

# Public Document Pack

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17 October 2019

Dear Member,

## **County Council - Friday, 18 October 2019**

Please find enclosed the briefing notes for the motions to be referred at the meeting of the County Council to be held on Friday, 18 October 2019.

<b>Agenda No</b>	<b>Item</b>
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<b>10(f)</b>	<b>Motion on Highways Maintenance</b> (Pages 3 - 4)
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Briefing note on factual background information attached.

<b>10(g)</b>	<b>Motion on Hate Crime</b> (Pages 5 - 8)
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Briefing note on factual background information attached.

Yours sincerely

Tony Kershaw  
Director of Law and Assurance

**To all members of the County Council**

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**County Council – 18 October 2019****Item 10(f) – Notice of Motion by Mr Jones****Highways Maintenance – Briefing Note**

In October 2016 the UK Roads Liaison Group published a new National code of practice 'Well-managed highway infrastructure'. It set local highway authorities a target of two years to adopt the approach set out in the new code. Delivery of a safe and well maintained highway network relies on good evidence and sound engineering judgement. The intention of the new Code is that authorities develop their own levels of service and the Code therefore provides guidance for authorities to consider when developing their approach in accordance with local needs, priorities and affordability.

Changing from reliance on specific guidance and recommendations in the previous Codes to a risk-based approach as advocated in the new Code involved appropriate analysis and development of service levels and gaining approval through the executive process. The new Code is a document that the authority relies on as the basis for defending claims and as such we need to be seen to be compliant and acting in accordance with it.

The County Council's own document 'Highway Maintenance Infrastructure Levels 2019/20' was produced in response to the publication of the new code and sets out for the first time in one place details of how different assets are safety maintained across the network. This sets out very clearly what the County Council will and will not do and so allows others to understand where there may be scope for them to provide additional service level.

This document was subject to scrutiny at the Environment, Communities and Fire Select Committee in June of this year where members had an opportunity to comment on the contents. A proposed recommendation that the proposals in the document were not supported by the committee.

The County Council continues to prioritise safety on the network and all safety defects will be addressed. The areas where we see the highest levels of customer enquiries - road and pavement surface defects (potholes) have had no change in the service level relating to repair and we continue to provide a high level of service in relation to these issues.

We are not asking local councils to do activities that are essential to safety on the network but we are giving local councils the opportunity to undertake activities on the highway that will improve the aesthetics of local areas. Our initial feedback from town and parish councils has been positive to this initiative and proffers opportunities for local communities to take action that will enhance their own local areas as well as bring together community groups in local activities.

The County is currently in the process of procuring new contracts for delivery of many of these services. It would be premature to review budgets until the pricing of these new contracts is understood.

**Matt Davey**

Director of Highways, Transport and Planning

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**County Council – 18 October 2019**

**Item 10(g) – Notice of Motion by Mr Oxlade**

**Hate Crime – Briefing Note**

**Background**

'Hate incidents' are actions or words targeted at an individual or group because the perpetrator is hostile or prejudiced towards an aspect, or perceived aspect, of the victim(s)' characteristics, lifestyle or identity. When actions or words also amount to a criminal offence, they are defined as a hate crime.

Current UK law identifies five 'strands' which are specifically protected in relation to hate crime - disability, race or ethnicity, religion or faith, sexual orientation, or transgender status. If a court finds that an offence was aggravated by, or committed because of, the perpetrator's prejudice or hostility on any of these grounds, a more severe sentence can be imposed on the perpetrator.

Anyone can be a victim of a hate incident or hate crime, regardless of their actual characteristics, lifestyle or identity. What is important is what the perpetrator perceives about their victim, and whether their prejudice or hostility influences their actions.

Hate incidents and hate crimes can happen anywhere, including online. They can take many forms, including abusive language, physical attacks, derogatory online comments, damage to property, bullying, or a sustained campaign of harassment.

Hate incidents and crimes have been found to be particularly damaging to individuals and communities because they target characteristics that a victim often cannot change, and so the attack feels intensely personal. The Government has described hate incidents and crimes as 'corrosive' for communities as they often lead to fear, mistrust and tension. For an individual, being a victim of a hate incident or hate crime can lead to increased isolation and marginalisation and impact significantly on mental health.

Despite the damaging effects of hate incidents and hate crimes, they are often under-reported. The reasons for this vary but reasons victims commonly give include feeling they are unlikely to be listened to; that reporting will make no difference; that incidents happen too often to be able to report each one or that they are fearful of the repercussions of reporting. This may mean that a victim experiences repeat incidents, which, even if each one is seen as minor by the victim or professionals, can have a devastating cumulative effect. The deaths of Fiona Pilkington and her daughter Francessca in 2007 remain one of the highest profile examples of this.

Hate incidents and crimes can also be indicators of extremist activity. Understanding the picture of hate incident/crime offending may lead to referrals to Prevent, where perpetrators are supported so that they do not become involved in or support violent extremism or terrorism. Experiencing or witnessing hate crime is a known driver for individuals to become involved in

violent extremism or terrorism; therefore early identification and support regarding hate incidents is critical in reducing that risk.

### **Hate Incident Support Service (HISS)**

The County Council's Community Safety and Wellbeing Service have commissioned Victim Support to operate the Hate Incident Support Service in the county since 2008. Previously, the County Council had provided racist incident support in-house in response to recommendations from the Macpherson inquiry into the murder of Stephen Lawrence, which highlighted the need for victims of racist hate incidents and crimes to be able to report to an agency independent of the police, should they wish. When the Criminal Justice System agreed a new definition of hate crime which referenced the five protected characteristics (see above), it was decided to expand the focus on racist incidents and crimes to include all strands of hate crime, and in order to better engage with local communities, identify a community based organisation to deliver it.

The service was commissioned from Victim Support and is designed to provide a dedicated and accessible route for reporting of all hate incidents and crimes for victims, witnesses and third parties. It was felt that working with Victim Support, a well-known and trusted organisation amongst the public, victims in West Sussex would benefit from a quality assured service with robust mechanisms for case management, confidentiality and safeguarding.

Once a report of an incident is received, specialist case workers contact those affected to establish their support needs. All support is free, confidential and victim-led. The service aims to increase victims' personal safety by:

- providing sensitive, effective listening and emotional and practical support;
- carrying out a Victim Support Needs Assessment to identify levels of risk and to assign the appropriate support (this may include making a referral for volunteer support for less acute risk);
- providing information and, where appropriate, advocacy on matters of procedure, e.g. within the Criminal Justice System;
- liaison with relevant agencies such as housing providers, Anti-Social Behaviour Teams, the County Council's Adults' and Children's Services and voluntary & community organisations to work to resolve the victim's situation, either by assisting the victim to do this or, with his/her consent, acting on his/her behalf.

The service offers the option of face-to-face, one-to-one support and as such is seen as an example of good practice in relation to hate crime by the Sussex Police and Crime Commissioner and the Crown Prosecution Service. As the HISS offers early identification, intervention and support for all levels of hate incidents and crimes, it is believed to be one of only two such services in England. The service not only has beneficial effects for victims, but also on the wider community and the minority communities victims may be part of, increasing confidence and sense of cohesion. Victims of hate crimes report high levels of satisfaction with the service received and the majority of victims feel that by using the service, their confidence, resilience and ability to lead a normal life are improved.

## **Local reporting picture**

The levels of reporting for each hate crime strand in West Sussex tend to mirror the national picture. Although there is a rise in the amount of reports being received, this does not necessarily mean more incidents are occurring – it may reflect greater public understanding of how and what to report – as a result of initiatives such as Hate Crime Awareness Week, for example. In West Sussex, most reports relate to racist incidents, perhaps because public knowledge regarding racism is greater than the other strands. Hate incidents relating to disability, sexual orientation and gender identity have traditionally suffered from under-reporting but this is gradually improving year on year. More [information on the number of reports in West Sussex](#) is available on the website.

## **Reporting and more information**

Victims, witnesses or professionals can complete the online form at [www.westsussex.gov.uk/hatecrime](http://www.westsussex.gov.uk/hatecrime), call 0808 168 9274 or email [SussexHateIncidentReport@victimsupport.org.uk](mailto:SussexHateIncidentReport@victimsupport.org.uk). A victim of a hate incident can report it anonymously, although will only obtain follow-up support if their details are supplied.

Further information about hate incidents and reporting can be obtained by emailing [communitysafety.wellbeing@westsussex.gov.uk](mailto:communitysafety.wellbeing@westsussex.gov.uk)

Director of Communities

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