

**6.3 ADVERTISING OF AMENDED POLICY - 2.1.3 GRAFFITI CONTROL AND REMOVAL**

- Attachments:**
1. **Draft Graffiti Management Policy**
  2. **Graffiti Benchmark**
  3. **Graffiti Control and Removal Policy**

**RECOMMENDATION**

**That Council APPROVES the proposed amendments to the Graffiti Control and Removal Policy, at Attachment 1, for the purpose of community consultation.**

**PURPOSE OF REPORT:**

For Council to approve, for the purpose of community consultation, the proposed amendments to the Graffiti Control and Removal Policy as detailed at **Attachment 1**.

**BACKGROUND:**

The Graffiti Control and Removal Policy was adopted by Council in March 2000 and last amended in November 2010. A review of the Policy is required to reflect current legislative, strategic and policy frameworks, and to provide clarity in regards to the scope of the City's graffiti removal service.

The requirement of provisions outlined in clause 1.3 of the Policy Development and Review Policy were presented to Council Members through the monthly Policy Paper on 3 June 2022.

**DETAILS:**

The elements set out in clause 1.3 of the Policy Development and Review Policy have been considered as set out below.

**Proposed objective of the revised policy:**

The proposed objectives of the revised policy are to:

1. Define the scope of the City's graffiti removal service;
2. Reduce the incidence and visibility of graffiti vandalism within the City;
3. Deter acts of graffiti vandalism and damage on City of Vincent assets, infrastructure and property; and
4. Encourage a whole-of-community approach to the reporting, removal and prevention of graffiti vandalism.

**Requirement for a documented City position (including community need or legislative requirement):**

1. Introduction of the *Graffiti Vandalism Act 2016* created new offences and penalties for graffiti damage and consolidated other graffiti related offences and powers spread across a number of Western Australian statutes into one stand-alone Act. For local government, the Act provides the following:
  - Replicates the general powers and protections of local government in the Local Government Act 1995 to deal with graffiti;
  - Allows for the cost of cleaning graffiti to be awarded against the offender; and
  - Allows local governments to issue notices requiring the removal of graffiti and to enter properties under warrant to remove themselves.
2. There is an opportunity to align the policy with the State Graffiti Vandalism Strategy 2019-2021, the guiding document for the delivery of graffiti management across the State which outlines a number of updated initiatives that support delivery of the Strategy's three goals of:
  - Promoting partnerships
  - Reporting and removing graffiti vandalism; and
  - Prevention and policing graffiti vandalism

3. Feedback from Council, staff and community demonstrates a need for the City to more clearly define the scope of its graffiti removal service.
4. In October 2020, Council also adopted a Notice of Motion requesting that Administration conduct a review of the City's graffiti removal service in City owned rights of way.

**Examples of current / best practice:**

It is proposed that the following principles be incorporated into the new policy:

1. Research suggests that rapid removal, the process of removing graffiti vandalism within a relatively short period of time (usually 48 hours), remains the recommended prevention and reduction strategy when carried out in combination with other initiatives such as community awareness, intelligence-led policing, landscape design, offender diversion and education.  
The effectiveness of rapid removal is based upon the following premises:
  - That it will limit exposure time of the vandalism, and consequently recognition from peers; and
  - The development of 'broken windows theory', which suggests that poorly maintained spaces create a perception that no-one cares and can encourage further vandalism and offending.
2. WA Police Force have developed Media Information for Responsible Reporting of Graffiti Vandalism guidelines. The City can align its own marketing and communications through actions such as:
  - Use of common language and clear differentiation between illegal 'graffiti vandalism' and legal 'urban art';
  - Promotion of graffiti reporting mechanisms to increase reporting of graffiti and accelerate the process of graffiti removal activity;
  - Raising awareness of graffiti prevention initiatives and reward programs; and
  - Avoiding the use of tag images which can provide recognition and fame for the offender.
3. Administration has benchmarked the current graffiti removal service and management practices of all other metropolitan local governments, and found that the majority (including the City of Vincent) provide graffiti removal support to private property owners meeting the following criteria:
  - On property that is accessible or easily reached from a public place;
  - Where the graffiti is visible from a thoroughfare or public place and impacts the amenity of an area;
  - If the graffiti can be removed by staff working at ground level; and
  - If the surface is not of an unusual, unsafe or unique nature, or heritage listed, requiring a non-standard response.

It is proposed to incorporate these criteria into the new Graffiti Management Policy to provide a clear scope of service to the community and staff.

4. Subject to resourcing and reactive demand, some local government graffiti removal services include the proactive, routine inspection of priority (high pedestrian) areas to facilitate rapid removal, in addition to actioning specific removal requests. This approach could be further embedded into operational administrative procedures.
5. Few local governments provide graffiti removal products to private property owners to undertake out of scope works themselves. The City of Vincent has provided free graffiti wipes to residents and businesses on request for many years and will be expanding this program in the new financial year to trial larger scale graffiti removal kits which can be used for the removal of graffiti from painted and smooth surfaces, or brick, stone and masonry surfaces. This initiative does not need to be reflected in policy.
6. Very few local governments support volunteer graffiti removal programs, likely due to the potential risks and liability associated with undertaking works. For example:
  - City of Armadale support a local volunteer group 'Civic Pride Action Group' who remove graffiti free of charge from private properties and small locally owned businesses; and
  - City of Gosnells have an 'Adopt a Bus Shelter' program and provide volunteer residents/businesses with a removal kit/paint to maintain their adopted asset.

### An evaluation of the effectiveness of the existing policy

The findings of Administration's review of the effectiveness of the existing policy, and proposed amendments are as follows:

1. It is proposed that the Graffiti Control and Removal Policy be re-named *Graffiti Management Policy*, to reflect a more holistic approach to responding to graffiti vandalism.
2. The inclusion of definitions and common language in the new policy is important to provide consistency with legislation, particularly to improve understanding around the difference between 'illegal' graffiti vandalism and 'legal' urban art.
3. There is a need to more clearly define the scope of the City's graffiti removal service in regard to private property, and in particular rights of way, as evidenced through Council, community and staff feedback (please refer to local government benchmarking information in this report).
4. The City has approximately 240 rights of way (laneways) with an audit by Administration in 2021 showing that:
  - 44% were completely free of graffiti vandalism;
  - 30% had some graffiti present;
  - 15% had graffiti present which was clearly visible; and
  - 11% had extensive, historical graffiti vandalism.

Provision of a full graffiti removal service in the City's rights of way is not viable without additional human and physical resources, and without an increased focus on preventative measures to deter further vandalism.

It is suggested that the City could provide the following supports for managing graffiti vandalism in laneways:

- Provision of a graffiti removal service where a property has their frontage in the laneway;
  - Provision of graffiti removal kits to assist with graffiti removal on other laneway surfaces;
  - Alternative strategies for graffiti management in hotspot areas to be given separate budgetary consideration, as per existing policy. This could include initiatives such as laneway lighting, grant funded projects and urban art projects etc.
5. Graffiti vandalism is an under-reported crime, due to irregular and inconsistent reporting by victims, and the several different reporting mechanisms. Police are often not aware of emerging trends and vandalism hotspots, and therefore cannot target these areas accordingly.

It is proposed that requests to access the City's graffiti removal service are required to include a police or Goodbye Graffiti report number. This action can be completed quickly online or over the phone and provides intelligence to both local police and the dedicated WA Police Force Graffiti Team, as well as important data and information which can assist the City in developing targeted crime prevention initiatives and evidencing applications for external grant funding.

6. All graffiti removal services undertaken by the City of Vincent are recorded and uploaded electronically to the WA Police Goodbye Graffiti database, not just those of an offensive or racist nature as per the current policy. The new policy will be updated to reflect this.
7. There is an opportunity to align the policy with other existing strategies and policies to ensure consistency in scope of service, including the City's Property Management Framework.

*The City's Property Management Framework includes a Schedule of Maintenance Obligations – Vandalism and Graffiti for lessees.*

### CONSULTATION/ADVERTISING:

In accordance with the City's Community and Stakeholder Engagement Policy, community consultation of all new and significantly amended policies must be provided for a period exceeding 21 days in the following ways:

- notice published on the City's website;

- notice posted to the City's social media;
- notice published in the local newspapers;
- notice exhibited on the notice board at the City's Administration and Library and Local History Centre; and
- letters distributed to relevant businesses, community groups and stakeholders

Administration will also seek feedback from the City's Safer Vincent and Arts Advisory Groups.

Public notice of this proposed new policy will be provided in September 2022.

#### **LEGAL/POLICY:**

Section 2.7(2)(b) of the *Local Government Act 1995* provides Council with the power to determine policies.

The City's Policy Development and Review Policy sets out the process for the development and review of the City's policy documents.

#### **RISK MANAGEMENT IMPLICATIONS**

Low: It is low risk for Council to undertake community consultation of the proposed amended policy.

#### **STRATEGIC IMPLICATIONS:**

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

##### Enhanced Environment

*Our parks and reserves are maintained, enhanced and well utilised.*

##### Connected Community

*An arts culture flourishes and is celebrated in the City of Vincent.*

##### Thriving Places

*Our physical assets are efficiently and effectively managed and maintained.*

##### Innovative and Accountable

*Our community is satisfied with the service we provide.*

#### **SUSTAINABILITY IMPLICATIONS:**

This does not contribute to any specific sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*.

#### **PUBLIC HEALTH IMPLICATIONS:**

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

*Reduced injuries and a safer community*

#### **FINANCIAL/BUDGET IMPLICATIONS:**

Demand on the City's internal graffiti removal service continues to grow. Promotion of this policy review and the scope of service proposed, particularly in relation to rights of way (laneways), will likely increase demand further and may require consideration of additional resourcing to meet community demand and expectation.

#### **COMMENTS:**

Administration recognises that graffiti vandalism has a significant financial and social impact on the community and can negatively impact perceptions of crime and safety.

Well-maintained spaces and places can discourage vandalism and associated anti-social behaviour, and forms a vital part of a whole-of-community approach to managing graffiti whilst maintaining legitimate avenues for the expression and dissemination of community information and urban art.

# GRAFFITI MANAGEMENT

<b>Legislation / local law requirements</b>	<i>Graffiti Vandalism Act 2016</i>
<b>Relevant delegations</b>	Delegations made under the <i>Graffiti Vandalism Act 2016</i> : 12.1 Give notice requiring obliteration of graffiti 12.2 Notices – deal with objections and give effect to notices 12.3 Obliterate graffiti on private property 12.4 Powers of entry 12.5 List of Authorised Persons under the <i>Graffiti Vandalism Act 2016</i>
<b>Related policies, procedures and supporting documentation</b>	Safer Vincent Plan 2019-2022 (D22/8996) Graffiti – Control and Removal Policy 2.1.3 (D18/30124) <a href="#">City of Vincent Property Management Framework</a> <a href="#">Graffiti Vandalism Strategy Western Australia 2019-2021</a> WA Police Force Media Information for Responsible Reporting of Graffiti Vandalism (D22/36960)

## INTRODUCTION

The City of Vincent recognises that graffiti vandalism has a significant financial and social impact on the community and can negatively impact perceptions of crime and safety.

The City understands that well-maintained spaces and places discourage vandalism and associated anti-social behaviour, and is committed to a whole-of-community approach to reporting, removing and preventing graffiti vandalism whilst maintaining legitimate avenues for the expression and dissemination of community information and urban art.

## PURPOSE

The purpose of this policy is to confirm the City's commitment to managing graffiti vandalism in partnership with our community and key stakeholders including residents, businesses, WA Police Force and other public asset owners.

## OBJECTIVE

1. To outline the scope of the City's graffiti removal service
2. To reduce the incidence and visibility of graffiti vandalism within the City;
3. To deter acts of graffiti vandalism and damage on City of Vincent infrastructure, assets and property; and
4. To encourage a whole-of-community approach to the reporting, removal and prevention of graffiti vandalism.

# GRAFFITI MANAGEMENT

## POLICY PROVISIONS

### DEFINITIONS

As defined in the *Graffiti Vandalism Act 2016*:

**Graffiti** or **Graffiti Vandalism** means any drawing, writing, painting, symbol or mark applied to or marked on property by:

- a) Spraying, writing, drawing, marking or otherwise applying paint or another marking substance; or
- b) Scratching or etching.

**Offender** means a person who has committed an offence under Section 5 of the *Graffiti Vandalism Act 2016*:

*A person must not destroy, damage or deface the property of another person by graffiti without that other person's consent. Property that is capable of being destroyed, damaged or defaced by graffiti includes vegetation.*

**Urban Art** is legal artwork, where permission has been granted by the owner of the property to paint on authorised surfaces.

### POLICY

#### 1. Reporting

- 1.1 The City will report all instances of graffiti vandalism on City assets and infrastructure to WA Police Force and/or the Goodbye Graffiti website.
- 1.2 The City will actively encourage and promote the reporting of graffiti vandalism through the WA Police Force and/or the Goodbye Graffiti website, or other appropriate channels, including the Crime Stoppers WA reward program.

#### 2. Removal

##### 2.1 City Assets

- 2.1.1 Wherever possible, the City will remove graffiti vandalism from City owned assets and infrastructure within forty-eight (48) business hours of being reported.
- 2.1.2 Wherever possible, any graffiti vandalism of an offensive or racist nature will be removed from City owned assets and infrastructure or eligible private property within four (4) business hours of being reported.

##### 2.2 Private property

The City will assist with removal of graffiti vandalism from private property where all of the following criteria have been met:

- 2.2.1 The instance of graffiti vandalism has been reported to WA Police Force, Crime Stoppers WA or Goodbye Graffiti, and an incident report number provided to the City;
- 2.2.2 The vandalised property adjoins City property or public open space, and is accessible from City property or public open space.
- 2.2.3 The graffiti vandalism is accessible from ground level; and

# GRAFFITI MANAGEMENT

**2.2.4** The property is not heritage-listed or of an unusual surface requiring specialist services (eg. asbestos).

**2.2.5** Graffiti will be removed from laneways and rights of way where the property frontage is located within the laneway.

## 2.3 Other public assets

**2.3.1** Graffiti vandalism on other public infrastructure will be forwarded to the relevant agency for removal.

## 3. Prevention

**3.1** The use of anti-graffiti coatings will be mandatory on all City owned assets, artwork commissions and infrastructure.

**3.2** *Designing Out Crime* and *Crime Prevention Through Environmental Design* principles will be incorporated into the City's design, planning and approval processes.

**3.3** Where appropriate, alternative strategies for graffiti management in hotspot areas will be given separate budgetary consideration.

## 4. Partnerships

**4.1** The City will ensure that any relevant marketing, media and communications strategies are aligned with the *WA Police Force Media Information for Responsible Reporting of Graffiti Vandalism*.

**4.2** The City will stipulate removal of graffiti within twenty-four (24) hours in ALL contracts where bus shelters or seating are contracted out to advertising companies.

**4.3** The City will actively support and promote graffiti management strategies and education initiatives in collaboration with local schools, community groups and other stakeholders, including the WA Police Force Juvenile Clean Up Program.

OFFICE USE ONLY	
Responsible Officer	Manager Waste and Recycling
Initial Council Adoption	28/03/2000
Previous Title	Graffiti – Control and Removal
Reviewed / Amended	22/11/2005, NOVEMBER 2010
Next Review Date	NOVEMBER 2027

LGA	Graffiti Removal support for private property	Other graffiti management initiatives
City of Armadale	No – graffiti removal from private residential and/or private commercial property is the responsibility of the property owner and/or manager	Volunteer community group 'Civic Pride Action Group' removes graffiti free of charge from private properties and small locally owned businesses.
Town of Bassendean	Yes – external contractor removes graffiti from fences or walls on private property that abuts Council owned land such as parks, reserves, footpaths and laneways	
City of Bayswater	Yes – if the graffiti can be readily removed by City staff working at ground level and: - the graffiti forms an external perimeter to a property which does not necessarily align with the property boundary common to a reserve; - the owners demonstrate difficulty achieving removal of graffiti; or - the CEO requires removal.	
City of Belmont	Yes (no restrictions): - Painting out graffiti on previously painted surfaces with one of 15 standard colours; and - High pressure cleaning on unpainted brickwork and other hard surfaces including surfaces coated with a graffiti coating	
Town of Cambridge	Yes - where graffiti is visible from a public space	Graffiti wipes
City of Canning	No	Graffiti wipes and kits WAPF grant funded Business Graffiti Removal Program
Town of Claremont	Yes – if visible from the public realm, and dependent on access to the property, working at height requirements, nature and type of graffiti, impact on the amenity of an area. All graffiti must be reported to police/Goodbye Graffiti and an offence report number quoted when requesting graffiti removal services.	
City of Cockburn	Yes: - On residential property if the graffiti is visible to the public; and - On commercial property if the graffiti is racist or obscene  For private property, the City will cover costs to a maximum of \$400 per incident and \$1,200 per property per year. Any costs above this threshold must be covered by the property owner.	

LGA	Graffiti Removal support for private property	Other graffiti management initiatives
Town of Cottesloe	Yes – where the structure is a fence, wall or building on a shared boundary with a private property or reserve and within limited financial constraints.	
Town of East Fremantle	No – however does remove graffiti from public access ways as considered a City asset.	
City of Fremantle	Yes – where graffiti is visible from a public road or public open space	
City of Gosnells	Yes – from fences, buildings and walls that adjoin public open space such as footpaths, laneways, reserves and streets where the graffiti is under two metres in height.  Commercial properties may be requested to supply paint as the City cannot match all colours.	Anti Graffiti Campaign Business Accord to stop the supply of implements to would-be vandals Adopt a Bus Shelter Program Business TAG Program – free graffiti removal packs
City of Joondalup	Yes – when the graffiti is visible from public space	Local Graffiti Control Volunteer reporting program
City of Kalamunda	Yes – on private residential properties that abut Council land, such as fences and walls on parks, reserves and pedestrian access ways	
City of Kwinana	Yes – where the graffiti is visible from a thoroughfare and has been reported to the police/Goodbye Graffiti and an offence report number provided.	Reward for Information Policy
City of Mandurah	Yes – graffiti that is located on a boundary structure abutting public reserves, public access ways and public roads and can be accessed from local government property will be removed	Reward program
City of Melville	Yes – 24 hour graffiti maintenance line	PHAZE Youth Urban Art program
Town of Mosman Park	Yes – on private perimeter fences or walls which abut roadways or reserves	
City of Nedlands	Yes – removal of graffiti will be considered dependent on the following factors: <ul style="list-style-type: none"> <li>- Access to property;</li> <li>- Nature and type of graffiti;</li> <li>- Impact of the graffiti on the wider community;</li> <li>- Visibility of graffiti from the public thoroughfare impacting on the amenity of an area; and</li> <li>- Full or part cost recovery may apply and will be agreed in advance of removal with the property owner</li> </ul>	
Shire of Peppermint Grove	Yes – on walls, buildings or fences on a shared boundary between private property and Shire controlled land	

LGA	Graffiti Removal support for private property	Other graffiti management initiatives
City of Perth	Yes - where it is visible from the street	
City of Rockingham	No	Theft and Vandalism Reward Policy
City of South Perth	Yes – if it is visible from the street or an open public space	
City of Stirling	Yes – where it both: a) Abuts a street, road reserve or public open space; and b) Is visible from the street, road reserve or public open space	Graffiti wipes
City of Subiaco	Yes – contractor undertakes free graffiti removal for all private properties, residential and commercial	
City of Swan	Yes – where it is visible to the community, with the exception of unique or unsafe surfaces and subject to available budget (priority given to offensive and racial incidences). A charge will be negotiated for unusual surfaces requiring a non-standard response.	Graffix youth urban art program
Town of Victoria Park	Yes – where it can be seen from any public space. Specifically includes public access ways.	
City of Wanneroo	Yes – private residential boundary fencing adjoining public land	

**POLICY NO: 2.1.3****GRAFFITI - CONTROL AND REMOVAL****OBJECTIVES**

To:

1. determine the procedure to be followed with regard to the removal of graffiti on the City's, Government and private property;
2. reduce the incidence and visibility of graffiti within the City;
3. engage community support and participation in graffiti removal and prevention; and
4. ensure that the principles of reducing opportunities for graffiti are incorporated into all of the City's building design/approval and also all other structures abutting or within the City's parks and reserves.

**POLICY STATEMENT**

1. Graffiti removal to be in accordance with the following:
  - (i) requests for the removal of all graffiti shall be coordinated through the Technical Services Division.
  - (ii) wherever possible, carryout the removal of graffiti on City owned and private property within forty eight (48) hours of being reported.
  - (iii) graffiti reported on any Government agency infrastructure will be forwarded to the relevant agency for removal with an expectation that the it is removed within seventy two (72) hours.
  - (iv) in the case where graffiti is of an offensive, obscene or racist nature it shall be removed as soon as possible and where practicable, within four (4) hours of notification.
2. The use of anti-graffiti coatings be mandatory for all buildings/structures on City owned property and/or on private developments abutting any public open space, ie on fences and walls.
3. The City will promote design strategies that reduce opportunities for graffiti on public and private property, i.e. Crime Prevention through Environmental Design (CPTED).

4. Where appropriate, alternative strategies for graffiti control on City owned property located in susceptible areas be given separate budgetary consideration, (i.e. urban/graffiti art, increased lighting.)
5. Any graffiti which in the opinion of the Graffiti Officer is of an offensive or racist nature, is of substantial quantity and/or destructive will be photographed and reported to the WA Police to assist them to compile data bases to determine preferred locations for offenders and the extent of a particular tag.
6. The City will encourage private property owners to promptly rectify the affects of graffiti and encourage the use of the 'Goodbye Graffiti' website.
7. The City will stipulate removal of graffiti within twenty-four (24) hours in ALL contracts where bus shelters or seating are contracted out to advertising companies.

<b>Date Adopted:</b>	<b>28 March 2000</b>
<b>Date Amended:</b>	<b>22 November 2005, November 2015</b>
<b>Date Reviewed:</b>	<b>November 2010</b>
<b>Date of Next Review:</b>	<b>November 2015</b>