

Appendix 1: London Borough of Hackney Graffiti Removal Policy

Introduction

The Council acknowledges the evolving dynamics and tensions within urban spaces and recognises the importance of distinguishing between graffiti and street art while ensuring that community safety and cohesion is maintained. The Council has a duty under the Public Sector Equality Duty to foster good relations, and a commitment to ensure and enhance community cohesion in our Hackney Equality Plan.

While some view street art as a positive contribution to the urban environment, both graffiti and street art encompass a wide spectrum of styles, intentions, and impacts. The Council recognises that these forms of expression can range from valued artistic contributions to unauthorised markings that may negatively affect public spaces.

This policy outlines the Council's approach to managing graffiti and street art removal within the London Borough of Hackney. It aims to provide a comprehensive and balanced framework that considers artistic value, public perception, and the need to maintain clean and safe spaces. To ensure consistency in decision-making, the Council will apply the following definitions when determining removal:

Definition

- **Graffiti:** Any markings, drawings, or writings on public or private property that have not been authorised by the property owner or relevant authority. This includes tagging, personal messaging, or other forms of expression that do not align with the character or intended use of a space. Graffiti will be assessed for removal based on factors such as location, content, and public impact.
- **Street Art:** Murals, paintings, or other artistic expressions in public spaces that may be commissioned, permitted, but can be unauthorised. While street art can contribute positively to the urban environment, works that deface heritage assets, promote hate, or obstruct public spaces will be reviewed for removal. Decisions will be guided by the artwork's location, content, and impact on the community.

Reporting

For graffiti on public buildings, highways, Hackney Housing estates, in parks and green spaces or street furniture call 020 8356 6688 or online via the Council's Report a Problem page.

For graffiti on private property, removal is the responsibility of the owner(s). Many property owners, including housing associations and businesses, have their own graffiti removal services in place. Residents should first contact their housing office or property owner to arrange removal.

Graffiti is a criminal offence. Some racist, sexist or homophobic graffiti is classed as a hate crime and should also be reported to the police, as well as the Council. If you have been affected by graffiti or witness it being done, please also report it to the police.

Graffiti Removal for Private and Commercial Property

Hackney Council recognises that individual owners/occupiers of private dwellings may not have access to graffiti removal services. In such cases, the Council may arrange free graffiti removal if it is no more than 2 metres high from the ground and accessible from the road or a car park. This service is subject to a disclaimer signed by the property owner. To check

eligibility, residents should contact the Council, noting that in some instances a charge may apply.

For business or commercial property owners, graffiti removal services can be arranged through the Council at a cost. Quotes are available upon request; though not all types of graffiti can be removed by the Council. In such cases, specialist contractors may be required. Business owners are encouraged to contact the Council to discuss their needs.

Removal Criteria

Graffiti or street art will be assessed based on the following criteria:

- Offensive, discriminatory or inflammatory content;
- Association with criminal activities, gangs or hate groups;
- Encouragement of further vandalism or graffiti;
- Disruption of public safety or enjoyment of the area;
- Whether it is out of keeping with the surrounding area;
- Potential damage to listed, historically or architecturally significant structures and buildings;
- Defamatory or potentially libellous content;
- Intimidating or threatening messages or imagery.

Removal Process

The Council's graffiti removal approach balances maintaining the urban environment with available resources. The removal process operates as follows:

- Graffiti on council-owned public buildings, Hackney Housing estates, parks, highways, and street furniture will be removed where possible, with offensive graffiti prioritised for removal within 24 hours (in most cases) of being reported (again where possible).
- Graffiti on private property will only be removed with the property owner's consent. A signed disclaimer will be required before any work is undertaken. Commercial and business property owners may request removal of graffiti at their own expense.
- Depending on the graffiti content, surface type, and accessibility, a charge may apply, or property owners may need to hire specialist contractors.
- Removal of street art will be considered only if it meets the removal criteria, and only with the permission of the property owner or lawful authority. Charges may apply.
- Residents and businesses are encouraged to contact the Council for a case-by-case assessment to determine the best course of action.

Examples of where graffiti removal can be carried out by the Council:

- Smooth brick or painted surfaces no more than 2 metres in height from the ground;
- Council-owned street furniture such as bins, benches, and lamp posts;

- Offensive graffiti on accessible residential front walls or doors.

Examples of where removal may not be possible by the Council:

- Heritage assets, untreated stone, or glass surfaces requiring specialist restoration;
- Graffiti located at height (above 2m from the ground), requiring scaffolding or specialist access equipment;
- Certain porous materials where removal may cause damage or discoloration;
- Acid / etching on glass or other surfaces.

Decisions on graffiti and street art removal will be made by the Council's Environmental Services Team, in consultation with relevant departments such as Regeneration, Street Scene, Parks & Green Spaces, Culture and Heritage, Policy & Strategy Depts, and ward councillors, where appropriate. Oversight and governance will be provided through regular reviews to ensure consistency and accountability. Community partners will be engaged as necessary to maintain transparency and reflect local values.

Enforcement Removal Process - Private and Commercial Property

Property owners may be requested to remove graffiti from their premises. If they fail to do so, the Council's enforcement teams may use statutory powers to encourage removal in line with legal provisions.

Disclaimers

- The Council assumes no liability for any damage incurred during the removal process on private property and advises property owners to secure appropriate insurance coverage.
- Removal of graffiti or street art from private property does not indicate endorsement or otherwise of the content by the Council.
- Officers will use their best judgement in applying the graffiti removal criteria without fear or favour.

Community Engagement

The Council encourages dialogue between residents, artists and community groups to promote responsible street art initiatives and foster a sense of ownership and pride in public spaces.

Rationale

By implementing this updated policy, the Council aims to balance preserving artistic expression, maintaining public order and respecting the diverse values and sensitivities of our communities. We remain committed to fostering vibrant, inclusive and visually appealing urban environments for all residents and visitors.

Defining "offensive, discriminatory or inflammatory content" in a nuanced and objective manner is crucial, especially in the context of opposing points of view where interpretations may vary significantly. As such the Council has developed a framework for defining such content.

Objective Criteria

- Content that incites violence, promotes hate speech or directly threatens the safety or well-being of individuals or groups based on characteristics such as age, race, ethnicity, religion or belief, pregnancy and maternity, gender reassignment, sexual orientation, disability or political affiliation.
- Explicit depictions or messages of violence, gore or graphic imagery that may cause distress or trauma to viewers, especially children or vulnerable individuals.
- Symbols, slogans, or imagery associated with historically oppressive or discriminatory ideologies, movements or regimes, such as symbols of hate or those from proscribed organisations.
- Derogatory language or slurs targeting specific demographic groups, perpetuating stereotypes or reinforcing systemic discrimination.
- Unauthorised markings, slogans or imagery that convey messages related to protests that disrupt public order, or obstruct access to public or private property, or could result in safety risks, or create a significant visual impact without prior approval or consent from relevant authorities.

Planning Permission

Unless a building (which includes hoardings or fences) is listed or is within an area covered by an Article 4 Direction, which specifically restricts permitted development rights for painting, it is classed as "permitted development" to apply paint to it. As such this would not need planning consent from Hackney Council, unless what is painted comprises an advert, which can then be dealt with using powers that the Council, as a Local Planning Authority, has. If the paint is permitted development, the Council has no (planning) powers to seek for it to be removed.

Community Standards

Recognition that perceptions of offensiveness may vary among different demographic groups, efforts will be made to account for the perspectives and experiences of marginalised or historically disadvantaged communities.

Intent and Context

- Assessment of the creator's intent behind the artwork or message, as well as the broader context in which it is situated. While artistic expression often involves provocative or challenging themes, genuine artistic or social commentary should not be conflated with deliberate attempts to incite harm or division.
- Examination of the specific location and audience of the graffiti or street art, considering factors such as whether it's in keeping with the locale, proximity to schools, religious institutions or community gathering spaces and the potential impact on bystanders or passersby.

Legal Considerations

- Adherence to relevant UK legislation pertaining to graffiti as a crime, hate speech, incitement to violence, public order offences and other laws governing freedom of expression and discrimination.

- Adherence to relevant UK legislation pertaining to graffiti as a detriment to local amenity and cultural heritage and for which enforcement measures may be taken by the Council.
- The following two legislative acts outline the legal framework for managing graffiti, including defined offences, available defences, applicable penalties, and the specific powers granted to local authorities for remediating property defacement:
 - Criminal Damage Act 1971
 - Town & Country Planning Act 1990
- In addition, the Council does not permit unauthorised marks of any kind to be attached, painted or inscribed to any street furniture, public art, structure, tree, or highway surface. Those found doing so may be guilty of an offence under Section 132 of the Highways Act 1980.
- Further, when determining actions around implementing this policy, the Council must have regard to our overarching Public Sector Equality Duty as set out in section 149 of the Equality Act 2010, in particular making sure that public authorities have due regard to the need to:
 1. put an end to unlawful behaviour that is banned by the Equality Act 2010, including discrimination, harassment and victimisation;
 2. advance equal opportunities between people who have a protected characteristic and those who do not;
 3. foster good relations between people who have a protected characteristic and those who do not.
- Adherence to the Hackney Equality Plan, whereby we commit to undertaking a review of Community Cohesion.

Training and Guidelines

- Providing training and guidelines for Council workers tasked with assessing and addressing the need for removal of graffiti or street art, emphasising the importance of impartiality, cultural competence and sensitivity to diverse perspectives.
- Establishing clear protocols for escalating contentious cases or seeking input from specialised advisors, such as legal counsel or community mediators, to facilitate informed decision-making and mitigate potential conflicts.
- The graffiti removal team may also need to seek input from other Council teams, such as Regeneration, Culture, and Heritage, to ensure that the removal process aligns with broader strategic priorities and respects the cultural and historical significance of certain sites.

By integrating these elements into the definition and evaluation process, the Council can enhance its ability to identify and respond effectively to offensive or inflammatory content in graffiti or street art, while promoting greater understanding, tolerance and social cohesion within the community.