



Paying the Price – Proposed Response to the Consultation Paper on Prostitution

RECOMMENDATION

1. To consider the draft response of the Community Regeneration Commission.

SUPPORTING INFORMATION

Background

- 2.1 In July 2004 the Home Office published a consultation paper on prostitution entitled Paying the Price. The paper invites comments on 35 questions. The closing date for comments is 26 November 2004. The issue was considered in depth at the meeting of the Community Regeneration Commission held on 2 November, to which all members of the Council were invited.
- 2.2 Prior to the meeting all members had also been invited to submit comments to the Commission. Six councillors plus one co-opted member of the Commission made a response.
- 2.3 The meeting was attended by eight councillors from outside the Commission and commenced with a presentation by Andy Thomas, Head of the Anti-Social Behaviour Team, who outlined the consultation issues. This was followed by a question-and-answer session with a panel comprising Mr Thomas, Sergeant Andy Jones from Normanton Police Station, and Dionne Reid and Lyndsey Rook from Women's Work. Members, including non-Commission members, were then invited to address the meeting with the panel commenting as appropriate. The Commission then deliberated and made the recommendations shown.

Issues

- 2.4 The Home Secretary's Foreword says: "This consultation paper is intended as the starting point for the development of a realistic and coherent strategy to deal with prostitution and its serious detrimental consequences for individuals and communities". Andy Thomas believed it was highly likely that the outcome would be "a significant change in the law".
- 2.5 There are three types of prostitution:
 - on street – visible and the cause of numerous complaints to the police
 - off street – largely unseen and the cause of few complaints to the police
 - child prostitution

with the three categories needing to be dealt with differently. However, given the issues in Derby the focus of discussion was principally about on-street prostitution. 90% of those involved were drug users first and have become prostitutes later as the only means available to support the habit.

- 2.6 The nine chapters include a total of 35 consultation questions. At the Commission the 32nd question was dealt with first, as that is the driver of the other responses, namely: should the Government response “to street- based prostitution involving adults accept or challenge its existence?”

Conclusions of the Commission

- 2.7 The Commission were not convinced that any of the overseas responses provenly worked, nor were they likely to be acceptable to local communities. Therefore the options of legalisation or the creation of tolerance zones should not be supported. Measures to give the working women routes out of prostitution should be promoted – this would reduce supply. Legal changes leading to a greater focus on policing and prosecution of clients should also be supported – this would reduce demand. The following recommended responses derive from these conclusions.

Recommendations of the Commission and reasons – references are to the question number in the consultation document

- 32. Recommendation** - a) The Council *oppose* any wider legalisation of on-street prostitution or of brothels of any size or the creation of tolerance zones. b) The Council *support* making it illegal to pay for prostitution.

Reasons – a) although prostitution is not illegal, all that surrounds it is. Any decriminalisation would have the effect of legitimising the activity. As a legal activity it would probably increase in volume, adding to the number of clients and prostitutes. That is inherently bad and would also adversely impact on the areas currently affected and may spread the activity to other areas. Tolerance zones may well result in worse behaviour as participants believe they will be ‘left alone’ and local residents would believe their neighbourhood was being ‘written off’ – possibly resulting in vigilantism. b) Presently about 85% of enforcement is on the working women and only about 15% on their clients. That is largely because paying for sex is not illegal whilst the rules on observation make it very difficult for the police to prosecute kerb crawlers. It is much easier to take action against the prostitute because loitering with intent and soliciting are criminal offences. It is therefore currently the natural response of the police as it brings short term results for residents. Making the client criminally liable is likely to reduce demand, especially if associated with naming and shaming. Introducing a fair balance of criminality would also produce changes in policing behaviour who would be able to ‘get results’ from targeting the demand (mainly men) rather than the present focus on supply (mainly women).

[Councillor Gerrard dissented from part b) of the recommendation, believing it would create new problems]

Chapter 1, questions 1 to 3.

Recommendation – Schools should have a central role in raising awareness. This needs to be a responsibility equally borne by the Youth Service and

Connexions. However, it is just as important to factor in awareness-raising with excluded pupils and disaffected young adults who are at the greatest risk of becoming involved in prostitution. There is also a particular responsibility on all councillors in upper-tier authorities, including Derby City Council, as corporate parents of looked after children – historically a disproportionate number of those who have passed through the care system have entered prostitution.

Reasons - Adding the Youth Service and Connexions increases the chances that even disaffected young people will hear positive messages from at least one agency. If young people have contact with two or three agencies there is a benefit of the same message being re-enforced. The term “equally borne” is to avoid buck passing on what some staff may consider an embarrassing subject. As some would still be at risk of falling through the net, conscious efforts need to be aimed at hard-to-reach young people. As corporate parents, councillors must collectively take steps to guard against looked after children entering prostitution whilst in the care system or having a propensity to do having left it.

Chapter 3, questions 6 to 9

Recommendation – To advise the Home Office that local actions in Derby range from the strategic through to one-to-one work. A multi-agency reference group, with links to the Area Child Protection Committee, has developed, is implementing and keeping under review a city-wide strategic response on child prostitution. The Edge project, linked to the Youth Service, works with young people at risk of becoming involved with prostitution and, for those who already are, helps them exit that world.

Reasons – These offer examples of good, local actions. These questions have also been partly responded to at Chapter 1, above.

Chapter 4, questions 10 to 11

Recommendation – The recent employment in Derby of a Prostitution Project Officer is hoped will provide new routes to reach children in need of protection from prostitution. Generally the city already has good reputation for partnership working and, over prostitution, the new worker may be able to enhance the partnership approach between the Crime Reduction Partnership, the Drug and Alcohol Action Team and other agencies. The Council would wish to learn about ‘what works’ elsewhere, for adoption here – and would wish to feed back about practice here.

Reasons - It is too early to have local successes (or failures) to report but there is confidence that the new post will strengthen current inter-agency links and offer new direct, outreach approaches. Councils facing the problems of prostitution need to share knowledge of good (and bad) practice.

Chapter 5, questions 13 to 19

Recommendation - Exit strategies are essential: they need to be multi-faceted with multi-agency support. In addition to housing, they need to include timely drug treatment on demand for the prostitutes, training in new skills and support to promote self-belief – and this will require both better information and higher resources (see response to Chapter 7, below).

Reasons - The baseline position in Derby is believed to be quite high – a visible sign of which was the range of agencies contributing at the Commission meeting; yet it was also said that the agencies had not worked together ‘as well as they might have done’. With 90% of street workers reportedly doing so to feed a hard drug habit, prompt access to medical support is essential. The Community Regeneration Commission’s report *Crime and Disorder and Young People* has already recommended that DAAT employ their own doctor to get the wait for methadone prescriptions down from the current 8-12 weeks, for 19+ year olds, in Derby. For clarity, the sole reason many women engage in prostitution is to feed their drug habit – as long as they are drug dependent the prostitution is likely to continue, the earliest they can successfully kick the habit the prostitution is likely to cease. The Commission’s consideration of ‘Paying the Price’ reinforces the importance and urgency of that earlier recommendation. The other basic issue is the rapid provision of housing where the on-street workers are bound into prostitution because of homelessness or living in a squat. The Commission believes that, given the will, much could be done to create exit strategies now – without awaiting legislation or central government direction.

Chapter 6, recommendations 20 to 22

Recommendation - The Sexual Offences Act 2003 represents a step change in the treatment of exploiters and is welcomed. There is a need to grasp the nettle and institute a fundamental change for *all* criminal proceedings – so that separate court entrances and waiting areas for defence and prosecution witnesses plus the right for all witnesses to give evidence by video-link or in-court screening is both a right and routinely offered to witnesses, not just those considered vulnerable.

Reasons – it is important to recognise the beneficial changes introduced by the 2003 Act which does crack down on users and abusers. As regards the service provided by courts to witnesses there have been incremental changes but it remains poor. Again, the review *Crime and Disorder and Young People* had shown the difficulties about getting the victims of anti-social behaviour to testify in order to secure the ASB order that, when granted, could actually provide some relief from their torment. Reducing levels of respect for society’s institutions means witnesses generally think they are more liable to intimidation than, say, fifty years ago. Although separation of witnesses from the accused would represent a fundamental change in British justice, it is necessary to re-secure the lost respect and reverence for those giving evidence for the Crown and the defence.

Chapter 7, recommendations 24 to 28

Recommendation – That the Home Office note that a policy of displacement provides no solution regarding the levels of prostitution. Derby has made use of ASB orders regarding prostitutes – the Commission believe that buyers of their service should be targeted and that this need not await the legislation suggested in answer to question 32, above. Regarding 26, there should be law changes so that a drug treatment and testing order, DTTO, can be made where there is a conviction for prostitution related offences. Regarding 27, where additional resources are needed to add to agencies’ capacity this should be fully and transparently met by central government.

Reasons - Displacement has been achieved in Derby both through concerted police action and through community action – but it has moved not stopped, and later partly moved back. This produces a respite for hard-pressed communities but doesn't address the long-term issues of supply and demand, which this response has sought to do at question 32 and elsewhere. The proposed shift to policing the demand side should begin now by local investigation of the use of ASBOs for kerb crawlers and other purchasers where the criteria are satisfied. Regarding DTTOs, these cannot currently be made because the offences only carry a fine or discharge – either changing the law on DTTO eligibility or making prostitution-related offences liable to community orders would overcome this obstacle. The NHS would have to be able to factor in the chaotic lifestyles which mean fixed appointments will not work. Regarding 27, where enforcement and exit strategies require higher and redirected resources, this should not be the cost of relegating the services currently given to other users. For example, changing the housing allocation points system to help homeless prostitutes to start a new life should not be achieved through another potential tenant 'paying the price' for that – the supply of social housing needs to be increased to avoid community backlash. Similarly, immediate access to medical intervention to manage or cease drug use should not result in another user having to wait.

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Background papers:	None
List of appendices:	Appendix 1 – Implications

IMPLICATIONS

Financial

1. Imprecise but discussed in the above text.

Legal

2. A significant change in the law is the likely result of the consultation. This response is to influentially shape the result in light of Derby's experience and interests.

Personnel

3. None directly arising.

Equalities Impact

4. If supply and demand can be significantly reduced the poorest communities would gain from an improved quality of neighbourhood life. Preventing people becoming prostitutes and diverting those currently engaged will disproportionately benefit the socially excluded driven into the trade because of lack of better lifestyle options.

Corporate Objectives and Priorities

5. Objectives: Strong and positive neighbourhoods, protecting and supporting people
Priorities: Enhance the community leadership role of the Council.