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Chief Executive
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Date: June 2001

To: 1. PS/Mrs Brown
2. PS/Secretary
3. PS/Minister
Private Office

Obtained attache
from Jim Stewart.

6/6

Attached for consideration is a draft reply and background note in response to Assembly Question AQO 1626/00.

C JAMES

Policy on
Kerbstones
&
Graffiti

Copy to SCS
for info
BC
17/9

BACKGROUND NOTE

PAINTED KERBSTONES AND SECTARIAN GRAFFITI - EUROPEAN COMPONENTS COMPANY LIMITED

CURRENT POLICY

1. Roads Service has a clear policy on the removal of sectarian graffiti and paint from surfaces which it is responsible for. This policy has been developed over a number of years, taking account of the sensitivities of this issue and the resource implications.
2. Graffiti which results in a complaint from the public or a request for its removal, will be inspected so that its nature can be fully assessed.
3. Any graffiti which could compromise road safety (eg paint over sign faces or stop lines) is treated as a top priority and its removal will be arranged as soon as possible.
4. Graffiti which does not pose a hazard to road users may be treated in 2 ways.
 - a. That which includes text containing offensive language or messages will generally be removed whenever it is judged safe to do so and when it is considered that the likelihood of repainting taking place, has been reduced.
 - b. The removal of paint which does not pose a safety hazard and which does not contain offensive text, is generally treated as a low priority. With the current pressure on Roads Service's budgets and bearing in mind that any expenditure on graffiti removal effectively reduces the amount of money which can be spent on structural maintenance of roads, this policy effectively means that paint will only be removed from kerbs and street lighting columns in exceptional circumstances.
5. In the case of flags or bunting erected on street lighting columns, Roads Service is only likely to take action if the structural integrity of the columns is jeopardised or if the lighting is affected.
6. Roads Service provides advice support and encouragement to others to remove graffiti.

CONSIDERATIONS REGARDING THE POLICY

1. The safety of are own staff and contractors.
2. The likelihood of repeat or worse outbreaks of graffiti.
3. The need to get local involvement in the solution.
4. Resource implications.

IMPLEMENTATION

The current policy has been successfully defended and implemented for some time. As a result, a considerable amount of graffiti has been removed by members of the communities affected and there has been a very significant decrease in the amount of new paint applied this year. It is believed that

residents are more likely to prevent graffiti being applied if they do not have an expectation that Roads Service will clean it up, at the end of the marching season.

An example of action taken in exceptional circumstances was in Clough in 1997 when we contributed to a Clean Up operation organised by a local committee formed after a murder in the village. Unfortunately this graffiti has returned.

CHANGES TO CURRENT POLICY

The current policy is relatively easy to understand and defend and has low resource implications. Any relaxation is likely to require resources particularly in staff time.

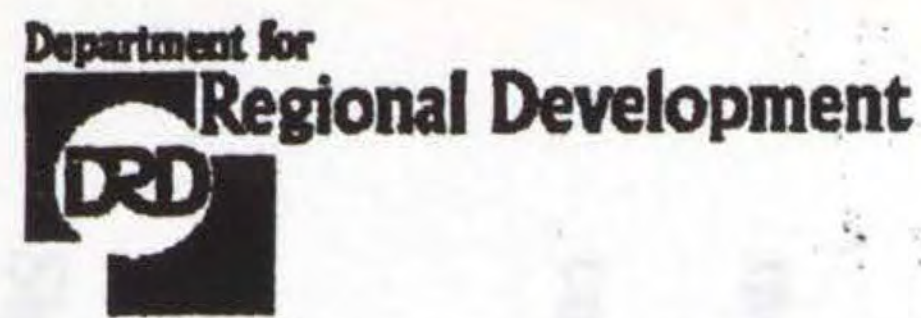
If changes are to take place then a proper review of the current policy should take place.

EUROPEAN COMPONENTS COMPANY LIMITED

Mr G Young's letter to Mr King (DED) was a fair representation of current policy.

I understand that European Components Company Limited are primarily concerned with 2 short lengths of painted kerb amounting to about 30 m at the entrance to their premises.

The circumstances here do not seem to indicate that they are exceptional ie 4b and if we were to remove the paint it would set a precedent for other cases. It is considered more appropriate to use policy point 6 in this case ie European Components Company Limited remove the paint.



Illegal Flags Will Be Removed says DRD Minister

Minister for Regional Development, Peter Robinson, said today that his Department will remove flags and other material which have been illegally erected on its property, such as lamp posts, and are a danger to road users.

Speaking in response to a question in the Assembly the Minister said, **"I cannot condone the use of Roads Service property for any unauthorised use. My Department's Roads Service will remove any materials such as flags, sectarian symbols and graffiti which have been erected illegally on its property and are a danger to road users."**

"In other instances where there is no danger and despite having no legislative requirement we will nevertheless seek to remove such material on the advice of the RUC and where there is strong local support. The experience has been that to act without local support is likely to lead to a proliferation of such material and put at risk the safety of staff tasked with the removal work."

Mr Robinson concluded, **"There is also the question of cost. At a time when the Roads Service budget cannot cover its requirement for essential maintenance, it is difficult to justify using resources on other activities which do not cause a danger to road users."**

DATE FOR ANSWER: 19 JUNE 2001

QUESTION NO: 9

ORAL NUMBER: AQO 1626/00

Mrs Eileen Bell, MLA (North Down): To ask the Minister for Regional Development to detail what steps have been taken to co-ordinate policy between his department, the RUC and NIHE to prevent the flying of paramilitary flags, the defacing of tombstones and the painting of offensive murals; and to make a statement.

MR GREGORY CAMPBELL

As the Member will be aware, problems associated with the flying of flags and emblems and the painting of graffiti and murals are widespread across Northern Ireland. I trust you will appreciate that, whilst property belonging to my Department is often used for such purposes, many other properties are also affected. For example, properties belonging to the Northern Ireland Housing Executive, district councils, the NIE and many private individuals. It is not a matter for my Department to co-ordinate policy between public bodies to prevent these activities and the unauthorised use or defacement of properties for such activities is a matter for individual property owners. Ultimately, this is a matter that will require a general consensus across the political spectrum.

Signed:

Date:

BACKGROUND NOTE

AQO 1626/00

1. Why is the question being asked?

- Uncertain (but see paragraph 2 below).

2. Relationship to any previous correspondence.

- In June 2000, Mrs Bell asked the former Minister, Mr Robinson, an Oral Assembly Question about flags of illegal paramilitary organisations. A copy of the relevant extract from Hansard is attached for information as Appendix A.

3. Factual background.

Flags and graffiti

- The Minister will be aware that the flying of flags (including emblems) and the painting of graffiti (including kerbstones and murals) is prevalent throughout Northern Ireland.
- The flying of flags and the painting of graffiti on public property not belonging to Roads Service is a matter for the public body concerned.

Legislation

- Although the Roads (NI) Order 1993 does not include specific powers for Roads Service to remove flags and emblems from street lighting columns, Departmental Solicitors Office has advised that Roads Service functions, duties

and responsibilities in relation to street lighting are sufficient to enable flags and emblems to be removed.

- It is our understanding that the RUC have powers to remove flags and emblems only in circumstances where a breach of the peace is considered imminent.

Roads Service practice

- As regards flags that are flown illegally on Roads Service property, whilst we would wish to respond positively to this problem, there are many contentious and sensitive issues to be considered. In particular, the safety of personnel tasked with the removal of the offending material must be taken into account.
- It is the Roads Service practice to remove flags that might compromise road safety (where possible, we also endeavour to remove graffiti that are of an offensive nature to local communities).
- As regards the flying of flags on street lighting columns, our policy is that, unless the integrity of lighting schemes is affected, we generally do not remove such items until the natural elements have taken their toll.
- The former Minister, Mr Peter Robinson, issued the attached press release (see Appendix B) on 19 June 2000 explaining the Roads Service practice.

Previous experience

- The Roads Service experience has been that, without the near unanimous support of local residents, work carried out to remove flags and graffiti is often nugatory and can lead to:

however shown that, without the near unanimous support of local residents, work carried out to remove such materials is often nugatory and can lead to:

- ◆ a proliferation of such material of a more offensive and permanent nature; and
- ◆ put at risk the safety of staff tasked with the removal work.

On receipt of complaints about flag flying, Roads Service will try to gauge community reaction. To determine the likely success of any efforts that might be taken to remove the flags. This is generally through consultation with the RUC and/or local councillors or other public representatives.

Q. Why doesn't Roads Service take steps to prevent the flying of flags and the painting of graffiti?

A. Roads Service does not have the resources to police its property to prevent such activities. Such a task would be extremely labour-intensive and would be at the expense of other higher priority work, much of it related to road safety.

5. **General line to take.**

- The Minister may wish to advise that:

"As the roads budget is not sufficient to enable Roads Service to carry out all of its essential maintenance obligations, it is difficult to justify using scarce resources to try to prevent or to remove materials that are not a danger to road users."

- ◆ a proliferation of material, often in a more offensive or permanent nature;
and
- ◆ intimidation of the personnel tasked with the removal work.

Consultation

- As the public becomes more aware of the impact of this type of activity on local communities and perhaps more understanding of the sensitivities of others, Roads Service has tried to adopt a more positive approach. Progress is slow, with this policy having only limited success.
- Accordingly, on the receipt of a specific complaint, we now try to gauge community reaction. This is generally through consultation with the RUC and/or local councillors or other public representatives to determine the likely success of any efforts we might take to remove the offending material.

4. **Potential Supplementary Issues**

Q. What is the Department's policy as regards the removal of flags and graffiti from its property?

A. I do not condone any unauthorised use of Departmental property. My Department's Roads Service will remove any materials such as flags and graffiti that have been displayed illegally on its property and are a danger to road users. In other instances where there is no danger, and in spite of there being no legislative requirement to do so, Roads Service will seek to remove such materials on the advice of the RUC and where there is strong local support. Experience has,

6. Potential for media interest

- As we approach the “marching season”, there is the potential for medial interest in this question.

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