for graffiti related incidents against more serious crimes.

Local Authority Enforcement Powers

- 4.4.15 Powers under Section 222 of the Local Government Act 1972 enable the City Council to prosecute individuals for criminal damage where it considers it expedient for the promotion or the protection of the interests of its residents. In addition specific powers that enables the City Council in appropriate circumstances to secure the removal of graffiti or to pursue offenders includes:

- iii. Section 215 of the Town and Country Planning Act, 1990: Where it appears to the Council that the condition of land adversely affects the amenity of the area, it may serve notice on an owner and occupier of land, requiring the condition to be remedied. An instance where this provision may be effective could be land which has significant/extensive graffiti defacement.
- iv. Sections 43 to 47 of the Anti-Social Behaviour Act, 2003: Local Authorities can issue fixed penalty notices in respect of minor graffiti. (The penalty is currently set by the City Council at £75 or reduced to £50 for early repayment).
- v. Sections 48 to 52 of the Anti-Social Behaviour Act, 2003: Local Authorities can serve defacement removal notices on certain companies responsible for street surfaces or buildings that are on the public street that are defaced by graffiti.

- 4.4.16 There are a number of civil order tools that local authorities can use in conjunction with their Community Safety partners to deal with problematic anti-social behaviour:

- Acceptable Behaviour Contracts (ABCs);
- Anti-Social Behaviour Orders (ASBOs);
- Anti-Social Behaviour Injunctions (ASBIs);
- Individual Support Orders (ISOs);
- Parenting Contracts;
- Parenting Orders;
- Possession Proceedings;



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- Dispersal Orders.
- Criminal Anti-Social Behaviour Orders (CRASBOs): Used for those that have been convicted of criminal damage and imposes strict conditions for a minimum of two years. If a CRASBO is breached the defendant faces arrest and possible imprisonment for up to two years.

4.4.17 The Birmingham Anti-Social Behaviour Unit (BASBU) plays an important role here. The purpose of BASBU is to use a range of legal and pre-legal interventions to control anti-social behaviour. An important part of how BASBU works is that its involvement is part of establishing a way forward regarding unacceptable behaviour. If there is no evidence of re-offending after prosecution or warning, then BASBU involvement is not appropriate. Warnings and cautions must be given an opportunity to work before ASBO proceedings are considered.

4.4.18 Graffiti is potentially included within the scope of the use of these measures. Many of these orders include the scope to specify certain prohibitions, such as from going on the top deck of buses, or carrying spray paint / marker pens. These allow the orders to be used to focus very specifically on aspects of the individual's anti-social behaviour.

4.4.19 In practice, where the use of these measures against individuals is used, graffiti is generally part of a wider pattern of anti-social behaviour. For this reason, Birmingham City Council has not issued ASBOs against individuals solely for graffiti.

Other Local Authorities

4.4.20 Whilst undertaking research for this review we found a number of examples of good practice relating to enforcement and partnership working. These included:

- The '**Name that Tag**' campaign ran in London and Manchester and offered £500 for information leading to the successful prosecution of prolific taggers. This resulted in 3 high profile arrests and better intelligence for partner agencies to work with. The 'Name that Tag' campaign was launched on 20 November 2003.
- '**Operation Blight**' run by South Yorkshire Police in partnership with Sheffield City Council. Pictures of graffiti were put on a website for members of the public to identify.
- **Encams**, the Environmental Charity (part funded by DEFRA) launched a campaign to highlight 'Graffiti is not Art' and promotes 'zero tolerance'. This was done by getting politicians and Local Authorities to change their perspective and policies on graffiti. A high profile media campaign showing the negative effects of graffiti on an area and the links to criminality resulted in 123 MP's endorsing the initiative. This resulted in it making most national new programmes with the added bonus of a special mention in Australia.
- **Rotherham Borough Council's** 'Street Pride' campaign used a website to show images of graffiti and offered people up to a £1,000 reward to get in touch with names of vandals leading to prosecution in a bid to tackle graffiti.



- **Nottingham City Council** in 2005 launched a 'Grab a Grand for Christmas' campaign as part of Respect for Nottingham initiative which offered members of the public £1,000 for information on offenders leading to conviction.

4.5 Prevention and Proactive Activity

The Role of Prevention and Proactive Activity

- 4.5.1 As we identified in the introduction, activities to prevent graffiti happening in the first place or having an impact at all are one of the range of approaches that should inevitably form part of a balanced strategy in the city. Here, the emphasis is not about processes or legal powers, it is about what is effective in discouraging, deterring and ultimately preventing graffiti having any impact.
- 4.5.2 Within this area there is a range of different approaches. This spectrum spans a range of activities that include:
- Physically preventing access to areas in which graffiti can be done;
 - Making it easier, cheaper or faster to remove graffiti once it has been done; and
 - Encouraging those who do graffiti to think about what they are doing and change their actions accordingly.
- 4.5.3 In this section we examine these approaches in some detail.

'Preventative Enforcement'

- 4.5.4 As mentioned in paragraph 4.4.8, some enforcement powers that the Police and the Local Authority hold cross over into the area of prevention. These include:
- i. Section 1 of the Police and Criminal Evidence Act, 1984: Allows the Police to stop and search any individual or vehicle and seize items that can be used to commit damage, where they have reasonable suspicion that they will be used to commit an offence;
 - ii. Section 54 of the Anti-Social Behaviour Act, 2003: Allows a Local Authority to enforce, such as by carrying out 'test purchase' operations, provisions that make it an offence to sell spray paints to anyone under 16 years old.
- 4.5.5 The nature of these powers requires that they are used in specific, evidence-based situations. This places a strong emphasis on intelligence-gathering in supporting enforcement activities. Particularly in relation to selling spray paints, there is a role for local authority Trading Standards Officers to play in working with retailers to ensure that they are compliant.
- 4.5.6 Exercising enforcement powers also has a deterrent and preventative effect. For example, if people know that there is a high likelihood that enforcement action will be taken, then this can deter some behaviour.



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- 4.5.7 There is a broad range of prevention measures that can be taken against graffiti. These include measures to make sites where graffiti occurs more secure.

Situational Crime Prevention

- 4.5.8 Situational crime prevention concerns reducing the opportunities to commit criminal offences. This involves making it harder to get into areas, more likely to be caught committing an offence or having fewer opportunities to do so. Examples include better perimeter security, CCTV, locking of gates and physical measures that impede access.
- 4.5.9 Some of the physical measures do have drawbacks as well. For example, planting thorny bushes as a deterrent can be effective in terms of preventing graffiti. However, it also makes it difficult to keep the area free from litter because it is harder to remove. Other physical measures require a little thought. Looking at the example of Bournbrook Recreation Ground (see 4.5.29), one of the aspects that is felt to have contributed to uncontrolled graffiti is if a wall had been built eight feet high instead of four, then there would have been less attraction for people to paint on the building behind it.
- 4.5.10 There may be a case for reviewing security and prevention measures around high-frequency sites. One example here cited by artists is the relative easy accessibility of rail depots and sidings in the UK compared to elsewhere. They pointed out that despite the security measures taken by train operators and Network Rail, young people were still getting in to graffiti.
- 4.5.11 Modern graffiti's origins in New York with the painting of subway trains make this an area likely to be affected. This makes the involvement of train operators and the British Transport Police in any anti-graffiti partnership important.
- 4.5.12 Total prevention of graffiti anywhere in the city is not a realistic aspiration. Part of the reason that some people do graffiti is for the thrill and kudos (3.3.2) among their peers of getting their graffiti in an inaccessible place. To a certain extent it is also the case that the more effort that is invested in protection measures, the more determined artists will become to defeat them. Ironically, by seeking to make it harder to do, we would be increasing the thrill factor for doing it.
- 4.5.13 Aside from the fact that it constitutes a criminal offence, there are a number of safety issues associated with graffiti. Part of the thrill and kudos derived from graffiti is to have your work seen by many people in inaccessible places – to provoke a reaction of, "How did they get that *there?*" Climbing to heights, hanging from bridges, going onto railway lines or motorways all provide suitable sites for this.

Making it Easier to Clean

- 4.5.14 A technical approach to reducing graffiti involves making it harder to permanently damage surfaces through marking them. This covers 'graffiti-proof' paint or coatings, sacrificial coatings and designing surfaces in such a way as to make them less attractive to those that do graffiti.



- 4.5.15 Some preventative measures are more straightforward than others. There are many cases of property owners painting over graffiti using light-coloured paint. Whilst at times this might be in character with the original colour of the surface, it provides fresh invitation to be painted by the graffiti artist again. A simple solution might be to paint the surface a dark colour.
- 4.5.16 Other measures are more technical and in some cases expensive because of this. Paints and surface treatments have been developed specifically for street furniture and highway infrastructure such as lighting and signals which make it either harder to physically do graffiti or easier to remove it once it is done.
- 4.5.17 Travel West Midlands is exploring the use of two sacrificial surfaces – one for windows and the other for seat backs – on its services. The idea of these is that they reduce the impact of etching and graffiti, being removed when they reach an unacceptable condition.

Encouraging People to do Something Else – Diversionary Activities

- 4.5.18 'Diversionary activities' are an approach adopted by Youth Services to encourage young people to channel their energies into activities that are productive and positive, rather than towards anti-social behaviour. By encouraging them to deal with boredom through putting their energy into sport, artistic or even educational activities that they are interested in, they learn to use their time constructively. This also has an effect of encouraging young people to feel that they share ownership of community space.
- 4.5.19 Organised and positive work with young people needs to have some resonance with those young people i.e. something that they want to do which will have a positive outcome. Graffiti is one such topic and opportunities for learning techniques for aerosol art is one way in which this is provided. However, the impact of such projects on crime is secondary. It was stressed by the Youth Service that the emphasis of the activities that they provide is 'providing something to do' rather than specifically 'reducing graffiti'.
- 4.5.20 An example is the Yardley Youth Festival ('It's Good To Be Young'), which was held in Yardley Constituency during the October 2007 half-term break. This featured a graffiti artist helping young people to construct a mural using aerosol paint. We have also encountered examples of where young people have been invited to create murals to decorate the inside and outside of buildings. In many cases, there is anecdotal evidence to suggest that the external murals are respected and not subsequently vandalised or defaced.



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A mural created by young people using aerosol paint

- 4.5.21 The Education and Lifelong Learning Overview and Scrutiny Committee has previously looked at *Youth Services* in November 2006. Despite noting the commitment and motivation of many who work within the Youth Service, it concluded that the service has been historically under-resourced. The review asked the Cabinet Member for Children, Young People and Families to develop a strategic plan to address these resourcing issues.
- 4.5.22 There is some effort already made to encourage young people that are interested in aerosol art to put their energy into painting legally. However, these are on a par with many aspects of youth provision within the city in that they are insufficient. The question then becomes about how we can reach a point where youth provision is sufficient.

Other Local Authorities

- 4.5.23 A number of other authorities have undertaken proactive steps aimed at raising awareness to tackle graffiti effectively by working with young people. These have included:
- **London Borough of Tower Hamlets** has run a graffiti project since 1997. A local community activist with strong youth links recruited 14-16 year olds former 'tag artists' to remove graffiti from selected sites. The volunteers were offered outdoor activities such as abseiling to take part. This has been seen as a credible project and has had a positive effect. A full-time graffiti project co-ordinator who has made links with local agencies to develop further I.T. related activities has engaged with young people. The aim is to improve community relations as perceptions are challenged.
 - **Bristol City Council** ran the Trenchard Street Car Park Project. This involved working with local artists, schools and community groups and readers of the Evening Post newspaper to design and paint a mural which was representative of the culture and history of the city. The mural was painted onto the inner walls of the carpark.



- **Newcastle City Council** looked into the development of legal sites to reduce graffiti. 'Exploring solutions to graffiti in Newcastle upon Tyne' was undertaken by the City Councils Graffiti Forum.

Education

- 4.5.24 Work in schools is a critical element of working to prevent graffiti and gather intelligence. Whilst it was beyond the scope of this review to contact schools individually, evidence was presented of some of the work being undertaken by our partners in this area. We were also aware of pockets of good work with schools locally in identifying taggers.
- 4.5.25 One example of this is the work of the British Transport Police's Community Liaison Officers with young people in schools to raise awareness of issues such as trespass on railway lines in particular. There would be a particular focus around schools in areas where there are specific problem with graffiti vandalism.
- 4.5.26 The Safer Travel initiative continues to focus on specific school liaison work, through the respected 'SMART' Schools Project, community involvement and working partnership with other agencies in the West Midlands.

Legalised Zones

- 4.5.27 One of the more contentious areas we have examined concerns the possibility of controlling graffiti by identifying areas where it is tolerated or permitted. Some authorities have also taken this approach, such as the London Borough of Islington, which has identified a number of sites painted by the famous graffiti artist Banksy and instructed its cleaning teams not to remove them.
- 4.5.28 To a certain extent, this is another variation on the classic permissive / restrictive argument. General guidance in this area is clear that it does not offer a solution. ENCAMS¹⁰ an Environmental Campaigns' charity argue that whilst there is evidence that it can increase individuals' self-confidence and promote community involvement, there is no evidence that legalised walls are effective in reducing graffiti. A range of arguments is put forward as to why this is the case, including:
- Maintaining the walls takes resources that could be better used elsewhere;
 - Examples are cited in different parts of the country where it has been tried and has failed;
 - Taggers do not want to paint these areas because they do not offer any thrill or challenge and therefore lack credibility;
 - Graffiti spills over into surrounding areas particularly with individuals travelling to and from the area and using up surplus materials on the way home;

¹⁰ ENCAMS Policy Statement on Graffiti.



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- The walls make it difficult for the Police to use Stop and Search powers, as writers have a valid excuse for carrying paints/aerosols;
- It sends a mixed message from the Local Authority.

4.5.29 However, there are also counter-arguments:

- If managed properly, it can encourage writers to learn boundaries and rules around where they can and cannot paint;
- Many of the cases where such walls have not been successful are due to a lack of management;
- It provides an opportunity to develop individuals' artistic skills;
- Graffiti is urban public art and should be celebrated as part of urban culture;
- Opposition to graffiti as art is more about it not being to everyone's taste, rather than not being artistic.

4.5.30 Those who advocated this approach to us had links to the graffiti community and gave examples as shown in the case studies below. Interestingly, the proposed ways of managing this are not as permissive as they might first appear. We have been struck by the fact that people we spoke to were also strong in their condemnation of tagging. Their advocacy is also based on there being:

- Strong support to ensure that the legalised / tolerated zones are actively managed, possibly as part of structured youth work;
- A rigid attitude towards tagging and graffiti outside the zone, including preventing people using the site who tag;
- Regular clean-up of the zone, providing both a fresh canvass and an opportunity to get rid of any tagging.



Bournbrook Recreation Ground

Case Study: Bournbrook Recreation Ground

Known also as 'Selly Oak Pocket Park', Bournbrook Recreation Ground is situated within Selly Oak ward, about three miles from the City Centre. The park is situated just off the A38 Bristol Road, bounded by the Cross City South railway line / an electricity transformer, a wall along the back of buildings on the Bristol Road and other properties on Dale Road and George Road. The park contains two basketball / multi-use courts, the remains of a children's play area, some landscaped areas and trees.

Records are unclear, but we understand that the park was made a legal zone for graffiti by the City Council c. 1984. For the graffiti community, this was reinforced by the fact that no-one was arrested for painting there. It was considered legal to paint below a notional line around six feet high on the transformer wall.

Around 1989, a voluntary youth project known as The Blueprint Gallery was set up to work with graffiti artists, based out of 641 Youth House (which backs onto the park). One of the conditions of this project was to clean up the Grade II Listed Building (641 Youth House). This project established the Birmingham Aerosol Art Cooperative – an attempt to bring some order to graffiti in the park. The youth worker established rules around what graffiti could be done. This included no racist or sexist graffiti. It also included some informal boundaries, such as not painting over someone else's work without their agreement. Advice was also provided to artists, to encourage them to stay legal in their painting.

The main wall borders the electricity transformer and is around 30 feet high. It was painted to give a 'blank canvas' and was divided into five different areas. These areas were used for artists of different levels of proficiency, with the larger areas reserved for more experienced artists. Prior to painting, artists were required to submit sketches to the youth worker of what they proposed to paint before they started. The



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park was cleaned and painted annually. Trees were also planted to provide a screen between the artists and the railway line – reducing the likelihood of trespass.

We have been able to establish that the Midlands Electricity Board (now nPower) gave permission in 1989 to paint the park sides of the wall around their transformer site for a peppercorn rate of £1 (if demanded). We can find no evidence to show that permission was given to paint anywhere else in the park. However, it does appear that there was a mistaken belief (including among Council officers) that this was the case.

As well as being a site for graffiti, the park also hosted graffiti events, featuring artists from not only around the UK but also other countries. These artists would come to the city to paint at their own expense, for the experience and renown of painting here. The events that they attended would include live painting exhibitions where younger artists could learn from watching their peers. The project remained in place until 1994. Those involved feel that during this period there was significant less tagging taking place.¹¹

The current situation with the park is that whilst there are a number of relatively advanced 'throw-ups' painted there, there is also a considerable amount of tagging. This covers almost every paintable surface in the park – including brickwork, paving, mesh fences and lamp posts. This also defaces most of the more artistic pieces and has spread to neighbouring buildings visible from the park.

Case Study: City of Wanneroo, Western Australia

The City of Wanneroo is 24km north of Perth in Western Australia, with a population of over 200,000 people. In 1992 it established the Mural Arts Programme – a project to extend public mural art to a wider audience, with a specific aim of combating graffiti vandalism and the cost of dealing with it.

The programme was built upon community consultation. This asked people whether they considered that there was too much graffiti on public property (bus shelters, underpasses, buildings, etc.) and whether they considered that well-designed and painted murals were an acceptable alternative. The result of this was the 95% thought there was too much graffiti and 99% would prefer designed murals.

Murals were formally commissioned for pieces of public infrastructure. This included clear design approval between the city and the artists, specifying how the work would be done and what it would look like. This even included provisions for ownership of copyright of designs. Between 1992 and 1995, 13 murals were painted.

Accompanying the process of commissioning murals were various measures to tackle other graffiti. This included a vigorous programme of graffiti removal, aiming to clean any graffiti within 24 hours, and applying protective coatings to shelters and underpasses. The neighbouring City of Joondalup provided guidance on how to get graffiti removed, whilst guidance was also available on preventing graffiti, including the different coatings available for surfaces, general advice on situational prevention and preventative steps.

¹¹ This has not been substantiated by the Police.



The programme is considered to have has a positive effect on the cost of vandalism to the city, as well as building community spirit and pride in the city's streetscape.

4.6 Summary

- 4.6.1 What is clear is that these approaches cannot work in isolation. Whilst it may be desirable to provide space and opportunity for people to do graffiti, that cannot be unstructured or unsupervised. If that happens, then there is a significant risk that the individuals will fail to learn the boundaries around what they are doing.
- 4.6.2 Solutions have to be tailored to the circumstances of the area that is being affected. Closing a gate and preventing access is sometimes appropriate; in other cases, educating people as to the hazards they face can be equally so.
- 4.6.3 Prosecution is a last resort, especially where it involves young people. One reason is the need to avoid over-use of enforcement and to intervene at an earlier stage instead. There is the potential that over-enforcement could be seen as increasing the challenge to those that do it.
- 4.6.4 There is a need to improve the capacity for local people to act through Neighbourhood Tasking.



5 The Way Forward

5.1 Is Graffiti Art or Vandalism?

- 5.1.1 It is clear that some graffiti displays a high degree of technical proficiency and artistic flair. However, no matter how aesthetically pleasing the result, if the artist does not have permission to do it, it constitutes criminal damage. In that fact, the law is quite clear and the owner of the wall that has been painted will soon tell you this.
- 5.1.2 This stark legal position does however fail to acknowledge that as people we naturally differentiate between incoherent or offensive scrawl and more considered, thoughtful work that can be pleasing to the eye. There is a seductive argument here that whilst painting on a wall might be illegal if you don't own it, it can add a splash of colour to what would otherwise be a drab, grey, concrete urban landscape if it is done well. Whether the end result is something that those passing by would want to see is another matter.
- 5.1.3 Context has an important role to play here. Each viewpoint relates to the degree of tolerance that people have for graffiti. There are contexts where graffiti art does not look out of place and can be a part of young people feeling some ownership of their community space. There are also contexts in which it is generally considered inappropriate and in which it should not be tolerated.
- 5.1.4 Sadly, much of what we see across the city is less artistic, falling into the category of nuisance tagging. Whatever our attitudes are towards the more artistic spray paint art, there is little acceptance that this has any rightful place or constitutes anything more than vandalism. In looking at a way forward, we need to find an approach that balances an appropriate level of tolerance within defined boundaries, with means of robustly opposing behaviour that sits outside those boundaries.
- 5.1.5 In the following sections we outline our conclusions on how we would like to take forward how graffiti is managed in the city. We also identify specific recommendations that we ask the Executive and partners to pursue. Given that the City Council is working with its Community Safety partners towards an Anti-Graffiti Strategy for the city, we see this as being a key conduit through which to address much of this.



5.2 Overall Strategy

- 5.2.1 Despite the debate about whether it can be art or simply constitutes vandalism, one thing that is clear about graffiti is that people want something done about tagging. Here, the wider perspective of those involved with the Community Safety Partnership is important: graffiti is not something that can be tackled either on its own or in isolation from other issues. Its incidence is often tied in with other anti-social behaviours and identifying the root causes means looking at often very specific local circumstances and developing a solution based upon that.
- 5.2.2 Continuing to do this with delivery through mechanisms such as local neighbourhood tasking allows us to focus delivery with partners on problem areas. Taking action will require partners working in different ways within an overall framework of action. Through the range of perspectives that partners bring to bear on the subject, there is also potential for a range of different approaches.

Conclusions

1. **We welcome the approach of moving towards an Anti-Graffiti Strategy for the city. Partnership is essential in taking forward a co-ordinated response to the issue.**
2. **A policy of simply removing graffiti is not a sustainable or long-term approach to tackling the problem. Enforcement / regulation, prevention and intelligence all have a significant part in a solution.**

	Recommendation	Responsibility	Completion Date
R01	The Cabinet Members should work with the Community Safety Partnership to put in place a Graffiti Strategy for the city in conjunction with Community Safety partners which sets out a strategy for: • Removal; • Enforcement / regulation; • Prevention; and • Intelligence gathering and sharing.	Cabinet Members for Transportation and Street Services and Local Services and Community Safety	30 April 2008



5.3 Intelligence and Information Sharing

- 5.3.1 Many of the different agencies that come into contact with graffiti hold information on its occurrence. This ranges from relatively simple information, such as that held by Council services responsible for cleaning it, to more detailed information such as that held by the Police. There are also informal sources of information, such as that from schools.
- 5.3.2 At present, the approach is very different between agencies, with each organisation considering its own needs for the information in defining what is collected. Some, such as the Police use this information to build an intelligence picture that enables greater focus in their operations. From their perspective, gathering more and better information is important in building this picture.
- 5.3.3 As a Council, we have a considerable resource of staff operating across the city. This has the potential to provide a broad base for collecting information on not only graffiti but also other environmental crime. However, there is an argument that placing too great an emphasis on recording could be distraction where staff or others could just clean it up there and then. The emphasis should be on collecting information in a co-ordinated and consistent way with the aim of assisting removal and enforcement.

Conclusions

3. Sharing of information about graffiti in the city could be improved and this would have benefits in supporting enforcement and prevention.
4. Increasing the capacity to report environmental crime such as graffiti is important. The City Council has many staff across the city who can be the 'eyes of the City Council' in identifying and reporting problems.

	Recommendation	Responsibility	Completion Date
R02	The Council should consider working with partners to improve co-ordination of information on graffiti between partners in order to improve effectiveness in tackling this issue. This should include agreement upon: • Clearly-designated information contacts for all relevant Community Safety Partners; • Compatible standards for how information should be kept; • Protocols for how information should be shared; • Ways in which these information databases can be potentially linked.	Cabinet Members for Transportation and Street Services and Local Services and Community Safety	31 August 2008



	Recommendation	Responsibility	Completion Date
R03	Consideration should be given to how the number of Council staff that report graffiti can be extended. This should include: • Ensuring that they have access to / are equipped with digital cameras; • Maintaining a clear list of City Council contacts to report this information to; • Publicity within the City Council to encourage staff to get involved in keeping their communities clean.	Cabinet Members for Transportation and Street Services and Local Services and Community Safety	30 September 2008

5.4 Removal

- 5.4.1 Realistically, we must accept that we will probably never totally eradicate graffiti – there will always be some graffiti, somewhere in the city for a period of time. We must also accept that the cleaning resource for the city is significantly less than the demand for it. This means that our approach both as a Council and one of the partners with a stake in the appearance of the street scene is about how we control the level of graffiti.
- 5.4.2 There are particular challenges to this with Neighbourhood Renewal Fund (NRF) provision ceasing. We are awaiting guidance on its replacement (Working Neighbourhoods Fund) and how this will impact on services such as graffiti removal given the focus is to be around worklessness. Whilst some of the Council's resource for removing graffiti is currently provided through mainstream sources, there is an important level of support through NRF-funded means such as Environmental Wardens.
- 5.4.3 It is important that the City Council both adopts and encourages a balanced approach to dealing with graffiti. Removal, prevention or enforcement will not work in isolation and if there is an imbalance in the approach taken then this could undermine the effectiveness overall. The picture of graffiti removal resources in the Council is complicated by the fact that there are a number of routes for this that differ between service directorates.
- 5.4.4 The extent to which we co-ordinate removal activity with others is one area where there is a logical efficiency to be found. The City Council has cleaning staff who are trained and equipped to deal with graffiti. If partners might be prepared to contribute to the costs of maintaining this in exchange for their undertaking cleaning on their behalf, then this would be the most effective way of doing this. However, to pursue such agreements is a long process that has not yet started.

Conclusions

5. We accept that the Council's approach to removing graffiti is currently different between directorates. However, for the short term at least, we would



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like to see a clear professional lead in this area being established by Fleet and Waste Management.

6. We note that area-based cleaning teams potentially improve the capacity to deal with graffiti proactively by adopting an intensive approach to cleaning areas.
7. Time-limited resources such as NRF do not provide an effective means to deal with issues such as graffiti, other than for clearing a backlog. Whilst we accept that resources would need to be found to increase the capacity of mainstream services to an appropriate level, we do feel that this must be a priority.
8. The progress with Neighbourhood Caretakers in Housing is noted. We would like to see this good practice shared in the Council as a whole.
9. Statutory undertakers (such as utility companies) need to share our priority of tackling graffiti and ensuring that it is removed frequently.

	Recommendation	Responsibility	Completion Date
R04	An assessment should be made in the City Council of the capacity to remove graffiti within a specified timescale. This should also identify the resources needed to close the gap on graffiti, particularly in the context of the changes to funding sources such as NRF. Given the imminent end of NRF this should be done urgently.	Cabinet Members for Local Services and Community Safety; Chairman, Public Protection Committee	30 September 2008
R05	In taking a leading role in shaping the quality of the street scene in the city, the Council should commence discussion with a range of partners, including: • Centro, Travel West Midlands, Network Rail and private transport operators; • British Waterways; • Utilities and statutory undertakers; • Police and British Transport Police. This should be with a view to: • Establishing agreed standards to which each will work to removing graffiti; • Examining how cleaning resources can be shared in an area; • Examining ways in which communication of necessary action can be shared between different partners.	Chairman, Public Protection Committee	30 September 2008



5.5 Enforcement / Regulation

- 5.5.1 Enforcement and regulatory actions are one of the more difficult areas that we have looked at: it is not a case that there is not action taken on graffiti. It is a question of how that is set as a priority against other areas of required enforcement.
- 5.5.2 At an overall level, West Midlands Police uses the process of Neighbourhood Policing, through which local people influence local policing priorities. These are matched to resources locally through the Neighbourhood Tasking process.
- 5.5.3 Taking enforcement action (and particularly prosecution for criminal damage) requires the Police and others taking that action to meet clear standards of proof. If the offender is not 'caught in the act', this often makes it difficult to prove connections to other offences. Where there is a connection, then this may warrant using tests such as forensic examination of paint samples. However, it has to be borne in mind that such tests are expensive.
- 5.5.4 Again context is important. Graffiti is not an isolated issue and many of the enforcement actions (particularly through civil routes such as ASBOs) reflect this. However, being able to co-ordinate enforcement activity against this range of behaviours requires specific work to be done. This is presently delivered through the Council's Environmental Crime Unit, which is dependent on NRF funding.

Conclusions

10. Given the importance of the role of the Environmental Crime Unit in supporting enforcement activity, it is essential that its continued funding is made a priority following the withdrawal of Neighbourhood Renewal Funding.
11. We approve of the work of the Youth Offending Service in operating reparation schemes for convicted graffiti vandals conducting unpaid work removing graffiti.

	Recommendation	Responsibility	Completion Date
R06	That full consideration is given to ensuring that there is continued funding for the Environmental Crime Unit following the withdrawal of NRF funding from April 2008.	Chairman, Public Protection Committee	30 April 2008
R07	The Youth Offending Service should continue to seek funding to continue the good work with graffiti offenders on reparation schemes removing graffiti. These schemes should be publicised through Forward, the Council website and other media to build awareness of this.	Cabinet Member for Children, Young People and Families	31 August 2008



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5.6 Prevention

- 5.6.1 Much of our discussion has centred upon preventative activity that the City Council can undertake. Things are already being done in this area, particularly in terms of use of anti-graffiti surfaces that are easier to clean and in 'designing out' anti-social behaviour from public spaces. However, we would like to see these options applied in a more consistent way, as a routine part of preventing problems through design.
- 5.6.2 The extent to which the Council engages in diversionary activity is one area where we had much debate. Encouraging young people to take part in activities that they are interested in (such as aerosol art) may provide opportunities for them to develop their skills. However, if that then leads to them committing criminal damage (however artistic), then that is counterproductive.
- 5.6.3 Issues regarding the provision of youth services in Birmingham are not new to Scrutiny. The *Scrutiny Review of Youth Services* identified that there was "a gap in the level of funding for the provision of youth work in Birmingham and an absence of adequate places and resources to support the delivery of youth work". Ultimately, this lack of resources will clearly impede the degree to which diversionary strategies could form a major element to support reducing graffiti.
- 5.6.4 There are some areas in which graffiti art could be an acceptable way of decorating public space. An example here is where there is an area that is designed for young people, such as the designated space for skaters within Kings Norton Park. However, context is important here and a degree of control needs to be exercised through choosing appropriate places and establishing boundaries. It would not for example be appropriate to accept graffiti or mural art where there is a risk that this could be used by gangs to mark their territory through tagging or where this results in offensive statements or pictures.
- 5.6.5 There is also the issue of managing the situation. Even presuming that it is possible to move beyond the wider objections that there may be to graffiti *per se*, simply providing wall space does not constitute any part of a workable solution. Whilst it could provide an 'outlet', as examples have shown, it would need management to prevent it spilling over to neighbouring areas.

Conclusions

12. We note and agree with the view that there is a difference between 'tagging' and the more artistic 'graffiti art'.
13. Any move to establish areas where graffiti is permitted must include active management of these areas. Simply providing walls that can be painted is not a workable solution.
14. Much is still to be done as a Council regarding considering how we can 'design out' graffiti in facilities that we build. One route might be to standardise



specifications for graffiti protection for street furniture and equipment that we purchase.

15. Good practice and the development of standards in 'designing out' graffiti should be developed with and encouraged among our Community Safety Partners and others who are affected by graffiti.

	Recommendation	Responsibility	Completion Date
R08	The Council should consider providing a central guidance point on best practice in graffiti prevention, providing access and information for: • Council landowning services; • Private businesses and landowners; • The general public; • Centro, Network Rail and private transport operators; • British Waterways; • Utilities and statutory undertakers.	Cabinet Member for Transportation and Street Services	31 December 2008
R09	Further to recommendation 8 of the Sustainability and Climate Change (Task and Finish) Overview and Scrutiny Committee, as part of clarifying the definition of 'whole life costing' of assets, the definition should include the application / use of anti-graffiti coatings and surfaces for street furniture. These coatings should also be "environmentally friendly" so far as is practicable.	Deputy Leader	30 April 2008
R10	In working with others to develop local solutions to anti-social behaviour where graffiti is a part of the problems experienced, the Council should consider: • Providing defined areas where mural art will be accepted; • Establishing appropriate parameters within which artists are expected to work; • Using mainstream resources such as youth workers to support and actively manage these measures. In such cases, this must ensure that there is acceptance from Ward Members and that the views of local residents are fully taken into account.	Cabinet Member for Transportation and Street Services; Cabinet Member for Children Young People and Families	31 August 2008



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	Recommendation	Responsibility	Completion Date
R11	Where defined areas are provided for mural art there should be clear measures for evaluating their financial and environmental impact on addressing unauthorised graffiti in and around the area.	Cabinet Member for Transportation and Street Services	31 August 2008

5.7 Progress with Implementation

- 5.7.1 To keep the Committee informed of progress in implementing the recommendations within this report, the Cabinet Member for Transportation and Street Services is recommended to report back on progress periodically. This will be carried out through the established tracking process.

	Recommendation	Responsibility	Completion Date
R12	Progress towards achievement of these recommendations should be reported to the Transportation and Street Services Overview and Scrutiny Committee in September 2008. Subsequent progress reports will be scheduled by the Committee thereafter, until all recommendations are implemented.	Cabinet Member for Transportation and Street Services	30 September 2008



Appendix 1: Contributions to this Review

Review Group Membership:

Transportation and Street Services Overview and Scrutiny Committee Members

Councillors Martin Mullaney (Lead Member), Timothy Huxtable, Mick Finnegan.

Local Services and Community Safety Members

Councillors Anita Ward, Barbara Wood and Robert Wright.

Members of the Committee would like to extend their thanks to those who have given their time to help gather evidence for this review:

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Dave Viggers, Youth Offending Service

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West Midlands Police

Chief Superintendent Russ Smith

Superintendent Surjit Manku

British Transport Police

Chief Inspector Peter McHugh, Area Commander, West

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Centro-West Midlands Passenger Transport Authority

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Members would also like to thank officers from the Scrutiny Office for co-ordinating the review, arranging evidence taking and producing this report for this review:

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