

**COMMUNITY AND CULTURE COMMITTEE
REPORT**

Agenda Item 5.2

15 November 2005

GRAFFITI MANAGEMENT PLAN

Division Assets & Services

Presenter Geoff Robinson, Group Manager Engineering Services

Purpose

1. To present the City of Melbourne Graffiti Management Plan (see Attachment 1) to the Community and Culture Committee following community consultation as required by the Committee at its March 2005 meeting.

Recommendation

2. That the Community and Culture Committee:
 - 2.1. note the outcomes of the community consultation;
 - 2.2. recommend that Council endorse the revised City of Melbourne Graffiti Management Plan (Attachment 1), which includes the following key directions:
 - 2.2.1. zero tolerance approach to graffiti (which is defined as ‘tagging and/or stand alone stencils’); and
 - 2.2.2. rapid response times for graffiti removal from Council assets;
 - 2.3. note that negotiations have commenced with the State Government Justice Department and other State Government Agencies on the matter of managing the removal of graffiti from State owned assets as a matter of priority.

Key Issues

The Graffiti Problem

3. The City of Melbourne is committed to providing a clean, vibrant, safe and welcoming atmosphere for all city residents, workers and visitors. As part of this commitment, the Council maintains a network of roads, footpaths, laneways and infrastructure in the municipality to ensure it is in good repair and top condition. This infrastructure is regularly subjected to vandalism in the form of graffiti, diminishing perceptions of the city’s cleanliness and safety.

Council’s Current Approach to Graffiti Management

4. At present, the City of Melbourne manages graffiti in the municipality in the following ways:
 - 4.1. early removal from Council owned assets through the use of external service providers;
 - 4.2. spring clean blitz focussing on private and publicly owned assets in the retail core and high profile pedestrian areas throughout the municipality;

- 4.3. working with private property owners to encourage removal of graffiti from assets they own, including offering graffiti removal kits/paint vouchers where appropriate and providing information and advice on how to prevent graffiti targeting their property;
- 4.4. working with public authorities to encourage rapid removal from their assets and to seek their agreement to put in place longer term graffiti reporting and management regimes;
- 4.5. working with State Government and other Councils towards a coordinated approach; and
- 4.6. working with police to pursue offenders by sharing information and photographing the work of repeat taggers.

The Need for a Graffiti Management Plan

- 5. The City of Melbourne has tackled the issue of graffiti in a variety of ways, but has not had a formal policy on graffiti.
- 6. The City of Melbourne needs a graffiti management plan that states graffiti is unwanted, unwelcome and will not be tolerated. The plan must detail what action the Council will take to address this issue, how the Council will help residents and building owners to rid their properties of graffiti, and what enforcement action it will take to ensure the city is well presented.
- 7. The City of Melbourne Graffiti Management Plan provides a formal, coordinated, whole-of-Council approach to graffiti management.

Consultation

- 8. In March 2005 a draft Graffiti Strategy was presented to the Community and Culture Committee. At this meeting, Committee resolved to *'approve the release of the Draft Graffiti Strategy for public comment and consultation'*.
- 9. By the close of consultation at the end of May 2005, ninety two submissions had been received from individuals and organisations.

The Revised Graffiti Management Plan

- 10. The draft Graffiti Strategy has been revised (and re-named) in response to community consultation and internal City of Melbourne processes. A copy of the revised Graffiti Management Plan is provided at Attachment 1.
- 11. The main revisions include:
 - 11.1. zero tolerance approach to graffiti (which is defined as 'tagging and/or stand alone stencils');
 - 11.2. rapid response times for graffiti removal from Council assets;
 - 11.3. stricter enforcement of Council's Activities Local Law, including the provision to pursue private property owners/managers/occupiers or public authorities who do not remove graffiti from their assets;
 - 11.4. where appropriate, Council will intervene to remove graffiti from private property and public assets (and recover costs);
 - 11.5. emphasise use of Council's telephone hotline to report graffiti; and

11.6. Council will advocate as required for legislative change to seek increased powers for Police and Local Government in the area of graffiti removal and enforcement including restricting the retail display and sale of spray paint and other graffiti related materials to persons under 18 years of age.

12. The revised Graffiti Management Plan demonstrates a get tough on graffiti approach. The Plan aims to generate lasting change in attitudes and behaviour towards graffiti. It clearly states that graffiti is not acceptable in the municipality and the City of Melbourne will do everything in its power to eradicate this vandalism. The City of Melbourne will work to obtain the support of the community (residents, workers, city visitors), building and infrastructure owners, all levels of government, government authorities, utilities and other city stakeholders to tackle graffiti head-on.

Finance

13. In general, the initial stages of implementation of the Graffiti Management Plan will be met from within existing budget allowances. Once implementation is underway, the extent of additional funds required will be known for complete removal process, surveillance and enforcement resources and funding will be discussed through the normal budget processes.

Legal

14. Legal and Governance will continue to provide advice on the issue of graffiti and will undertake, where relevant, any necessary enforcement action.

Sustainability

15. A comprehensive approach to graffiti management should lead to a reduction in graffiti tagging. This will improve the visual amenity of city buildings and infrastructure. Three quarters of the graffiti removal effort involves painting over the affected surface. Where Council is involved in graffiti removal from surfaces such as brickwork, bluestone, marble or porous surfaces, on 90% of occasions this is removed by using pressurised hot water alone. On these occasions, drains are covered to prevent solids from entering the drainage network. When chemicals are used to remove graffiti, Council chooses products that are non-toxic, readily biodegradable or heavily diluted. Council will promote the removal of graffiti by professional organisations that comply with statutory health, safety and environmental work practices for employees, adjacent property owners or occupiers.

Background

16. Throughout April and May 2005, the draft Graffiti Strategy was made available to the general community through Council's website, items in Council publications and promotional material distributed throughout the municipality. In addition, a copy of the draft Strategy was posted to key stakeholders including resident and precinct groups, Victoria Police, State Government agencies, public service providers, neighbouring Councils and the Property Council.
17. By the close of consultation at the end of May 2005, ninety two submissions had been received from individuals and organisations. These include the Department of Justice, Cities of Moreland, Yarra and Stonnington, VicRoads and CitiPower and The Drummond Street Residents Group, Parkville Association, North & West Melbourne Association, Residents 3000 and the Carlton Residents Association.
18. Copies of the draft Graffiti Strategy were provided to Victoria Police Officers in Charge at neighbourhood and CBD police stations. Although a written response was not received, a verbal response was provided, based on the views of the Officers concerned.

19. In addition, separate consultation was held with graffiti writers operating with the municipality.
 20. Since May, the draft Graffiti Strategy has also been managed under City of Melbourne processes.
 21. The main issues raised in the general consultation were:
 - 21.1. the problem of tagging: there is a sense that people are disturbed by the amount of graffiti tagging with tags felt to be unappealing and detrimental to the look of the municipality. Some respondents also expressed resentment at the high financial cost of removal. Graffiti tagging on private property was also viewed as part of a broader canvas involving theft from property, general property damage and municipal neglect;
 - 21.2. differentiation between tagging and street art murals/stencils: many respondents commented that they found merit in the larger street art pieces and wanted to offer links to graffiti writers so as they could undertake this type of work;
 - 21.3. graffiti group: the draft Strategy discussed the need for a coordinating group to manage the implementation of the Strategy. Comments were made that membership should be broader than just different City of Melbourne departments. For example, the inclusion of community representatives;
 - 21.4. penalties and the role of the police: some respondents felt that the police should play a greater role in apprehending offenders and placing them before courts and that 'enforcement' should be reflected more fully in the process – or in some cases, used as an alternative to 'engagement'; and
 - 21.5. high tolerance zones: a number of issues in relation the concept of areas of higher tolerance for graffiti remain unresolved, as listed below:
 - 21.5.1. legal issues - some submissions raised the concern that high tolerance zones will be seen to condone an illegal activity;
 - 21.5.2. Police – it is unclear whether Police would agree not to enforce graffiti writing on private property as a criminal offence in these specific areas;
 - 21.5.3. surveillance - graffiti writers were concerned that they may be subject to surveillance by Police while working in the zones;
 - 21.5.4. property owner/manager/occupier consent - it is unclear how a high tolerance zone would operate if a particular property owner/manager/occupier did not want their building to be a part of the zone;
 - 21.5.5. graffiti overflow (or 'creep') into surrounding areas - there is a possibility that property owners/occupiers/managers in areas immediately adjoining a high tolerance zone may experience increased rates of 'overflow' graffiti on their property; and
 - 21.5.6. heritage controls – if a heritage building were located within a high tolerance zone, it may prove problematic to keep it free from graffiti.
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Attachment:

1. Graffiti Management Plan



Graffiti Management Plan

INTRODUCTION

The City of Melbourne is committed to providing a clean, vibrant, safe and welcoming atmosphere for all city residents, workers and visitors. As part of this commitment, the Council maintains a network of roads, footpaths, laneways and infrastructure in the municipality to ensure it is in good repair and top condition. This infrastructure is regularly subjected to vandalism in the form of graffiti, diminishing perceptions of the city's cleanliness and safety.

Until now, the City of Melbourne has tackled the issue of graffiti in a variety of ways, but has not had a formal strategy on graffiti. The City of Melbourne has helped residents and building owners, occupiers and managers to remove graffiti from their properties. Council has also provided advice on how to reduce the likelihood of their property from being targeted by graffiti vandals. Graffiti has been removed generally as part of the City of Melbourne's service arrangements for street cleaning and waste removal. Removal is also addressed in processes managed by Parks and Recreation, Arts and Culture, Facilities Management and Building Control.

The City of Melbourne needs a graffiti management plan which states that graffiti is unwanted, unwelcome and will not be tolerated. The plan must detail what action the Council will take to address this issue, how the Council will help residents and building owners, occupiers and managers to rid their properties of graffiti, and what enforcement action it will take to ensure the city stays clean.

This Graffiti Management Plan demonstrates Council's get tough on graffiti approach. The Plan aims to generate lasting change in attitudes and behaviour towards graffiti. It clearly states that graffiti is not acceptable in the municipality and the City of Melbourne will do everything in its power to eradicate this vandalism. The City of Melbourne will work to obtain the support of the community (residents, workers, city visitors), building and infrastructure owners, occupiers and managers, all levels of government, government authorities, utilities and other city stakeholders to tackle graffiti head-on.

RECOMMENDATION

The City of Melbourne must develop and implement a targeted management plan against graffiti to reduce and eliminate this type of vandalism and ensure the Council continues to provide a welcoming and clean environment.

This Graffiti Management Plan gets tough on graffiti vandalism, nominates improved removal times and introduces a rigorous enforcement regime. It also includes an innovative range of prevention measures and a program of community education.

This Management Plan formalises Council's approach to graffiti management and ensures this approach is clear and consistent.

This Plan includes measures to monitor its success and to identify areas for improvement. It also includes tactics for preventing graffiti writers from targeting the city and reducing the incidence of graffiti in the City of Melbourne at its source.

POLICY

Graffiti, for the purposes of this Plan is defined as tagging and/or stand-alone stencils. This Plan provides the City of Melbourne with a coordinated, multi-faceted approach to graffiti management. At the core of this Plan are the principles of rapid removal, education, prevention and enforcement. To be successful, the Plan requires a collaborative approach involving the City of Melbourne, residents and property and infrastructure owners, the State Government and its agencies, neighbouring municipalities and other stakeholders.

Removal

Council assets

- Graffiti on City of Melbourne assets (including roads, footpaths, street furniture, sculptures, artworks, bridges, public buildings, pedestrian bridges and parks and gardens as well as Council's administrative buildings) will be removed within 24 hours of notification. Graffiti that contains racist, obscene or offensive material will be removed within 12 hours of notification.

Public assets and infrastructure

- Within 24 hours of graffiti being identified or reported to Council, owners / managers of public assets and infrastructure will be approached with a verbal request to remove the graffiti.
- The owners / managers of public assets and infrastructure will be required to remove graffiti within 48 hours of it being reported to them by the Council.
- If the owner / manager won't agree to removal or hasn't removed it within the specified time (48 hours), a written requirement for removal will be issued. This will be a 'Notice to Comply' issued under the Activities Local Law referring to clause 9.2 (B). It will give the owner/ occupier / manager a further appropriate period to remove the graffiti.

- If the graffiti hasn't been removed within the specified period, an infringement notice will be issued.
- Racist, obscene and offensive graffiti on public assets and infrastructure will be removed within 12 hours by the owner / manager or using Council's resources where necessary.
- Council may remove graffiti from publicly owned property and infrastructure in accordance with its powers under the Activities Local Law, where:
 - graffiti is racist, obscene or offensive and removal is necessary to prevent public concern and anger.
 - there is a concerted program for improving the amenity of an area by removing graffiti.
- The City of Melbourne will recoup the cost of removing graffiti from publicly owned assets through the responsible authority, in accordance with its powers under the Activities Local Law.
- The City of Melbourne will work to establish agreements with public authorities to allow Council to remove graffiti from their property and infrastructure. As part of this agreement, the City of Melbourne will be reimbursed for its expenses from the responsible authority.

Private property

- Within 24 hours of graffiti on private property being identified or reported to Council, property owners / occupiers / managers will be approached with a verbal request to remove the graffiti.
- Private property owners / occupiers / managers will be required to remove graffiti within 48 hours of it being reported to them by the Council. The owner / occupier / manager will be given the option of removing it themselves or applying for Council's Graffiti Incentive Program (see below).
- If the owner/ occupier / manager won't agree to removal or hasn't removed it within the specified time (48 hours), a written requirement for removal will be issued. This will be a 'Notice to Comply' issued under the Activities Local Law referring to clause 9.2 (B). It will give the owner/ occupier / manager a further period (usually one week) to remove the graffiti.
- If the graffiti hasn't been removed within the specified period, an infringement notice will be issued.
- Racist, obscene or offensive graffiti on private property will be removed within 12 hours through contact with the property owner / occupier / manager.
- Council may intervene to remove graffiti from private property in accordance with its powers under the Activities Local Law, where:
 - graffiti is racist, obscene or offensive and removal is necessary to prevent public concern and anger. The property owner's permission need not be obtained in these instances.
 - it is clear that the property owner does not have the resources to remove the graffiti.

- there is a concerted program for improving the amenity of an area by removing graffiti.
- The City of Melbourne will continue to help to remove graffiti from private property, including:
 - providing a year-around effort to have graffiti removed, rather than the current targeted 'Christmas blitz',
 - meeting the cost of graffiti removal the first time and then offering a paint voucher/removal kit for subsequent vandalism attacks.
 - continuing to offer a Graffiti Incentive Program including paint vouchers and graffiti removal kits to property owners, occupiers and managers.
 - developing a written process for seeking permission from property owners and managers before it removes graffiti from private property, particularly where the City of Melbourne will either contribute to the cost or seek to recover costs. This should be in writing to avoid any confusion later regarding property damage.

General

- Council's telephone hotline will be promoted to report graffiti seen throughout the municipality.
- The City of Melbourne will continue to work with owners, occupiers and managers of private property to encourage prompt removal of graffiti and the development of and commitment to longer term approaches to prevention and self-management.
- The City of Melbourne will work with neighbouring municipal Councils to share knowledge and develop new ideas relating to graffiti management. The Councils will ensure their approach to graffiti management does not lead to the problem from shifting from one municipality to another.
- In some circumstances where property owners have agreed that street art is acceptable to them, the process of establishing agreement between the property owner(s) and Council will be in accordance with the requirements of any Council planning permit criteria. This will address issues such as heritage concerns, formal approval of abutting property owners, size, content and its consistency with Council's guidelines. If agreement is not reached, Council will proceed with the actions identified for graffiti removal from private property as outlined above.

Education

The City of Melbourne will:

- provide information to residents and building owners, occupiers and managers about how Council can help them to remove graffiti;
- provide information to residents and building owners, occupiers and managers about techniques to deter vandals from targeting their properties;
- ensure vandals are aware that their activities are unwelcome and they run a real risk of detection and apprehension;

- review and improve all the literature it has prepared for the community on graffiti management.

Prevention

- The City of Melbourne will continue to use the principles of Crime Prevention Through Environmental Design (CPTED) in the design of all public assets and infrastructure. CPTED involves the application of design initiatives and principles to an area or site to minimise the potential for that site to support criminal behavior.
- The City of Melbourne will establish a graffiti prevention small grants scheme that would allow CPTED graffiti prevention outcomes to be implemented. Items that would be considered for funding could include graffiti deterrents such as anti-graffiti coatings, installation of security grills and climbing plants. The grants scheme will be reserved for properties and areas where repeat graffiti is prevalent despite utilisation of Council's graffiti removal options.

Enforcement

- The City of Melbourne will continue to assist the police to identify persistent graffiti vandals by photographing tags and relaying these to the Victoria Police to help in the apprehension and prosecution of vandals.
- The City of Melbourne will act as an advocate for legislative changes to give Victoria Police greater power to deal effectively with graffiti vandals.
- The City of Melbourne will act as an advocate for legislative changes to restrict the retail display and sale of spray cans and other graffiti-related materials to persons under 18 years of age.
- The City of Melbourne will seek legal authority enabling the Council to remove graffiti from publicly-owned buildings and infrastructure.
- The City of Melbourne will seek legal authority to remove graffiti from privately-owned properties.
- Where appropriate, the City of Melbourne will pursue enforcement action under Council's Activities Local Law, including the provision to fine a property owner, manager or occupier if graffiti is not removed from a building when directed to do so by an authorised officer.

EVALUATION AND MONITORING

The City of Melbourne will establish an evaluation plan, including performance measures, to accurately assess the success of this Management Plan including, but not limited to, the following:

- The percentage of successful legal action that has been taken against apprehended offenders.
- The number of building owners, occupiers and managers who are co-operating in the removal of graffiti from private property.
- The number of reported incidences of graffiti on private property and the average time taken for removal.
- The number of reported incidences of graffiti on City of Melbourne assets.
- The amount of graffiti that is left on City of Melbourne assets longer than 24 hours after being reported.
- The City of Melbourne will conduct a twice-yearly graffiti audit of major pedestrian routes within the municipality.
- Each year, an assessment of the success of the City of Melbourne's approach to graffiti management – as outlined in this Management Plan – will be presented to Council.

IMPROVEMENT OPPORTUNITIES

This Management Plan identifies areas where further work is required to enhance the City of Melbourne's approach to graffiti management are also identified. These include the following areas:

A whole-of-Council approach

Several different Council departments currently remove graffiti from the assets for which they are responsible. This Management Plan requires these departments to work together to review the current approach and investigate ways of coordinating their efforts to maximise efficiency and reduce costs.

- A Best Value review of the service provision of graffiti removal will be undertaken which will inform a decision regarding the way ahead. Council's Engineering Services Group will sponsor this review.
- A Graffiti Group will be set up by the City of Melbourne to coordinate graffiti management across the whole of Council. This group will be chaired by a senior Engineering Services Officer and will include community representation. Council's Engineering Services Group will act as the secretariat for the group.
- Each relevant Council department will dedicate staff hours to the implementation of this Plan.

Working with neighbouring municipalities

Graffiti vandalism is not constrained by municipal boundaries and graffiti management strategies may vary from municipality to municipality. It is important for local Councils to work together to ensure the policies of one Council does not cause the problem to be shifted across its boundary to a neighbouring Council.

- The City of Melbourne will work with our neighbouring municipalities, including the Cities of Port Phillip, Stonnington, Yarra, Moreland, Moonee Valley and Maribyrnong to ensure no Council suffers due to the graffiti management strategy of its neighbour. The focus will be on building and maintaining a shared approach to the management of graffiti.
- The City of Melbourne will identify opportunities to work co-operatively with its municipal neighbours to strengthen their approach to graffiti eradication.

Ongoing Community Consultation

Experience has shown that local communities are eager to be involved in graffiti management.

- The City of Melbourne will continue to consult with local communities through the Police Community Consultative Committees and other relevant forums to develop approaches to graffiti management specific to local areas.

Diversion

Recent consultation has shown that many community members distinguish between tagging, which is considered undesirable, and murals or street art, which are generally valued more highly.

Consultation with the graffiti writing community has also shown that younger, less experienced writers tend to engage in tagging, while experienced writers are usually responsible for murals or street art.

- The City of Melbourne will work with property owners , managers and occupiers, graffiti writers, Victoria Police and local communities to investigate providing legitimate avenues for murals and street art to be displayed.
- The City of Melbourne will engage with the arts community regarding murals and street art, for example, in conjunction with cultural festivals or arts development projects in the public domain.
- The City of Melbourne will positively engage with graffiti writers in mentoring and arts programmes to facilitate opportunities for legitimate artistic expression to divert their efforts away from illegal tagging and towards high quality work

LEGISLATIVE AND CORPORATE FRAMEWORK

City Plan 2010

Council's primary planning strategy - City Plan 2010 - commits the City of Melbourne to continuously improving the urban design, amenity, safety and quality of its public spaces. It is an objective of City Plan 2010 to 'create a city environment where the community feels safe and comfortable and that stimulates cultural activity and vibrancy' (p.44).

Legislative Provision

Under Council's Activities Local Law, private property owners and managers are responsible for removing graffiti on their property. Part 9, "Dilapidated, Dangerous and Unsightly Premises", regulates the presence of graffiti on private property. Clause 9.2(B) states that:

'an occupier of premises must not cause or allow his or her premises to be kept in a condition which in the opinion of the Council is unsightly or is detrimental to the general amenity of the neighbourhood ... The Council may serve a Notice to Comply in accordance with clause 13.18 of this Local Law specifying the work required to correct the condition of the premises'.

The local law outlines enforcement action, including the provision to fine a property owner, manager or occupier if graffiti is not removed from a building when directed to do so by an authorised officer.

State Government Strategic Framework

In late 2003, the Minister for Police and Emergency Services launched *Grappling with Graffiti: A Graffiti Management Strategy for Victoria*. The strategy operates within the larger policy context set by *Safer Street & Homes: A Crime Prevention Strategy for Victoria 2002-2005*.

Under the State Government's graffiti management strategy, the State Government states its strong preference that all local Councils attempt, to the best of their ability, to develop short and long-term responses to graffiti that fit within the general principles and aims of the strategy.

FINANCE ATTACHMENT

GRAFFITI MANAGEMENT PLAN

Funding of \$200k has been provided in the 2005/06 budget for the Graffiti Management Plan.

Joe Groher
Manager Financial Services

LEGAL ATTACHMENT

GRAFFITI MANAGEMENT PLAN

The Graffiti Management Plan calls for stricter enforcement of the *Activities Local Law 1999* (Local Law) with respect to graffiti. The Local Law provides that in certain circumstances, such as where graffiti on private premises causes those premises to be unsightly or is detrimental to the general amenity of the neighbourhood, Council may serve a Notice to Comply on the occupier specifying the work required to correct the condition of the premises. If the action required by the Notice is not taken as required, Council may take the necessary steps to bring the premises into compliance with the Notice and is entitled to its costs of doing so.

Legal and Governance will continue to provide advice on the issue of graffiti and will undertake, where relevant, any necessary enforcement action.

Alison Lyon
Manager Legal & Governance