



Protecting Communities  
Fighting Crime



# POLICE AND CRIME PANEL MEETING

<b>REPORT TITLE</b>	<b>MEMBER QUESTIONS TO THE COMMISSIONER</b>
<b>REPORT OF</b>	<b>POLICE AND CRIME COMMISSIONER FOR DERBYSHIRE</b>
<b>DATE</b>	<b>23 JANUARY 2025</b>

## 1. PURPOSE OF THE REPORT

To provide a written response to questions submitted by Police and Crime Panel members.

## 2. MEMBER QUESTIONS TO THE COMMISSIONER

### Question 1: From Cllr J Wright

Could the PCC provide the panel with an overview of the Non-Crime Hate Incidents recorded by the Derbyshire Constabulary? The PCC will have noted the public concern in other areas regarding the apparent lack of conformance with the 'Statutory guidance Non-Crime Hate Incidents: Code of Practice on the Recording and Retention of Personal Data (accessible) Published 3 June 2023', can the PCC confirm that officers & staff in Derbyshire have received appropriate training on the guidance?

### Response

A hate crime is defined as any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by a hostility or prejudice against a person who is transgender or perceived to be transgender. In addition to these five protected characteristics, Derbyshire Constabulary have also added two more hate or prejudice strands:

- **Alternative sub culture** - people who have a strong sense of collective identity and typically a distinctive appearance, e.g. goths, emo's and punks.
- **Other (including gender hate).**

The Home Office defines a non-crime hate incident as an incident or alleged incident which involves or is alleged to involve an act by a person ('the subject') which is perceived by a person other than the subject to be motivated - wholly or partly - by hostility or prejudice towards persons with a particular characteristic. While we work to protect the most vulnerable in society, we also have a responsibility to protect freedom of speech. It may be appropriate to record a non-crime hate incident in the following circumstances.

- When it is not clear whether a crime has been committed but a record is made to record decisions and investigative actions.
- When it is necessary to record the information for developing an intelligence picture.

- When the alleged behaviour falls short of criminal activity but may support evidence other courses of conduct, for example harassment.
- For statistical analysis that will help improve the understanding of the hostility in a locality.

Examples of hate crimes and incidents include:

- Verbal abuse such as name-calling and offensive jokes.
- Harassment.
- Bullying or intimidation by children, adults, neighbours, or strangers.
- Physical attacks such as hitting, punching, pushing, spitting.
- Threats of violence.
- Hoax calls, abusive phone, or text messages, hate mail.
- Online abuse for example on Facebook or X.
- Displaying or circulating discriminatory literature or posters.
- Harm or damage to things such as your home, pet, vehicle.
- Graffiti.
- Arson.
- Throwing rubbish into a garden.
- Malicious complaints for example over parking, smells, or noise.

Between 01/12/2022 and 30/11/2023, Derbyshire Constabulary recorded 2383 hate crimes and 36 non-crime hate incidents and between 01/12/2023 and 30/11/2024, 2328 hate crimes and 42 non-crime hate incidents were recorded. This is a decrease of 55 hate crimes and an increase of 6 non-crime hate incidents from the year before.

All officers and staff have been trained since the introduction of the new legislation and our newly recruited officers receive training during their initial course. There is also a wealth of material available on the force Intranet page which officers and staff can refer to for advice, including the initial actions they should complete as a first responder and what support is available for victims. Of the 43 police forces, Derbyshire Constabulary have the 23<sup>rd</sup> highest recorded level of hate crime and when compared with our Most Similar Groups (MSG), we sit in the middle.

There are appropriate measures in place to ensure that there is full compliance with current regulations. This involves each non-crime hate incident being reviewed by one of the specialist hate crime officers within Derbyshire Constabulary to ensure that the data has been recorded correctly.

Additionally, the PCC commissions victim support services to those who have been impacted by hate crime. The service provides practical and emotional support and is available to all victims irrespective of whether the incident has been reported to the police or not.

All hate crimes and non-crime hate incidents recorded by Derbyshire Constabulary are automatically referred to this service to ensure all victims are offered appropriate support.

## **Question 2 – From Cllr J Wright**

**Would the PCC explain her strategy to deal with the use of mopeds being used by the likes of Deliveroo and Just Eat. All the delivery riders have L plates, delivering food is a commercial business, and I cannot see any insurance company covering young learner drivers. Even if the companies had a block insurance, it would never cover unqualified drivers on its policy. These young kids fly around weaving in and out of traffic, what happens if they get struck by a car or hit a car, who pays for the damage. Same thing with electric bikes which require no insurance to use the roads but are still capable of causing thousands of pounds worth of damage.**

## **Response**

Under UK law, the minimum age somebody can ride a moped is 16 providing they have completed a Compulsory Basic Training (CBT) course and have a valid provisional moped licence.

There is no specific law that prohibits learner riders from working as paid delivery drivers and there are in fact a number of companies that will provide insurance for them. To ascertain whether a delivery rider is covered, they will need to be stopped so that the appropriate checks can be carried out. Officers from the Roads Policing Unit do target any

delivery drivers that show as having no insurance, just like any other motor vehicle and they work closely with officers from our Local Policing Units and Safer Neighbourhood Teams to tackle the problem.

If an electric bike complies with the Electrically Assisted Pedal Cycles (EPAC) regulations, then they are in fact classed as a pedal cycle and would not need insurance. If it does not, it is classed as a moped and should be registered and insured. Failure to do so will result in the rider committing offences contrary to the Road Traffic Act 1988 and the vehicle can be seized by the police.

The illegal use of e-scooters and e-bikes is taken seriously by Derbyshire Constabulary. Since dedicated enforcement operations began on 1<sup>st</sup> November 2024, over 200 e-scooters and 30 e-bikes have been seized from communities across the county.

To highlight some of the positive work undertaken by the Constabulary, a recent operation which took place in Derby City on 29 November saw 39 e-scooters and e-bikes being seized in one day. Officers within Derbyshire Constabulary worked closely with CCTV operators from Derby City Council to identify riders prior to being stopped. Any e-bikes stopped were tested by police officers to check if they met legal requirements to be used on public roads. Those found to have not met those requirements were seized pending disposal.

### **CONTACT FOR ENQUIRIES**

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