

<b>Report on</b>	Graffiti
<b>Date of Meeting</b>	12 <sup>th</sup> November 2019
<b>Reporting Officer</b>	Fiona McClements, Head of Environmental Health

<b>Is this report restricted for confidential business?</b>	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To update Members on the number of graffiti complaints received and actions taken to date in 2019.
<b>2.0</b>	<b>Background</b>
2.1	In a previous report to Committee, two options were presented to deal with problems of graffiti in MUDC.  <b><u>Option 1 - Informal approach</u></b>
2.2	Where complaints of graffiti in a public place are received, and the person who displayed the graffiti has been identified, an informal approach will be made to the offender to request the removal of the graffiti.
2.3	Where complaints of graffiti are received, and the person who displayed the graffiti has not been identified, Environmental Health will attempt to identify the owner of the surface on which the graffiti is displayed and request the owner to remove it. Where graffiti is not removed on request, no formal action will be taken.
2.4	In such cases where graffiti is considered offensive, Council will only remove the graffiti where consent and a signed disclaimer has been provided by the owner/occupier of the surface on which the graffiti is displayed. Offensive applies where graffiti is or is perceived to be racially offensive, hostile to a religious group, sectarian in nature, sexually offensive, homophobic, depicts a sexual or violent act or is defamatory.  <b><u>Option 2 - Use of Article 18 powers in cases where Graffiti is detrimental to the public amenity</u></b>
2.5	Where complaints of graffiti in a public place are received, and the person who displayed the graffiti has been identified, an informal approach will be made to the offender to request the removal of the graffiti. If the graffiti is not removed then Environmental Health will issue a 2 day notice on the offender requesting its removal. Where graffiti is not removed on request through the notice, Council will remove /obliterate the graffiti and attempt to recover costs as a civil debt against the person issued with the notice.

2.6	Where complaints of graffiti are received, and the person who displayed the graffiti has not been identified, Environmental Health will attempt to identify the owner of the surface on which the graffiti is displayed and request the owner to remove it. Where graffiti is not removed on request, the Council will seek to remove /obliterate the graffiti at a cost to Council as soon as practicable. The Council will seek to obtain consent and a signed disclaimer from the owner of the surface on which the graffiti is displayed, where possible.
2.7	<p>This option would include all types of graffiti, but budget priority would be given to the removal/obliteration of offensive graffiti in particular. Offensive applies where graffiti is or is perceived to be racially offensive, hostile to a religious group, sectarian in nature, sexually offensive, homophobic, depicts a sexual or violent act or is defamatory. As previously stated, compensation can be claimed by a person if their property is damaged by Council in their exercise of this power.</p> <p><b><u>Approach taken</u></b></p>
2.8	<p>Following discussions the following recommendation was made by Committee and agreed by Council:</p> <p><i>‘That it be recommended to Council to endorse a combination of Options 1 and 2 to ensure the prompt removal of all offensive graffiti in public areas, thoroughfares and town centres for the protection of public amenity and work with local community groups where appropriate to assist with its removal. This approach to be reviewed after six months to provide an evidence base of graffiti complaints received and costs incurred.’</i></p>
<b>3.0</b>	<b>Main Report</b>
3.1	To date in 2019 there have been <b>9</b> complaints made to the Environmental Health Service concerning graffiti, <b>6</b> of which have involved graffiti which was deemed to be offensive. No complaints during this period have been subject to a formal approach.
3.2	Where the graffiti was offensive, Council officers contacted the owners in order to get consent for Council to proceed to remove the graffiti. Once consent was given by the property owner, a private contractor was appointed to remove the graffiti.
3.3	It has not always been possible to determine ownership of the surfaces, however offensive graffiti has still been removed.
3.4	The total costs for graffiti removal incurred by environmental health in 2019 to date has been <b>£320</b> .
3.5	The complaints received by Environmental Health are summarised in Table 1 below:

**Table 1**

<b>Approximate Location</b>	<b>Nature of graffiti</b>	<b>Ownership</b>	<b>Cost of removal to MUDC</b>
Millcourt, Coalisland	Non offensive	Private property	n/a Informal approach. Removed by property owner
Perry Street, Dungannon	Offensive	Private property	<b>£50</b> (Private Contractor)
Ferry Road, Coalisland	Offensive	Council maintained	Obliterated by Parks Dept
Milburn Close, Cookstown	Offensive	Private property	<b>£50</b> (Private Contractor cost)
Lissan Drive, cookstown	Offensive	Private Property	<b>£50</b> (Private Contractor cost)
Stewartstown	Offensive	PSNI	<b>£50</b> (Private Contractor cost)
Barrack street Coalsisland	Non offensive	Private property	Informal approach. Has not been removed.
Rainey street, Magherafelt	Offensive	Private Property	<b>£60</b> (Private Contractor cost)
Rockview, Moneymore	Offensive	Private property	<b>£60</b> (Private Contractor cost)

3.6

In addition to the above, Enforcement officers within Environmental Health have surveyed the town centre areas of Cookstown, Dungannon and Magherafelt and a small number of areas of graffiti have been identified where no complaints have been made. It is the intention of the Department to deal with any offensive graffiti identified by the officers using a similar approach to that used above for the cases that have given rise to complaints.

<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: £320 for removal by a contractor.
	Human: Officer time
	Risk Management: N/a
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: N/a
	Rural Needs Implications: N/a
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members are requested to approve the continuation of the informal approach for offensive graffiti either reported to or identified by Environmental Health staff in the Mid Ulster Council area.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	N/a