



Subject:	Graffiti/defacing of street furniture
Date:	18 August 2020
Reporting Officer:	Aidan Thatcher, Director of Planning and Building Control
Contact Officers:	Vivienne Donnelly, City Protection Manager Ed Baker, Planning Manager (Development Management)

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

<b>Call-in</b>	
Is the decision eligible for Call-in?	Yes <input type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	To bring to the Committee's attention the outcomes of cross-departmental discussions regarding graffiti and defacing of street furniture. A Motion was presented to the Council at its meeting on 4 February, and discussed at Planning Committee on 19 February 2019.
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is requested to: <ul style="list-style-type: none"><li>Note the outcomes of cross-departmental discussions and the intention to move forward with the public art project.</li></ul>
<b>3.0</b>	<b>Main report</b>

## Background

- 3.1 The motion regarding street furniture, which was proposed by Councillor Boyle, and seconded by Councillor Dudgeon, was presented to the **Council at its meeting on 4 February 2019**:
- 3.2 *“This Council recognises that it is difficult to contact those responsible for the maintenance of street furniture, utility boxes, phone boxes and masts, post boxes, advertising facilities and any other structure that sits on or in the footpath or in a public place throughout the City.*
- The Council supports the need for people to be able to contact those responsible for the cleaning and maintaining of these structures. Accordingly, the Council will undertake a piece of work to identify whose ownership these are in and will encourage those responsible for maintaining and cleaning same to put their details on these structures and ensure their details remain on these structures so that they can be contacted when needed. Furthermore, the Council agrees that any future planning approvals for street furniture, boxes etc. as listed above, will include a condition requiring the contact details of those responsible for cleaning and maintaining and servicing them to be prominently displayed.”*
- 3.3 In accordance with Standing Order 13(f), the Motion was referred without discussion to the Planning Committee.
- 3.4 **Planning Committee meeting on 19 February 2019**; The Director confirmed to the Committee that not all items of street furniture required planning permission and that the requirement to provide contact details was not a material planning consideration. However, he explained to the Members that, where an application was in front of the Committee, it could add an informative on the consent requiring the owners of the equipment to include contact details on the piece of street furniture. He outlined to the Committee that cross-departmental meetings were taking place to look at the issue of graffiti on street furniture.
- 3.5 In response to a Member’s question, he confirmed to the Committee that it could, by condition, require that owners maintained street furniture in good order, whereby the enforcement team could ensure that those conditions were upheld.
- 3.6 The Committee agreed that a report be submitted to a future meeting on the outcomes of any cross-departmental discussions relating to the issues of graffiti/defacing of street furniture.
- 3.7 **Outcomes of any cross-departmental discussions relating to the issues of graffiti/defacing of street furniture**
- Under The Local Government (Miscellaneous Provisions) (NI) Order 1985 the Council’s City and Neighbourhood Services Department may remove or obliterate graffiti, placards and posters. In the case of graffiti if it is detrimental to the amenity of land in its district and for fly-posting if displayed in contravention of the advertising regulations. Additionally, the Council has further limited enforcement powers in relation to graffiti and defacement of street furniture.
- (i) Fixed Penalty Notices:  
An £80 Fixed Penalty Notice (FPN) can be issue in certain circumstances to anyone **who is caught in the act of graffiti** on any road, tree, road traffic signs or where anyone is caught displaying fly-posters which contravene the Planning Act (NI) 2011 (Displaying advertisements in contravention of regulations made under Section 130 of the Act).

	<p>(ii) <u>Removal Notices</u> A two-day removal notice can be served on an individual who is identified as being responsible for the graffiti asking them to remove the graffiti. This also applies if the graffiti, placard or poster publicises the goods, services or concerns of an identifiable person. In which case the notice is served on the business or person advertised. Failure to comply with the notice may result in the removal of the graffiti or poster by the Council and the recovery of debt as a civil debt.</p> <p>(iii) <u>Defacement Removal Notices:</u> A Defacement Removal Notice can be served on the owners of a relevant surface, such as a utility box or building controlled by a statutory undertaker, in certain circumstances to request that they remove graffiti from their properties. A defacement removal notice allows the owner twenty-eight days to remove the defacement from their property. If they fail to do so the council may remove the defacement and recover the costs as a civil debt. The Guidance suggest that Councils should seek to achieve co-operation through a partnership approach and that the use of these Notices should be a last resort.</p>
3.8	<p><b>Operational impacts and ability to respond</b> Graffiti related activity tends to happen under the cover of darkness and is difficult to detect, with the result that the above FPN and Removal Notice powers have limited impact as the perpetrator is very rarely observed whilst in the act of defacing surfaces.</p>
3.9	<p>Following engagement with statutory agencies and utility companies, officers within the enforcement team have undertaken some proactive monitoring to identify hotspot areas and engage with the respective statutory agencies and utility companies to achieve removal of the graffiti. This has resulted in the removal of some graffiti from bridges, telephone boxes and utility boxes. Unfortunately in a number of instances, the graffiti has re-appeared within days of its removal.</p>
3.10	<p>In relation to fly-posting on utility boxes and other surfaces, the Council's enforcement and planning enforcement team work collaboratively to address defacement of property and street furniture due to flyposting activity using the above powers contained within the Clean Neighbourhood and Environment Act (NI) 2011 in the first instance. Where there is persistent illegal fly-posting advertising, the cases can be referred to the Planning enforcement team for further investigation under the Planning Act 2011 and the Control of Advertisement Regulations (NI) 2015.</p>
3.11	<p><b>The Belfast Canvas Pilot Project</b> Following approval in March 2019 meeting of City Growth and Regeneration Committee, the Council developed a pilot public art project in partnership with Destination Cathedral Quarter and Belfast One Business Improvement District to improve the area's appearance through animation of utility boxes. The project aimed to decrease incidences of graffiti/tagging, fly posting, and other anti-social behaviours associated with utility boxes. Professional street artists, collaborating with community groups and university students, decorated 18 utility boxes in the city's main retail heart, to transform them into unique works of art, adding colour to the cityscape. Following an evaluation of Phase 1, a more detailed proposal was planned for delivery of Phase 2 on the Belfast Rapid Transport route, involving engagement with community groups from east and west Belfast. Following the relaxation of lockdown and in anticipation of developing Phase 2, it is hoped to have 4 pilot boxes in East and West painted by end of July 2020 with a view to extending this project across the BRT route and further across the city centre when funding can be made available to support this project.</p>
3.12	<p><b>Financial and Resource Implications</b> None.</p>

3.13	<b>Equality or Good Relations Implications</b> None.
4.0	<b>Appendices – Documents Attached</b>
	None.