Council Policy Manual

GRAFFITI POLICY

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GRAFFITI

Purpose of the policy

This purpose of this policy is to provide Council with a framework through which to respond to the proliferation of graffiti in Brewarrina Shire. It provides a set of principles covering both the removal of current and future graffiti from public places, and the creation of conditions that may contribute to a reduction in the amount of new graffiti.

Policy Statement

The presence of graffiti is of ongoing concern to the general community as well as to Council, both for its adverse impact on the environment, streetscape and for its considerable cost in removal.

What is Graffiti?

Graffiti is the act of inscribing drawings, names and/or written text on surfaces. Flat surfaces (walls & windows) are predominantly used, but almost any surface may be subjected to graffiti, for example trees and rocks. Graffiti is a multifaceted cultural activity which can be both illegal and legal. The inspiration for graffiti can be a variable mix of artistic expression, rebellion, and risk taking behaviours, with differing degrees of these factors present for different individuals. The urge to belong to a particular sub-culture can also be a mitigating factor in its execution, as well as a desire for the recognition of artistic skill, or for the kudos attached to the execution of tags or artwork, on difficult to reach locations.

In NSW all unauthorised graffiti on public or private property is illegal.

Illegal graffiti is a community and Council concern as it can detrimentally impose on community wellbeing and sense of safety, diminish the aesthetic appeal of the local area and can be costly to remove. The presence of illegal graffiti, particularly in graffiti 'hotspots' (sites where there are concentrations of illegal graffiti) is often perceived as a sign of neglect of the area, disorder, lack of control and associated with violence and crime.

Scope of the policy

The policy provides guidelines for Graffiti removal by Council, in accordance with the Graffiti Control Act 2008, for the elimination of graffiti on premises and property.

The Act states:
Section 11- Graffiti removal – by agreement with owner or occupier

> A local council may, by agreement with the owner or occupier of any private land, carry out graffiti removal work on the land.

Section 12- Graffiti Removal Work-Without Agreement of Owner or Occupier

(1) A local council may, without the agreement of the owner or occupier of any land, carry out graffiti removal work to property on that land if the graffiti concerned is visible from a public place.
(2) The graffiti removal work referred to in subsection (1) may only be carried out from a public place.
(3) The local council concerned is to bear the cost of graffiti removal work referred to in subsection (1).
(4) If a local council carries out graffiti removal work in accordance with this section, the council must, within a reasonable period, give the owner or occupier of the land concerned written notice that the work has occurred.
(5) A local council must pay compensation for any damage caused by the council in carrying out graffiti removal work in accordance with this section.

Section 13- Register of Graffiti Removal Work

(1) A local council must keep a register of graffiti removal work carried out in accordance with this Part.
(2) The register is to specify in respect of each incidence of graffiti removal work carried out:
    (a) the owner or occupier of the premises on which the graffiti was situated, and
    (b) the nature of the work carried out, and
    (c) the actual cost, or an estimate of the cost at current market rates, of carrying out the work, and
    (d) in the case of graffiti removal work carried out in accordance with section 11-the actual amount charged by the local council for carrying out the work.

Objectives of the policy

- To enhance Brewarrina Shire's built and natural environment by reducing the incidence of graffiti within Brewarrina Shire.
- To remove graffiti as quickly as practicable as a strict deterrent.
- To develop a 'best practice" graffiti reduction model.
- To work with neighbouring councils and the other tiers of government in reducing graffiti.
- To work with Police, the community and government agencies in identifying graffiti offenders and in dealing with them via legal and other means such as training or community service programs.
- To develop a partnership with the local community to reduce graffiti including involving young people as partners and advisors in reducing graffiti.

Policy principles

Brewarrina Shire Council's approach to graffiti management can be outlined in four key result areas:

1) Education/Prevention
   Provide the community and offenders with the appropriate skills to best change behaviour and/or deal with the impact of graffiti.

2) Community Development
   Develop community pride and action in response to graffiti

3) Rapid Removal
   To remove graffiti in the town as quickly as possible.

4) Enforcement
   To increase the rate of identification and prosecution of graffiti offenders.

The Goals are:

1) Visual
   To reduce the incidence of graffiti in the town area and its visual impact on residents, traders and visitors.

2) Social
   Provide a strong positive message to residents, visitors and potential investors about the need for community action and a zero tolerance to graffiti.

3) Financial
   To reduce the financial cost that graffiti and associated crimes cause to the municipal area