

Report of the Portfolio Holder for Community Safety

HATE CRIME ACTION PLAN 2023 - 20261. Purpose of Report

To seek approval for a Hate Crime Action Plan.

2. Recommendation

Cabinet is asked to RESOLVE that the Hate Crime Action Plan 2023-2026 be approved

3. Detail

Broxtowe Hate “incident” data

2019/20	2020/21	2021/22
98	108	99

The term 'Hate Crime' can be used to describe a range of criminal behaviour where the perpetrator demonstrates hostility towards the victim's disability, age, race, religion, gender, sexual orientation or transgender identity, these aspects of a person's identity are known as 'protected characteristics'.

In England and Wales five strands of hate crime is monitored:

- Race or ethnicity
- Religion or beliefs
- Sexual orientation
- Disability
- Transgender identity

These strands are covered by legislation (sections 28-32 of the Crime and Disorder Act 1998 and sections 145 and 146 of the Criminal Justice Act 2003) which allows prosecutors to apply for an uplift in sentence for those convicted of a hate crime.

The College of Policing published updated guidance on how the police should respond to hate crime in October 2020. The [Authorised Professional Guidance on hate crime](#) includes information on what can be covered by hate crime. The guidance states:

“A hate crime is any criminal offence which is perceived by the victim or any other person to be motivated by a hostility or prejudice based on:

- a person’s race or perceived race, or any racial group or ethnic background including countries within the UK and Gypsy and Traveller groups; this includes asylum seekers and migrants
- a person’s religion or perceived religion, or any religious group including those who have no faith

- a person's sexual orientation or perceived sexual orientation, or any person's sexual orientation
- a person's disability or perceived disability, or any disability including physical disability, learning disability and mental health or developmental disorders
- a person who is transgender or perceived to be transgender, including people who are transsexual, transgender, cross dressers and those who hold a Gender Recognition Certificate under the Gender Recognition Act 2004.

The inclusion of migrants within the first category listed above means that offences with a xenophobic element (such as graffiti targeting certain nationalities) can be recorded as race hate crimes by the police.

An offence may also be motivated by hatred towards a characteristic (strand) that is not currently centrally monitored and therefore does not form part of the data collection presented in this statistical bulletin (age or gender for example). Hate crimes are taken to mean any crime where the perpetrator's hostility or prejudice against an identifiable group of people is a factor in determining who is victimised. While a crime may be recorded as a 'hate crime', it may only be prosecuted as such if evidence of hostility is submitted as part of the case file. Terrorist offences may or may not be considered a hate crime depending on the circumstances. A terrorist attack may be targeted against general British or Western values rather than one of the five specific strands. However, other terrorist attacks are motivated by a hatred towards one of the hate crime strands. For example, the Finsbury Park Mosque attack in June 2017 has been classified as a hate crime because the victims were thought to be targeted because of their religious affiliation.

The Law Commission is considering proposals to reform hate crime laws to remove the disparity in the way hate crime laws treat each protected characteristic – race, religion, sexual orientation, disability and transgender identity and are due to report their recommendations later in 2021. Any proposals by the Law Commission may lead to future changes in the future coverage of the monitored strands.

A copy of the Hate Crime Action Plan for 2023-26 is attached at appendix 1.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with any costs being contained within existing budgets. Any significant budget implications in the future, over and above virement limits, would require approval by Cabinet.

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

There are no direct legal implications that arise from this report, the relevant legislation is contained within the report.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

7. Union Comments

The Union comments were as follows:

8. Data Protection Compliance Implications

There are no data protection issues to be considered.

9. Equality Impact Assessment

N/A

10. Background Papers

Nil