

Graffiti and Fly-Posting Policy

June 2024

1. Introduction

Oadby and Wigston Borough Council (OWBC) promotes respect for the environment and strives to protect our communities making them vibrant places to live, work and visit.

The Council has a responsibility in partnership with others to the public to keep the borough safe, clean and green. This Policy sets out how the Council proposes to tackle graffiti and fly-posting to maintain a clean and attractive environment for all to enjoy.

The presence of graffiti and fly-posting detracts from the environment, creates a perception of degeneration and a lack of pride in the area, contributes to a fear of crime and is an example of anti-social behaviour. This Policy is therefore an important building block in establishing the Council's approach, utilising our expertise and the resources of a wide range of partners and working across groups and with other agencies to tackle the problem effectively and efficiently.

OWBC Community Safety Partnership brings together a collection of statutory, non-statutory, voluntary and other organisations who have a real commitment to do everything in their power to have a positive impact on reducing crime and the fear of crime. The Partnership has produced a three year Strategic Plan which sets out priorities which include reducing crime, disorder and anti-social behaviour.

2. Key Work Areas

2.1 Education and Prevention

OWBC will focus work on the following areas:

- a) An anti-graffiti education programme to be implemented with young people for example with the Leicestershire Youth Justice Service.
- b) Will seek that new developments are designed to minimise opportunities for crime, improve the street scene for example by introducing and encouraging landscaping in front of boundary walls and ensuring visual supervision of the public realm and private parking areas by building orientation and window positioning.
- c) Use warning letters and publicity to all businesses considered likely to utilise fly-posting to promote and advertise their businesses.
- d) Apply and use 'cancelled', 'sold out' and 'postponed' stickers where appropriate over fly-posters advertising events for maximum effect.
- e) Patrol areas where there are known graffiti and fly-posting problems.

2.2 Enforcement

Enforcement work will include the following:

- a) Targeting known hotspots to enforce the legislation.
- b) Use of covert and overt monitoring techniques including CCTV.
- c) Encourage residents, businesses and members of the public to report issues and incidents in confidence.
- d) Penalise those responsible where sufficient evidence exists including the use of fixed penalty notices.

2.3 Removal

The treatment and removal responsibilities and obligations will vary depending on land ownership.

2.3.1 OWBC owned land and property.

- a. Graffiti that is racist or offensive will either be removed or made illegible as soon as possible after a report is received. The aim will be to do this within two working days. Other graffiti will be removed within 14 working days.
- b. Fly-posters will be removed, or stickers applied within seven working days.

2.3.2 Leicestershire County owned land and property.

- a. Graffiti will be removed from their equipment and property which typically includes road signs, traffic signal cabinets and street lights using the same criteria as OWBC.
- b. The County Council has their own powers which they will use for any highway contraventions.
- c. Fly-posters will be removed either by the County or OWBC working with the County within seven working days.

2.3.3 Other bodies including statutory undertakers.

- a. Consent will be invited from statutory undertakers to enable the removal of graffiti or fly-posting from their property, where such property is both accessible and when the task does not cause an operational hazard.
- b. The criteria applied by OWBC will be followed.
- c. Any repainting required (for example to remove graffiti) will be the responsibility of the property owner.

2.3.4 Privately owned property

- a. Owners of private property, including businesses, will be encouraged to remove graffiti and fly-posters quickly. If the graffiti is offensive then swift action will be taken to expedite its removal.
- b. Where appropriate, action can be taken against owners requiring the removal of graffiti and fly-posters. Notices can be served and action taken in default to secure compliance. The Police will be consulted as appropriate on any incidents.

3 General Requirements

3.1 Notifications

The Council has a procedure in place to enable the effective notification of graffiti and fly-posting incidents. OWBC and the Police will work together to support the investigation and resolution of such cases.

3.2 Priority Areas

All racist and other grossly offensive graffiti is targeted as top priority. Such graffiti will be reported to the Police.

The Council will take a proportionate view of whether a particular incidence of graffiti and/or fly-posting is detrimental. Relevant factors include: the surface area covered, local complaints and the degree and nature of the graffiti and/or fly-posting problem in the area.

3.3 Permission

In exceptional circumstances the Council may grant permission for fly-posters. Permission will only be granted to those organisations that are voluntary, charitable or community groups, but only where there is limited impact and duration and the event will result in community benefit and is not commercial in nature.

If permission is given this will require the posters to display a name and contact details for the organisation. Locations will be specified and the organisers will be required to take them down after an agreed period.

3.4 General

All incidents and a catalogue of photographs will be recorded on a database. This will enable effective monitoring and programmes of work to be agreed and appropriate liaison with the Police and other agencies through existing arrangements such as the Joint Action Group meetings.

3.5 Enforcement Provisions

Graffiti can be tackled using Community Protection Warnings and Notices. Failure to act can lead to work being carried out in default with any cost recharged and/or a fixed penalty notice being issued.

Fly-posters can be removed or 'cancelled', 'sold out'/'postponed' stickers applied as appropriate. Any fly-posters can also attract a fixed penalty notice.

The current rates for graffiti and fly poster fixed penalty notices are £225 per offence, discounted to £200 if paid within 10 days.

4 Definitions

Graffiti – graffiti is drawings, messages or tags that are scribbled, scratched, painted, written or sprayed, typically onto walls and street furniture.

Offensive graffiti – this is illegal and unauthorised and may contain some or all of the following elements; offensive language, political, racist, religious content of an insulting, inciting or inflammatory nature.

Fly-posting – this is generally taken to be the display of advertising on buildings or street furniture without the consent of the owner. The following are illegal forms of advertising if they are displayed on a building or street furniture;

- a. advertising posters for local events such as nightclubs, pub events or car boot sales.
- b. posters advertising products or businesses (this does not apply to signs which have been granted planning consent).
- c. posters displayed by pressure groups.