

<b>Report on</b>	Review of Hate Crime Legislation - Duty to Remove Hate Expression
<b>Date of Meeting</b>	Thursday 2 <sup>nd</sup> December 2021
<b>Reporting Officer</b>	Philip Moffett, Assistant Director (OD, Strategy & Performance)
<b>Contact Officer</b>	Ann McAleer, Corporate Policy & Equality Officer

<b>Is this report restricted for confidential business?</b>	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

<b>1.0</b>	<b>Purpose of Report</b>
1.1	The purpose of this report is to inform members of the plans by the Department of Justice (DOJ) to bring forward legislative changes via consolidated Hate Crime legislation.
1.2	This matter was raised at the Corporate Good Relations Working Group and recommended that an information report be placed at the next available meeting of Committee.
<b>2.0</b>	<b>Background</b>
2.1	A commitment to review Hate Crime legislation was included in the draft Programme for Government 2016-21 and, in May 2019, the Department of Justice appointed Judge Desmond Marrinan to carry out an independent Review of Hate Crime Legislation.
2.2	This Review considered whether the existing legislation represents the most effective approach for the justice system to deal with criminal conduct motivated by hatred, malice, ill-will or prejudice, including hate crime and abuse which takes place online.
2.3	Judge Marrinan's Final Report was published on 1 December 2020 making 34 recommendations. The final report is comprehensive and is available from the Department of Justice website by accessing the following link:  <a href="https://www.justice-ni.gov.uk/publications/hate-crime-legislation-independent-review">https://www.justice-ni.gov.uk/publications/hate-crime-legislation-independent-review</a>
2.3	Whilst the report is wide ranging having an impact across wider society and the public sector in how it approaches matters pertaining to hate crime, recommendation 15 specifically references local councils. An executive summary of the report of all the recommendations is attached as appendix A. The full report is accessible through the aforementioned link.

<b>3.0</b>	<b>Main Report</b>
3.1	<p>The final report makes 34 recommendations of which recommendation 15 makes reference to local councils:</p> <p><i>There should be a clear and unambiguous statutory duty on relevant public authorities including Councils, the Department for Infrastructure and the Northern Ireland Housing Executive, to take all reasonable steps to remove hate expression from their own property and, where it engages their functions, broader public space.</i></p>
3.2	The Department of Justice wrote to Councils in September 2021 to inform Chief Executives that, <i>‘the Minister agrees with the Report’s overall assessment’</i> .
3.3	On that basis DOJ commenced an officer level consultative process with information gathering workshops held in October 2021. The purpose of the workshop was to get feedback on the potential impacts and practical out-workings for Councils.
3.4	The workshop consultation topics included; what Councils do to ensure removal of hate expression from council property, whether or not Councils have a specific definition/threshold regarding what constitutes a hate expression, relevant records that are kept and any current engagement with (including statutory, voluntary and community sector) to assist decisions on removal of hate expressions.
3.5	As part of the consultation process the DOJ were made aware that in November 2019 it was resolved by Mid Ulster District Council to approve the continuation of the informal approach for offensive graffiti either reported to or identified by Environmental Health staff in the Mid Ulster Council area to explore the possibility of working with Youth Justice in respect of removal of non-offensive graffiti.
3.6	In relation to the removal of hate expression other than graffiti, the Environment & Property directorate respond to requests that come direct from Elected Members/Senior Management on an ad-hoc basis, particularly if the hate expression was on Council property.
3.7	To date, the feedback provided to DOJ confirms that steps are already currently being taken by Council to remove hate expression from Council property. Therefore, Council are already adhering to some of the proposals of the revised legislation. However, if the proposed changes to the legislation are introduced there would be an additional level of intervention in relation to hate expression required by Council requiring possible increased expenditure and robust documentation in relation to decisions taken on hate crime expression.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: Financial implications yet to be determined.

	Human: Human resources implications currently unclear.
	Risk Management: Risks implications will be identified once the legislation is finalised.
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: Currently no action is required by Council, therefore no equality screening is required.
	Rural Needs Implications: Currently no action is required by Council, therefore no Rural Needs Impact Assessment is applicable.
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	It is recommended that members note, consider and comment as necessary on the proposed legislative changes as detailed within the Executive Summary of Hate Crime legislation attached as appendix A.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
	Appendix A: Executive Summary of <i>Hate Crime Legislation in Northern Ireland (independent Review)</i>