

6.3	OUTCOME OF ADVERTISING AND ADOPTION OF AMENDED GRAFFITTI CONTROL AND REMOVAL POLICY 2.1.3
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- Attachments:**
1. **Graffiti Control and Removal Policy**
 2. **Community Feedback on Draft Graffiti Management Policy**
 3. **Draft Graffiti Management Policy with tracked changes**
 4. **Draft Graffiti Management Policy final**

RECOMMENDATION:

That Council ADOPTS the amended Graffiti Control and Removal Policy (to be re-named as Graffiti Management Policy) at Attachment 4.

PURPOSE OF REPORT:

To present the outcome of community consultation and seek adoption of the amended **Graffiti Management Policy** at **Attachment 4**.

BACKGROUND:

The City's **Graffiti Control and Removal Policy** was adopted in March 2000 and last reviewed in November 2010 (**Attachment 1**).

At its 23 August 2022 Meeting, Council approved the amended Policy for the purpose of community consultation, with one amendment:

Clause 2.3.1.4 under *Laneways and Rights of Way* to read:

2.3.1.4	In the case of property outlined in 2.3.1.3 above, where the graffiti vandalism is on property or infrastructure directly adjacent to or opposite the complainant's property and negatively impacts the immediate visual amenity from said property <u>as determined by the City</u> .
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In accordance with the City's [Community and Stakeholder Engagement Policy](#), community consultation was undertaken between 8 September 2022 and 10 October 2022, which is in excess of the 21 days required.

The policy was advertised on the City of Vincent website, social media and through the following public notices:

- Vincent Reporter – Saturday, 10 September 2022;
- Perth Voice – Thursday, 8 September 2022; and
- Notice exhibited on the notice board at the City's Administration and Library and Local History Centre.

Local police were also invited to provide feedback.

Administration received two submissions, as summarised at **Attachment 2**.

DETAILS:

Feedback from Council, staff and community has demonstrated a need for the City to more clearly define the scope of its graffiti removal service, and the proposed amendments to this policy are an important step in achieving this.

Given the broad range of factors and safety considerations impacting graffiti removal, Administration recommends one minor amendment to Section 2.2.4 of the amended policy (refer **Attachment 3**) to provide discretion to staff when assessing graffiti removal requests that may carry an unacceptable level of risk to staff or property, or a prohibitive level of resourcing. (For example, asbestos, heritage listed property or unusual surfaces, spaces or conditions which may be assessed as requiring specialist removal services). Where possible in these situations, Administration will work with property owners and authorised parties to determine alternative means of support.

It is also recommended that the timeframe for removal of offensive graffiti vandalism from City assets and eligible private properties is increased from four (4) hours to a more realistic twenty four (24) business hours. This is consistent with similar clauses in the graffiti management policies of other local governments including the Cities of Sydney and Melbourne.

Minor formatting and numbering changes have also been made to the amended policy presented for adoption.

CONSULTATION/ADVERTISING:

No further consultation is required.

LEGAL/POLICY:

Section 2.7(2)(b) of the Act provides Council with the power to determine policies. The City's [Policy Development and Review Policy](#) sets out the process for repealing and adopting policies.

There is no legal requirement to have a Graffiti Management Policy. The Graffiti Vandalism Act 2016 outlines local government powers in relation to graffiti removal as noted in the amended Policy.

The amended Policy supports Safer Vincent Plan 2019-2022 deliverables including:

- Continue to remove graffiti on City property and graffiti on private property that meets eligibility criteria;
- Upload all reported graffiti incidents to the WA Police Force Goodbye Graffiti database;
- Identify priority public artworks for anti-graffiti coating; and
- Support and encourage public art projects in graffiti hotspots in line with the Arts Development Action Plan.

RISK MANAGEMENT IMPLICATIONS

Low: Adopting the policy is low risk.

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.

Our town centres and gathering spaces are safe, easy to use and attractive places where pedestrians have priority.

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 does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

Demand on the City's internal graffiti removal service continues to grow. Promotion of this Policy review and associated messaging around removal and reporting could increase demand further and may require consideration of additional resourcing to meet community demand and expectation.

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.

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

Community Feedback – Amended Graffiti Control and Removal Policy

Comment received	Administration response
<p>It appears to abrogate the council’s responsibility to remove graffiti from rights of way and laneways.</p> <p>Given this is a common area of graffiti I do not agree that this change is desirable.</p>	<p>Noted.</p> <p>Management of graffiti vandalism in laneways is not specifically included/defined in the City’s current policy, so the aim of the proposed policy is to more clearly define the scope in this regard, within current resourcing and also the need to consider other prevention measures as part of a holistic approach to graffiti management (ie. looking beyond just providing a removal service).</p> <p>Whilst it is proposed that priority is given to graffiti removal on properties/infrastructure in laneways meeting the criteria in the amended policy, the City also provides other support in this regard, including:</p> <ul style="list-style-type: none"> - Laneway Lighting program – annual budget to install lighting in priority laneways to deter anti-social behaviour and improve perceptions of safety; - Provision of free solar motion sensor floodlights to residents/businesses on request through our Safer Vincent program - Application for Safer Vincent Solar Power Sensor Light » City of Vincent; - Provision of an expanded range of free graffiti removal products to residents/businesses on request, on adoption of the amended policy (includes graffiti removal wipes, and bucket kits for painted and smooth surfaces, or brick, stone and masonry surfaces); - Working with the City’s Arts Officer and Place Planners to determine suitable locations for art installations and murals; - Apply for external grant funding through the State Graffiti Fund (WA Police) - we have previously received grants through this scheme to fund various graffiti management projects - Engagement of external contractors to undertake more significant (ie. at height or larger scale) graffiti removal works as appropriate - Through our Memorandum of Understanding with the Juvenile Justice Clean Up Program, we work with WA Police Force to identify hotspot locations, including laneways, that may be suitable to nominate for clean up <p>The proposed Policy also provides for discretion at 3.3, in that <i>Where appropriate, alternative strategies for graffiti management in hotspot areas or locations with extensive, historical graffiti vandalism will be given separate budgetary consideration.</i></p>

	<p>For further context, the City of Vincent has approximately 240 laneways, and an audit in 2021 showed that:</p> <ul style="list-style-type: none"> - 44% were completely free of graffiti vandalism; - 30% had some graffiti present; - 15% had graffiti present which was clearly visible; and - 11% (approx. 26 laneways) had extensive, historical graffiti vandalism. <p>The new policy aims to generally provide graffiti removal support in the laneways experiencing smaller amounts of graffiti (such as removal services or provision of free products as noted above), with more targeted efforts and alternative, discretionary interventions to be considered for the approximately 11% of laneways assessed as hotspot areas.</p>
<p>Will the CoV be proactively removing graffiti on a daily basis or only responding to complaints from residents and stakeholders? Graffiti is contributing to an increased perception in the community that the area is unsafe.</p>	<p>Noted.</p> <p>The City proactively removes graffiti on City property and reports vandalism on other public assets to the appropriate agencies for removal.</p> <p>Options to provide a more proactive level of support to businesses within our town centres is currently being explored at an operational level, within existing resourcing and budgetary constraints.</p> <p>The proposed policy promotes the need for a holistic, all of community approach to graffiti management, including reporting, removal and prevention, with a number of initiatives planned to raise awareness and increase support to local businesses, residents and property owners.</p>

GRAFFITI MANAGEMENT

Legislation / local law requirements	<i>Graffiti Vandalism Act 2016</i>
Relevant delegations	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>
Related policies, procedures and supporting documentation	Safer Vincent Plan 2019-2022 (D22/8996) Graffiti – Control and Removal Policy 2.1.3 (D18/30124) City of Vincent Property Management Framework Graffiti Vandalism Strategy Western Australia 2019-2021 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 Offensive Graffiti Vandalism

~~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 twenty four (24) business hours of being reported.~~

2.12.2 City Assets

2.1.4 Wherever possible, the City will remove graffiti vandalism from City owned assets and infrastructure within forty eight (48) business hours of being reported.

~~2.1.21.1.1 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.~~

2.22.3 Private property

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

2.2.12.3.1 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;

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GRAFFITI MANAGEMENT

2.2.22.3.2 The vandalised property or infrastructure abuts City property or public open space, and is accessible from City property or public open space.

2.2.32.3.3 The graffiti vandalism is accessible from ground level; and

2.2.42.3.4 The graffiti removal ~~request does not carry an unacceptable level of risk to staff or property, or a prohibitive level of resourcing (for example asbestos, heritage listed property or unusual surfaces, spaces or conditions) -is not heritage listed or of an unusual surface that are assessed as~~ requiring specialist ~~removal~~ services (ie- asbestos).

2.32.4 Laneways and Rights of Way

2.3.1 On request, the City will also assist with removal of graffiti vandalism from laneways and rights of way where all the criteria specified in Section 2.32 of this policy are met, and where the graffiti is:

2.3.1.12.4.1 In the entrance to a laneway and clearly visible from the adjoining street; or

2.3.1.22.4.2 In a laneway that is commercially activated; or

2.3.1.32.4.3 Where the frontage of a property is located within the laneway; and

2.3.1.42.4.4 In the case of property outlined in 2.4.1.3 above, where the graffiti vandalism negatively impacts the visual amenity from said property as determined by the City.

2.42.5 Other public assets

Graffiti vandalism on other public infrastructure will be reported 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 or locations with extensive, historical graffiti vandalism 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.

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GRAFFITI MANAGEMENT

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, MAY 2023
Next Review Date	MAY 2028

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2.2 City Assets

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2.3 Private property

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- 2.3.1 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;
- 2.3.2 The vandalised property or infrastructure abuts City property or public open space and is accessible from City property or public open space.
- 2.3.3 The graffiti vandalism is accessible from ground level; and

GRAFFITI MANAGEMENT

2.3.4 The graffiti removal request does not carry an unacceptable level of risk to staff or property, or a prohibitive level of resourcing (for example asbestos, heritage listed property or unusual surfaces, spaces or conditions that are assessed as requiring specialist removal services).

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2.4.2 In a laneway that is commercially activated; or

2.4.3 Where the frontage of a property is located within the laneway; and

2.4.4 In the case of property outlined in 2.4.3 above, where the graffiti vandalism negatively impacts the visual amenity from said property as determined by the City.

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Graffiti vandalism on other public infrastructure will be reported to the relevant agency for removal.

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3.3 Where appropriate, alternative strategies for graffiti management in hotspot areas or locations with extensive, historical graffiti vandalism 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.

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Initial Council Adoption	28/03/2000
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