Regulation of sex work in England and Wales

Phil Hubbard¹, Roger Matthews² and Jane Scoular³

1. Professor in Urban Social Geography, Loughborough University, Loughborough, Leics LE11 2TU (01509) 222747 P.J.Hubbard@lboro.ac.uk (corresponding author);
2. Professor in Criminology, London South Bank University;
3. Senior Lecturer in Law, Strathclyde University.
1. Introduction

Traditionally, prostitution has not been criminalised in England and Wales, regarded as a private transaction conducted between two consenting adults. However, there are many pieces of legislation that seek to regulate and punish a wide variety of acts associated with prostitution in the interests of public health, social well-being and moral order. As such, soliciting and kerb-crawling in public or quasi-public spaces are currently illegal and there are several laws which allow for the prosecution of those who are seen to benefit from the prostitution of others, such as ‘pimps’, procurers and brothel owners. Off street working is legal, though where there is more than one person present in a premise – even if the second person is not selling sex – that person may be deemed to be living off immoral earnings and that premise defined as a brothel. Advertising of sexual services in public spaces is also prohibited.

Though the current legislative framework is often described as having been laid down in the wake of the Wolfenden Committee’s (1957) review of prostitution and homosexual offences, much earlier acts still remain in place (e.g. the Vagrancy Act 1824) and continue to shape the statutory definitions of prostitution. Further, the range of criminal legislation relating to sex work has been added to subsequently and, all told, includes over thirty laws and statutes (for example, the Criminal Justice and Police Act 2001 added new powers to criminalise the advertising of sex work in public places, while the Sexual Offences Act 2003 added new powers to prevent trafficking for the purposes of prostitution). Additionally, local by-laws and acts that do not explicitly concern prostitution, but wider questions of public order, have been invoked in some instances to shape the practices of sex work in England and Wales.

The existence of so many pieces of legislation relating to sex work, and, more importantly, their uneven and inconsistent enforcement, has lead to repeated calls for legal reform in England and Wales. These calls for reform have become more urgent over time with the rise of a sex workers’ movement which has argued for full citizenship rights for prostitutes and the repeal of laws accused of stigmatising sex workers (and rarely their clients). Yet the arguments of those seeking to situate prostitution in the context of labour laws have been largely overwhelmed by discourses that
emphasise prostitution’s role as a vector of sexual disease, a source of public disorder and a form of gendered violence. Post-2000, anxieties about trafficking that conflate prostitution and slavery have also come to the fore, encouraging more punitive responses against those pimps, managers and smugglers who profit from sex work.

These calls for legal reform culminated in a major Home Office consultation paper – *Paying the Price* (2004) – which was intended as the precursor to a major overhaul of prostitution law. The subsequent espousal of more repressive policing of street work, coupled with fuller provision of ‘exit’ routes, and hints of a more lenient approach to brothel work, has not satisfied many in the sex work lobby. Nor does it represent a radical overhaul of existing laws. Yet it does indicate some important shifts in regulation since Wolfenden, with the promotion of multi-agency approaches underlining that the regulation and management of sex work is not merely an issue for the police, involving local authorities, health agencies and community groups.

Recognising the complexity of regulation, this review hence considers the regulation of sex work in its widest sense, both on- and off-street, and explores the way the police, planners, licensing officers, social workers, health projects and community groups work within (and *with*) the law to shape the spaces and practices of commercial sex. To demonstrate how discretion is employed in the deployment and enforcement of the law, we hone in on a case study of the London Borough of Westminster, which incorporates the West End (traditionally the focus of London’s night-time economy). Though the levels of sex work in many provincial cities are said to be higher than those in capital, this review will demonstrate many key pieces of legislation have been driven through with reference to the visibility of different forms of sex work in Westminster, London. It will also suggest that these pieces of legislation have rarely been sufficient to allow regulators to adequately deal with the ‘problems’ they associate with sex work, with the shifting locations and practices demanding constant adaptation by the state and law in the capital as they seek to reconcile obvious demands for commercial sex with the anxieties expressed by some residents and businesses about the inappropriateness of sex work in particular spaces.
2. Context

The history of prostitution in England and Wales has been documented from a number of standpoints, with the wealth of material meaning a detailed overview is impossible. Suffice to say there has been considerable attention devoted to the transition from the regulation of prostitution by the church (through the bawd courts) to a secular control focusing on questions of vagrancy and indecency defined and controlled by the secular state (Self, 2003). The state’s attempt to classify and discipline the prostitute through penitentiaries, lock hospitals and magdalenes from the eighteenth century onwards has also been widely noted, as has the incorporation of these institutions within (locally-variable) modes of regulation (Walkowitz, 1980; Bartley, 2000). In the nineteenth century, for example, the 1824 Vagrancy Act, Town Police Clauses Act 1847 and Metropolitan Police Act 1839 provided powers for the police to arrest and fine those ‘common prostitutes’ who caused annoyance to local inhabitants or passengers, while the British Magdalene ‘movement’ sought to ‘rescue’ women by providing voluntary places in asylums. Through all this, the focus was on the moral threat of the soliciting woman rather than the male purchaser, though the Disorderly Houses Act 1751 punished persons keeping bawdy houses – a synonym for a brothel.

Two episodes of legislative reform and debate have figured particularly prominently in the historiography of sex work in England and Wales. One concerns the introduction (and subsequent repeal) of the Contagious Diseases Acts of the 1860s, first introduced in English garrison towns but subsequently introduced in the colonies, which allowed for the arrest and compulsory medical inspection of any woman presumed to be a ‘common prostitute’. Critics (most notably, Josephine Butler) noted the double standard that existed here, with clients free to spread sexual infection while women were incarcerated; the subsequent Criminal Law Amendment Act (1885) thus switched attention to issues of exploitation and trafficking, introducing new powers to penalise brothel-keeping. The enforced closure of brothels, together with proactive police enforcement of solicitation law, was deemed an effective and humane way of ending the ‘social evil’ of vice (though some commentators suggest it merely pushed sex work away from the polite spaces of Victorian leisure and pleasure towards the backstreets and alleys).
The second period that exercises considerable fascination for historians of sex work in England and Wales is that surrounding the proceedings and report of the Wolfenden Committee on Prostitution and Homosexual Offences (1954-1957). Given the recommendations of the 1928 Street Offences Committee on changing the solicitation laws had not been acted upon, and media furore over the sheer number of street prostitutes to be found on the streets of the capital (Mort, 1999), reform was seen as somewhat overdue. Significantly, the Wolfenden Committee was established at a time when street prostitution was implicated in an imagined process of post-war moral decline that was leading to family breakdown and social disintegration. With the ascent of the new monarch to the throne in 1953, an attempt was made to redefine women’s and men’s roles as homemakers, with reference to the Christian family values of the British state (Self, 2003).

As Self (2003) details, the Home Office was keen to stifle any call for legalisation, encouraging Wolfenden to consider increased fines, imprisonment for repeated offences and dropping any reference to annoyance in soliciting laws. Recognising this might lead to displacement to off-street working and the growth of a ‘call girl’ system, members of the Committee discussed the possibility of regulated brothels. In the event, the Wolfenden report recommended punitive measures designed to prosecute street offences and also new penalties for those allowing their premises to be used as brothels; however, the new powers were justified primarily in terms of public nuisance, with the statement that ‘there must remain a sphere of private morality and immorality which is, in brief and crude terms, not the law’s businesses’ apparently underlining the liberal credentials of the committee (Wolfenden Committee, 1957, para 60). In this manner, Wolfenden repeated reiterated the view espoused by the 1928 Street Offences Committee that prostitution legislation should not seek to enforce any particular pattern of behaviour:

If it were the law’s intention to punish prostitution per se, on the grounds that it is immoral conduct, then it would be right that it should provide for the punishment of all the men (clients) as well as women (prostitutes). But that is not the function of the law. It should confine itself to those activities which offend against public order and decency or expose the ordinary citizen to what is offensive and injurious, and the fact is that prostitutes do parade themselves more habitually
and openly than their prospective clients, and do by their continual presence affront the sense of decency of the ordinary citizen (Wolfenden Report, 1957, 14).

This judgement may well have been informed by the fact that many of those men among London’s elite continued to patronise prostitutes. Nonetheless, this distinction between prostitution as a public offence and prostitution as a private consensual transaction was important in subsequent legal debates which demonstrated the law’s ostensible tolerance of sexual diversity while conversely strengthening the legislation which could be enacted against women selling sex.

Despite claims that it was not concerned in shaping morals, elsewhere the Wolfenden Committee (1957, 34) remained dogmatically moralistic, claiming ‘prostitution is an evil of which any society that claims to be civilised should seek to rid itself of’. Referring to 6,829 arrests for street soliciting in 1953, the committee further suggested that London’s prostitution population was ‘without parallel in the capital cities of other civilised countries’ (cited in Self, 2003, 89), revealing a concern that the presence of prostitution on the streets was quite out of place in a modern, prosperous world city. Such claims were informed by a detailed mapping of the capital’s sexual topography that identified some of Soho’s notorious streets and landmarks as belonging to London’s more recalcitrant citizens, a sexually immoral population that was seen in need of isolation and re-education (Mort, 1999).

For all that, Wolfenden suggested prostitute women should not be punished without being given the chance of ‘redeeming’ themselves. By recommending the national introduction of the cautioning system first employed in Edinburgh and Glasgow, (where the police warned women who they considered to be soliciting on the first and second occasion, making reference to probation services as appropriate), the Wolfenden Report felt that women entering the street scene might be discouraged from embarking on a life of prostitution. Nevertheless, the new cautioning system advocated by Wolfenden retained reference to a ‘common prostitute’ – contra the recommendations of the 1928 Macmillan Committee on Street Offences – on the basis that extending the law to encompass all habitual and persistent loitering acts would place a considerable burden on police. In any case, Wolfenden concluded that having the offence of ‘common
prostitute’ listed on an official record was of little concern given it would not come to light unless a woman was charged again.

The legislation of the 1950s (1956 Sexual Offences Act and 1959 Street Offences Act) thus had the twin aims of preventing ‘the serious nuisance to the public caused when prostitutes ply their trade in the street’ while simultaneously penalising the ‘pimps, brothel keepers and others who seek to encourage, control and exploit the prostitution of others’ (Wolfenden Committee, 1957, cited in Edwards 1987, 928). In practice, this created a paradoxical situation where, although prostitution was not illegal, it was difficult and sometimes impossible for prostitutes to work without breaking these laws. The elimination of reference to annoyance in the 1959 Street Offences Act clauses referring to solicitation meant that any woman working on the street would be subject to cautioning and arrest irrespective of complaints from local residents or businesses. Once charged in court as a ‘common prostitute’ though, the new legislation stipulated that prostitute women need not be cautioned again, and, under section one of the 1959 Street Offences Act, could be charged with loitering or soliciting in a street or a public place for the purpose of prostitution without caution.

The labelling of a woman as a ‘common prostitute’ – which in fact dates back to at least the 1824 Vagrancy Act – has remained the source of much concern to sex work advocacy groups. For example, Lopez-Jones (1990) points out that the appellation of ‘common prostitute’ means that women’s guilt is effectively assumed on the basis of her previous convictions. In effect, a woman previously charged with being a common prostitute, when found loitering in public space, is assumed to be loitering for the purposes of prostitution, even if that was not her intention at that time. Under the terms of the 1959 Act, if a woman was charged with an offence she could incur fines and court costs which could force her to work extra hours to pay off, instigating a vicious cycle of arrest-fine-arrest (the so-called ‘revolving door’). In this context, the role of intermediaries became more important, given many prostitute women may have looked to intermediaries to pay fines or bail costs as appropriate (Edwards, 1987). Yet, under the 1956 Sexual Offences Act, as soon as third parties become involved in any transaction between prostitute and clients (whether as the owner of a business, a manager, or agent) they were liable to arrest for exploiting or controlling the prostitute, meaning that off-
street work was also technically impossible except where one woman worked from a flat alone. Indeed, the Sexual Offences Act 1956 penalised ‘the procurer’ - anyone who knowingly lives wholly or in part off the earnings of prostitution (Edwards, 1997, 63). However, this definition has on occasion been interpreted to include partners, lovers, friends and even children of sex workers, leading to a situation where those who live with sex workers are criminalised for ‘pimping’ (with a penalty of up to seven years in prison). The law hence understands ‘pimping’ to be a wholly negative and exploitative relationship, while ‘procuring’ is a similarly totalising and old-fashioned term that can be applied to a variety of activities in complex business relationships.

Given the police were empowered by the 1959 Act to penalise each and every instance of street soliciting, with a woman identified as a ‘common prostitute’ subject to arrest, fine, and, on non-payment of fines, possible imprisonment, the predicted move from street work to ‘call’ and ‘escort’ work followed, and numbers arrested for street solicitation dropped accordingly. Yet other forms of working began to become widespread – through clubs, pubs, for example, as well as saunas and massage parlours – and prostitution began to be advertised through adverts in newsagents and in the media. While Wolfenden assumed that prostitution occurring in licensed premises and off-street could be effectively regulated through local by-laws, in practice it was difficult for local authorities to legislate against the diverse range of spaces in which prostitution occurred. Further, street work did not entirely vanish, with the failure of the law to penalise kerb-crawlers and male importuners meaning that clients continued to take to the streets in search of prostitutes. Predominantly, street prostitution was found in notorious inner city areas where it was part of the ‘local scene’, and largely tolerated by the police in the interests of containing a perceived public nuisance. In this sense, the enforcement of the 1959 Act created de facto ‘red light areas’ in most British provincial cities. In some instances (notably Birmingham and Leicester in the 1970s), these areas included the type of window working found on the continent, despite case law suggesting that soliciting from a window or balcony was still soliciting in a public space.

For residents and businesses in red light areas, the volume of late-night traffic, exposure to the sights and sounds of sex being sold and the coincidence of street-sex and drug markets often caused unease, and, in some locales, prompted complaints to police and
politicians about the nuisance of street sex work. In the wake of such complaints, and noting a rise in street prostitution in the late 1970s recession, the Criminal Law Revision Committee report Prostitution on the Street (1984) recommended several modifications to the 1959 Act and a new offence when a man solicited a woman in a manner ‘likely to cause her fear’. The 1985 Sexual Offences Bill accordingly adapted these recommendations, and made it an offence for a man to solicit ‘a woman for the purposes of prostitution from a motor vehicle in a public place’ or ‘in a street or public place in such manner as to be likely to cause annoyance to the woman solicited or any other persons in the neighbourhood’; a modification in the Lords added the requirement that the behaviour needed to be persistent (in the absence of a cautioning system) (see also Edwards, 1987). However, the criteria for prosecution normally require proof that the kerb-crawlers acted persistently or in a manner likely to cause annoyance to the solicited woman or to other persons in the neighbourhood.

This need for proof of persistence placed a burden on the police which they were initially unable or unwilling to meet, and instead many forces preferred a cautioning system where warning letters were sent out to the kerb-crawler’s address (presumably in the hope of shaming him). Until 2001, kerb crawling was not an arrestable offence, with those convicted of kerb-crawling normally subject to a fine varying from around £50 to £300 depending on local court procedures (Benson and Matthews, 2000); however, from 2004 onwards it has been possible (under Section 146 (1) of the Powers of Criminal Courts (Sentencing) Act 2000) for the court to order an offender to be disqualified, for such period as it thinks fit, from holding or obtaining a driving license. Home Office circular 059/2003 states that ‘Using the power to remove the offender’s driving license could be considered to be not only a fitting sanction and deterrent, but also a means for diminishing the opportunity for further offending’. The extension of kerb-crawling legislation, and its advocation by the Home Office, has not lead to a rise in the number of men cautioned and convicted of the offence (though this may be a function of the general decrease in levels of street prostitution - see Appendix Two).

Kerb-crawling legislation has consequently been the source of much controversy and while it was designed to bring equality in terms of how women soliciting men and men soliciting women are
treated, the number of men found guilty of kerb-crawling has been miniscule in comparison to arrests and cautions for soliciting. Indeed, studies of law enforcement suggest police are most concerned with responding to pressure from residents and local politicians who wish to reduce the ‘nuisance’ experienced by people living in areas of street prostitution, fuelling periodic and widely-publicised ‘crackdowns’ on kerb-crawlers, but little routine enforcement. In fact, the idea that commercial sex is inevitable and cannot be prevented (or eliminated) through the application and enforcement of established legislation appears to have been a key factor shaping police practices and attitudes towards prostitution. The police regularly concede that it is difficult to ensure that those charged with soliciting will not return immediately to the same activity in the same area (given that many can only pay off their fines by returning to work), while kerb-crawling legislation has been frequently adjudged as a poor deterrent for those looking to buy sex (with powers to disqualify drivers apparently difficult to enforce).

Perceiving that laws cannot be used to prevent individuals buying and selling sex, and fearful that repression might simply drive sex work and linked drug markets further underground, the police in England and Wales have, by and large, used the tactic of containing prostitution in specific areas, so that it is invisible to those residents who protest most vehemently, yet visible enough to police that they can easily monitor the changing nature of the street sex market (see Benson and Matthews 1995; Hubbard, 1997; Sharpe, 1998). In some instances, this was manifest in the informal designation of zones for street working. While attempts to establish these on a more formal footing often floundered in the glare of adverse publicity (as was the case in Sheffield City Council’s attempt to designate a zone in 1992) or residential opposition (as in Cardiff in the late 1980s), a number of inner city areas were understood to be areas where sex workers and kerb crawlers would only rarely be cautioned, and where all parties were often given advanced warning of any ‘crackdown’.

However, this ‘softly, softly’ model of policing was to come under considerable pressure in the 1990s. Given public perceptions of rising crime in the UK, and recognising the need for more cost-effective modes of policing, the Labour government has increasingly promised to be ‘tough on crime’ and the causes of crime, frequently espousing tactics of Zero Tolerance. In this sense, there was a growing focus on situational approaches to
crime control, in which the focus was on reducing the opportunities for criminal behaviour through a combination of design measures and ‘tough policing’ in targeted areas.

In the wake of the perceived success of Zero Tolerance campaigns, successive Home Office publications argued that a number of additional (non-legal) measures could be employed to reduce opportunities for prostitution to be practised in specific districts. Such measures included the use of closed circuit television cameras in areas of street soliciting, traffic management schemes designed to close off the ‘scenic routes’ often taken by kerb-crawlers, and lighting schemes designed to ‘reclaim’ the streets from sex workers. For example, road closure and the introduction of CCTV was introduced to steer sex workers and their clients away from areas where they caused distress to (some) residents, while gating off alleyways denied access to areas for sexual activity (see Scott 2001). Matthews (1997) cites instances where such interventions were deemed extremely effective, including Finsbury Park, Streatham, Luton, and Southampton. Closure of public toilets used for transacting and drug injection was another common measure designed to discourage street working.

Here, it should be noted that crime prevention through environmental design was pioneered well before the 1990s. For example, an early example of a road closure system took place in Toxteth, Liverpool in the 1970s. This area comprised several roads of terraced housing arranged in rows with main roads at either end, with a regular stream of kerb crawlers. Police and the local authority transport department devised a scheme where most of the affected roads were closed at alternate ends to create a series of cul-de-sacs. This was very successful in almost eliminating prostitution and kerb crawling in the area. It also had the added benefit that community spirit was improved, non-local vehicles became easily identified by local residents and there was a significant reduction in all crimes in the area. However, such interventions were expensive, and proved disruptive for some local residents and businesses (as a consequence, Nottingham residents rejected an experimental scheme on the basis it disrupted their school run). Their overall effectiveness was also questionable: for instance, blocking one end of Cheddar Road in Balsall Heath in 1992 did not markedly decrease the amount of traffic in the street but merely turned it into ‘Britain’s busiest cul-de-sac’. In other instances, it simply resulted in sex work moving from
one street to an adjacent one. The effectiveness of CCTV systems in discouraging street sex was also questioned given the presence of cameras may provide reassurance to those selling sex. Likewise, improved street lighting may provide sex workers and clients with a better commercial environment (as was reported to be the case in St Paul’s, Bristol, where soliciting apparently increased after the introduction of improved street lighting; in Bradford, the installation of lighting designed to increase student safety in the vicinity of the University encouraged workers to move from their established beats in Manningham towards the city centre in 1996).

A related approach adopted by some local authorities in response to residents complaints about sex work was the use of planning law to prevent prostitutes working from private residences, despite the fact that a single woman operating from a private premises does not constitute an offence under existing British vice laws (Hubbard, 1999). The use of such powers was first explored by Southampton City Council as a way of dealing with prostitutes sitting in windows of their homes in Nicholstown and Newtown. Utilising the powers of the Town and Country Planning Act (1971), the council served a number of enforcement notices on the owners of those houses being knowingly used for prostitution. A similar strategy was later pursued in Balsall Heath where fourteen enforcement notices were served on the owners of houses on Cheddar Road and Court Road which were being used for commercial sex, suggesting that this represented a material change of use from their normal residential purposes to that of a ‘business’. Although an appeal was bought by one occupier against the notice, the planning inspectorate fully supported the local authority’s use of planning powers to shut houses being used to sell sex, thus setting an important precedent. According to the decision letter, the inspector paid no regard to moral issues, but was merely concerned that the number of clients visiting the house did not constitute ‘the usual comings and goings of neighbours, friends and domestic visitors’ and hence was ‘disturbing local residential amenity’ (Planning 25 November 1994).

In 2004, Westminster City Council pursued a similar course of action, compulsorily purchasing a number of flats used by sex workers in Soho on the grounds that they were an environmental and health risk.

By tacitly and explicitly supporting such preventative measures, Home Office thus responded to criticism of existing vice laws by
advocating the increased use of multi-agency solutions intended to design out prostitution:

Police success has come when they have worked with local authorities to design out prostitution through street lighting and traffic management designed to make the area as unattractive as possible to prostitutes and their clients (MacLean cited in Hansard 1994, column 289).

This type of solution, embracing the technocratic logic of New Right law and order policy, implied that environmental responses might be sufficient to tackle a complex social problem. Specifically, rather than trying to address the causes of prostitution, or providing alternative jobs for women wishing to leave the industry, this behavioural discourse implied prostitution could be eliminated through measures which reduced the opportunity for selling sex.

These new forms of environmental control are typically associated with other attempts to marginalise street sex workers within the residential neighbourhoods they work in. This is particularly evident in the emergence of Street Watch campaigners in areas of street sex working. An offshoot of Neighbourhood Watch endorsed by the Labour government as a means of enhancing community safety through citizen participation, Street Watch was used by residents in Balsall Heath, Birmingham, Normanton, Derby and Grangetown, Cardiff solely as a means of targeting prostitutes and their clients. Such campaigns involved police-sanctioned street patrols walking around the areas known for soliciting and kerb-crawling and monitoring the activities of women selling sex. Placards and banners were typically used to inform kerb-crawlers that their registration number was being passed onto police. This persistent patrolling (and the publicity to created) had a noticeable and immediate effect on numbers of clients visiting these three areas, and resulted in sex workers moving to work at different times and in different areas. However, there were accusations of intimidation and violence against sex workers in each case, and service providers such as outreach workers also experienced difficulty in accessing the area (see Hubbard, 1998). Sagar (2005, 108) concludes that the actions of Street Watch ‘do not represent the collective will of the community’, ‘increase tensions in the community’ and ‘do not sit comfortably alongside existing policy measures’ designed to support prostitutes and improve their health and safety. Nonetheless, such
campaigns were deemed a positive example of how communities could tackle anti-social behaviour in their neighbourhoods.

Similar questions about which members of the community the streets are being made safe for are raised by the widespread use of Anti-Social Behaviour Orders (ASBOs) served on sex workers to ban them from working in particular areas. ASBOs, created by the Crime and Disorder Act 1998, enable the police or local council to apply to magistrates for an order to control ‘anti-social’ behaviour, defined as that ‘likely to cause harassment, alarm or distress to one or more persons not of the same household’. Though rarely served on sex workers at first, they quickly came to be recommended as a means ‘to protect communities from the harassment, alarm and distress caused both by those soliciting and those kerb crawling’ (see [http://www.crimereduction.gov.uk/asbos9.htm](http://www.crimereduction.gov.uk/asbos9.htm)). This in spite of mixed evidence presented in Hester and Westmarland (2004) the ASBOs had been effective in a number of locales as a means of controlling prostitution. Nonetheless, in some cases, it appears that the police prefer ASBOs to prosecuting under the soliciting or kerb-crawling laws because the standard of proof needed to obtain an ASBO is lower than in a criminal trial, while breaching an order can result in up to five years imprisonment rather than a fine. Local authorities may also seek civil injunctions against sex workers and kerb-crawlers, while some magistrates have granted ASBOs at the end of criminal trials (‘CRASBOs’). The vast majority have targeted working women, and while the conditions attached to an ASBO vary considerably, it is typical for an ASBO served on a sex worker to insist a worker should not frequent named areas, not associate with particular people or even purchase more than twelve condoms at a time. Though normally applying to named areas in specific cities, there have been examples of ASBOs which seek to prevent sex workers soliciting anywhere in England and Wales. No ASBOs are known to have been served on ‘pimps’ to date.

Despite some criticisms of the difficulty of enforcing such notices, and the problems geographically specific injunctions may create for women seeking to access social services (Goodyear and Cusick, 2007; Sagar, 2007), ASBOs and CRASBOs are increasingly common in Zero Tolerance styled campaigns designed to tackle problems surrounding prostitution. For instance, a police-led initiative in Nottingham (funded as part of the Crime
Reduction Programme) used covert operations to effect 350 arrests, served six ASBOs on women selling sex, used street signs to highlight the number of arrests of kerb crawlers during the operation, issued press releases publicising successful enforcement action; displayed posters in pubs, bars, clubs, men’s toilets and bus shelters; and sent letters to over 200 suspected kerb crawlers based on vehicle registration numbers). However, this period of repressive policing was carried out without appropriate reference to other relevant agencies (e.g. POW outreach, social services etc). In one instance, an ASBO served on a sex worker actually prevented her from accessing suitable housing and exiting prostitution. Overall, this campaign was therefore judged to have had only a limited impact, with just 10% of residents perceiving that numbers of sex workers had declined following intervention, as against 31% who thought the numbers had risen (see Hester and Westmarland 2004).

One significant feature of ASBOs is that they tend to be publicised through court records and the local media. Some authorities have adapted a ‘name and shame’ approach in relation to workers served with ASBOs: for instance, in Reading, ASBOs have been served on seven women, whose name, address and picture appeared on a police website. This strategy clearly poses issues concerning civil liberties, but in this case the local Labour MP, Martin Salter argued:

We are enthusiastic users of the antisocial behaviour legislation in our communities and on our estates. We have used acceptable behaviour contracts to quieten youth disorder. Innovatively, we have used seven ASBOs on the most prolific street sex workers. Fining drug-addicted prostitutes £40 for soliciting is plain stupid—what on earth will they do other than to go back on the streets to earn the money? I am proud that our approach to using the welcome powers that the Government have given us—if you like, tough love—has resulted in five of the seven most prolific prostitutes engaging in treatment programmes (Hansard 29 Nov 2004, col 447).

Similarly, in an area particularly associated with Zero Tolerance (Cleveland), ASBOs have been combined with a ‘name and shame’ approach as both clients and kerb-crawlers have been simultaneously prosecuted as part of a highly-publicised crackdown
on street prostitution, with the local police promising ‘no hiding place for those who prey on those drawn into vice’ (Daily Telegraph, 27 July 1997; Middlesborough Evening Gazette, 5 August 1998).

One major issue here is that these varied attempts to eliminate prostitution in specific areas through campaigns of punitive policing (coupled with the use of CCTV, traffic management and other environmental intervention) run the risk of displacement, with street prostitution disappearing from one neighbourhood to simply resurface in another, as prostitutes and clients react to changing environmental conditions. Accordingly, while some criminologists have suggested that prostitution is an opportunistic crime that can be ‘designed out’ of existence (see especially Scott, 2001), the overwhelming evidence in England and Wales suggests that authoritarian policing and increased surveillance in red-light districts merely serves to displace it. This usually takes one of two forms: spatial - where street beats move to an adjacent or nearby area - or functional, where sex workers resort to other criminal activities including shoplifting, cheque fraud, robbery and so on. Though the latter does occur, the former is a more common response, and it is evident that periods of protracted anti-prostitution activity encourage women to work in established beats in different towns or move their beats en masse to a new area of the same town. The anti-prostitution campaign orchestrated by the Muslim community in Birmingham is a case in point, where sex workers left Balsall Heath for Rotton Park (Hubbard and Sanders, 2003).

However, there are several examples where repressive policing has been combined with effective multi-agency intervention in street sex markets to reduce overall levels of prostitution. In December 2000 the Home Office awarded £850,000 as part of the £250 million Crime Reduction Programme (CRP) to fund 11 multi-agency pilot projects (‘CRP projects’) with the explicit aim of reducing the number of young people and women involved in street prostitution. These projects involved the cooperation of local authorities, health trusts, Drug Action Teams, the police, the criminal justice service, voluntary organisations, social services and probation. Different combinations of enforcement, support and provision of exit routes were found to have different impacts on levels of street prostitution, with holistic support (‘a range of mechanisms of support and services…geared to the individual needs of women and young people involved in prostitution’).
deemed ‘central to any approach to tackling street prostitution’ (Hester and Westmarland, 2004, 10).

Beyond these eleven schemes funded through the Crime Reduction Programme, some local authorities began to realise that enforcement measures needed to be accompanied by packages of support to avoid displacement. For instance, Birmingham City Council formed an inter-agency Partnership Action Group in December 2001, reporting to the member-level Street Prostitution Panel. The Partnership Group has met monthly and has implemented a wide range of measures designed to address the adverse effects of street prostitution on the local community in the North Edgbaston and Ladywood areas of the city. This group developed a Legal Proceedings Chart detailing legal action against kerb crawlers, pimps and street prostitutes in collaboration with the Police, the Probation Service and Birmingham Magistrates Court. Nuisance injunctions (using powers provided by section 222 of the Local Authority Act 1972) were taken against 20 street workers, permanently forbidding them from soliciting for the purposes of prostitution and entering the local area in question for one year. The civil legal proceedings were issued in December 2002 and heard in February 2003, with a further court hearing in July 2003, when three women received a suspended sentence on condition that the women obey the original order. The council also claims to encourage street workers to self-refer to appropriate voluntary agencies for support and help to leave prostitution (http://www.together.gov.uk/article.asp ?c=121&aid=1098).

Birmingham claims its actions have resulted in a reduction of sex workers in the area from 50 to 10 on any given night. Other cities have also formulated city-wide prostitution policies, including Stoke (2002), Manchester (2004), and the London Assembly (2005) (with the latter focused on street prostitution only).

In this respect, it appears that the state and law has remained most vexed by the issue of street prostitution, reflecting the public concern expressed about this form of sex work (as opposed to off-street work, which appears to have excited much NIMBY protest). An additional concern here is the perception that street work is inherently more risky, exploitative and criminalised than off-street work. In a study of 115 street sex workers in Leeds and Glasgow, 81% had experienced violence (e.g. slapped, punched, kicked, threatened with physical violence) from a client and 50% had experienced such violence within the past six months (Church et
there is little data on client safety, but street environments may also place clients in unsafe and unfamiliar situations that render them vulnerable to theft or personal attack. The fact polydrug use is higher in the street sector than off-street is also widely recognized, making street workers a more important target for sexual health and drug outreach projects than indoor workers.

The persistence of a street sex market in England and Wales thus appears a major factor keeping discussion about sex work near the top of the political agenda. Though enforcement efforts have begun to target off-street working more frequently (on the pretext of exposing trafficking and preventing sexual slavery), the comparatively low number of prosecutions for living off immoral earnings or encouraging women into prostitution underlines the preoccupation of regulators with street work (see Appendix Two). In actuality, figures from police and outreach workers suggest the street sector is relatively small and limited to larger towns and cities. Moreover, the availability of mobile phones, more repressive policing, and heightened community opposition have all conspired to reduce the numbers known to work on the streets of British cities, and street outreach are reporting fewer contacts with street sex workers over time (EUROPAP, 2003); in contrast, the off-street market is thought to have grown, diversified and become more organised. A cursory analysis of contact magazines and internet sites reveals that many small market towns boast licensed massage parlours and women working from private premises; escort working, hotel and in-call working is also widespread, and is by no means limited to larger towns.

The overall number of sex workers in England and Wales is impossible to ascertain with any certainty given the occupational mobility in the sector and lack of registration for tax purposes. The most widely and consistently cited figure derives from Kinnell’s 1999 estimate of 80,000 sex workers (a ratio of 1.3 per 1000 people) in the UK, or 69,300 in England and Wales, a figure extrapolated from 17 sex work projects (six of these in London) (Kinnell, 2006a). This ratio is consistent with estimates from much of Western Europe, and, assuming around 20 transactions per worker per week, and a 40 week working year, implies 55 million commercial sex transactions per year in England and Wales. As noted above, the

1 The figure of 69,300 is calculated on the basis of 2004 mid-year population estimates.
proportion of these associated with street prostitution is understood to be low and declining. The decline in the number of vice squads from 30 in 1994 to 12 in 2004 is symptomatic of this (Matthews, 2005), as is the sharply falling rate cautions and arrests for street soliciting (see Appendix Two).

Matthews’ (2005) contacts with seventeen police forces where there is dedicated police surveillance and contact with street prostitutes suggests around 2200 women were actively engaged in street prostitution in 2004 (but typically only 10-15% of those women active on an average night). However, Matthews’ (2005) survey excluded London, where there may be as many as 300 women working per night, as well as Leeds, where 200 women are reported to work on the streets (Leeds Draft Prostitution Strategy, 2007), Manchester (where the outreach team makes contact with about 60 women a month) and Liverpool, where 550 different women were reported working over a two year period (Bellis et al, 2007). Matthews’ survey of vice squads also excludes a number of cities where street prostitution occurs in smaller quantities or where there is currently no dedicated police unit (notably, Birkenhead, Bolton, Bournemouth, Derby, Huddersfield, Ipswich, Peterborough, Reading, Rochester, Southend, and Stoke). Taking this into account we can surmise that there are around 5-6000 women engaged in street prostitution in England and Wales – or around 10% of the total number of prostitutes estimated by Kinnell (2006a). This is a much lower proportion than is sometimes cited (e.g. Ibbotsen, 2002, claims 25% of work on the street). The possibility that there are strong regional variations should not be discounted though, with Leeds’ Draft Prostitution Strategy stating as much as half of the city’s prostitution still occurs on street; in contrast, some cities with sizeable off-street sex working populations have a negligible street scene (e.g. Brighton or Blackpool being prime examples).

Corroborating police and health project estimates of the number of sex workers in England and Wales by considering the frequency that sex is purchased is possible, but fraught with difficulties given how little is known about client behaviour (Kinnell, 2006b). Derived from confidential questionnaires, the National Survey of Sexual Attitudes and Lifestyles (Johnson and Mercer, 2001) reported that

---

2 These seventeen police forces focus on street and off-street prostitution in Birmingham, Bradford, Bristol, Cardiff, Coventry, Doncaster, Hull, Leicester, Luton, Middlesborough, Norwich, Nottingham, Plymouth, Preston, Sheffield, Southampton, Walsall, and Wolverhampton
8.9 per cent of men in London between the ages of 16-44 had paid for sex in the last five years, with a nationwide figure of 4.3 per cent (1 in 23 men). In a much-cited study, Ward et al (2005) suggested that the proportion of men admitting to buying sex from women had risen from 2% in 1990 to 4.2% in 2000, with the highest rates again noted in London, among those in their 20s and 30s and those who had never been married. To the contrary, Wellings et al (1994) reported that as age increases, more men visit sex workers, with 10.3 per cent of the male population aged 45-59 admitting they buy sex. Most studies conclude men who purchase sex are more likely to report STIs and report an above average number of sexual partners.

While there is some degree of congruence between reported client numbers and estimates of prostitutes in England and Wales, several caveats need to be noted. Firstly, and importantly, estimates are based on female prostitutes selling sex to male clients, and global figures of the numbers of sex workers in the UK fail to include men who sell sex to men. Though thought to be smaller in number than female sex workers, this is not an insignificant population, and, since 2003, has been subject to near-identical regulation to female sex working. The number of convictions for men soliciting in public spaces has always been small, and has declined to a handful of convictions per year (See Appendix Two). Male sex working in England and Wales has never taken the form of street working in known ‘red light districts’, with most soliciting occurring in known cruising and cottaging sites, such as wastegrounds, parks and public toilets. With the declining importance of such sites in the life of many gay men, the majority of soliciting occurs in clubs, bars and gay saunas where it does not concern the police. The dominant mode of male sex work is in fact escort work, which may include both heterosexually-identifying and homosexually-identifying men offering their services to men (as well as women). There is very little literature on women who sell sex to women in England and Wales, and most reports fail to specify the prevalence of transgender or transsexual sex workers in both street and off-street environments.

A second important caveat that needs to be noted when estimating the extent and location of sex work in England and Wales is the definition of sex work that is commonly employed. This equates sex work with the purchase (for money or goods in kind) of sexual services, typically in the form of sexual intercourse, oral sex or
masturbation, from a prostitute. In fact, the law makes no clear distinction between such embodied services and the type of sexual services that might be provided by, for example, striptease artists, lap dancers, table dancers, telephone chat line workers, peep show workers or those who perform for pornographic filmmakers. This is not to deny that those who work in such sectors often make a distinction between the work that they perform and that performed by ‘prostitutes’ (few erotic performers self-identify as ‘sex workers’). However, section 51 of the Sexual Offences Act 2003 does suggest that a prostitute is anyone who offers ‘sexual services’ on ‘at least one occasion’, ‘whether or not compelled to do so’ (see Brooks-Gordon, 2006). Given that being a prostitute is, in itself, not a crime, there appears to have been little discussion as to what ‘sexual services’ might include. Yet if one accepts that prostitution might include the aforementioned forms of ‘adult entertainment’, this begins to suggest that the figure of 69,300 sex workers would be a considerable underestimate (there are, for example, at least 80 clubs in England and Wales dedicated to striptease, each employing 5-20 performers).

In the remainder of this report, however, we are less concerned with estimating the extent of sex work in England and Wales than with considering the variety of sites where sexual services are offered. Given the law makes no clear distinction between prostitution and striptease, we are most interested in how the state and law seeks to distinguish between different forms of sex work on the basis of where they occur, noting the way that, for example, striptease clubs are distinguished from brothels where several women offer sexual services (the former licensed as places of public entertainment, the latter existed in a zone of illegality). Whilst noting the way such distinctions and forms of enforcement are made in the context of current laws, we also wish to situate this in the context on ongoing debates about legal reform, and to that end our next section considers the recent changes that have been mooted in relation to prostitution policy in England and Wales.

3. Legal reform

The above review has suggested that prostitution laws in England and Wales – like those in much of the urban West – have been abolitionist in the sense that they seek to abolish sex work and
regard it as an inevitable form of gendered violence that no woman (or man) would freely choose to participate in. Yet much of the legislation designed to prohibit the exploitation of prostitution over the last fifty years has had the side-effect of prohibiting many forms of sex work, meaning that regulation in England and Wales has strong tendencies towards prohibitionism. Those arguing for the legalisation or decriminalisation of prostitution law suggest that the legacy of Wolfenden has been that all sex workers are situated in a legal liminal zone where they are technically allowed to sell sexual services, but in practice are not able to perform their work legally, because all activities connected with it are illegal. In some instances, this may expose them to criminal (or administrative) prosecution; evading prosecution inevitably means working in less secure environments, and possibly causing more public nuisance.

Ongoing concerns about the ineffectiveness of prostitution law to counter either the anxieties of those living in areas of street sex work or to prevent violence against sex workers prompted the establishment of a major cross-party Parliamentary Group on Prostitution, chaired by MP Diane Abbott, in 1993. Taking evidence from a number of statutory and voluntary agencies, and also from prostitutes themselves, the committee’s report concluded that the legislation relating to prostitution was not working well, not least because of its fragmented and incoherent approach. It recommended that the Home Secretary should carry out a comprehensive review of the legislation relating to prostitution, and made several key recommendations:

- that legislation should employ gender-neutral terminology, to remove the discrepancies in the way the law treats males and females involved in prostitution;
- a power of arrest should be attached to the 'kerb crawling' offences;
- sanctions should cover 'cruisers' who consistently drive around red light districts;
- alternative sanctions should be available for kerb crawlers and cruisers, including the endorsement of driving licenses and community service orders;
- the offences relating to 'living on the earnings of prostitution' should be redrafted to refer to those whose role is essentially coercive or exploitative;
sanctions should be increased against those who encourage young people to enter prostitution and against those clients who avail themselves of the services of juveniles;

- the offence of ‘soliciting for the purposes of prostitution’ should attract sanctions such as community-based sentences rather than fines, but where fines are imposed, revised guidelines should be issued to ensure that they are consistent and appropriate (Report of the Parliamentary Group on Prostitution, 1996, 39-42, summarised by Peck, 2007)

Following the change of government in 1997, the incoming Home Secretary declined to act on these recommendations and instead instigated a wholesale review of sexual offences and penalties, insisting that this would consider the laws relating to soliciting. *Setting the Boundaries*, a consultation document published in 2000, in fact addressed a wide variety of issues relating to child sex abuse, trafficking and homosexual offences, and did not examine the aims and effectiveness of prostitution laws in a sustained manner.

The subsequent 2003 Sexual Offences Act followed the recommendation of All-party Parliamentary Group by making the majority of offences relating to prostitution gender-neutral. Yet it did not alter the sentencing regime for soliciting offences, introduce new powers to prohibit cruising or deliver the equality before the law that many sex workers had long argued for (e.g. it retained the term 'common prostitute', but did not propose identifying the 'common kerb-crawler'). In part, this is because the 2003 Act was not specifically designed to address the regulation of sex work/prostitution but to address a wider range of discrepancies in the law’s treatment of sexual minorities, not least where the law imposed different prohibitions on male and female sexual conduct with children and vulnerable groups (see section 56). Yet it did introduce some significant – if unheralded - legal changes in the legislation pertaining to off-street work, with section 22 effectively allowing for the prosecution of any woman who assists in the running of a sex work establishment (such as a maid), and introducing a new offence of keeping a brothel for the purposes of prostitution (effectively superseding the 1751 Disorderly Houses Act – see Appendix One).

Acknowledging the intensity of the debate and the diversity of views surrounding prostitution, the government’s response
to *Setting the Boundaries* did recommend that a further review was required to examine this issue. A separate executive review of prostitution policy accordingly began in England and Wales in 2003, marking the first major re-examination of the issue since the Criminal Law Revision Committee reported on street prostitution (1984) and off-street prostitution (1985) (perhaps misleadingly, the review was presented by the government as the first ‘major’ review for fifty years). In contrast to Wolfenden, where the focus was initially on resolving issues of public morality (Self, 2003), the executive review was intended to address wider concerns about the status of people who sell sex in England and Wales. These concerns were noted as including:

- Growing evidence of the negative impacts of sex work on the physical and mental health of prostitutes (Sanders, 2004).
- A continuing concern about the role of sex workers, clients and pimps in the transmission of sexually transmitted infections, particularly among heterosexual populations in the UK.
- A growing awareness of the complex interaction of street drug and sex markets (May *et al.*, 2000).
- Decreasing tolerance of street sex work in many communities (with cited nuisances of noise, increased traffic via kerb-crawling, discarded condoms etc) (Benson and Matthews, 2000).
- A heightened concern about the participation of children and minors in the sex industry (Phoenix, 2002).
- An awareness that new communication technologies (i.e. internet, mobile telephones) were encouraging forms of sex advertising that were causing offence to some (Hubbard, 2002).
- A rise in the number of ‘respectable’ corporate entertainment clubs and lap-dancing clubs being used as spaces from which to sell sex (Sanchez, 2004).
- A concern that existing vice laws are implemented in an *ad hoc* fashion, with many police forces seemingly unwilling to enforce vice laws that they regard as inoperable or morally indefensible (as evidenced in official statistics for soliciting, with arrest, prosecution and conviction rates dropped from around 10,000 in 1990 to less than 3,000 by 2002).
- A moral panic on ‘trafficking’ related to fears of invasion by migrants working in informal-sector jobs, including the sex industry. The increasing presence of non-British workers in commercial sex is being constructed as evidence of sexual
slavery and international organised crime with no understanding of migration issues in general.

- The fact that the cost to government agencies (including the police and local authorities) of responding specifically to reports of anti-social behaviour linked with prostitution, kerb-crawling and sexual acts was estimated to be around £42million per annum (Home Office, 2004).

In the words of the-then Home Secretary, David Blunkett, the Home Office review was thus intended as ‘a starting point for the development of a realistic and coherent strategy to deal with prostitution and its serious detrimental consequences for individuals and communities’ (Home Office, 2004, 3).

The centrepiece of the review was the publication of an extensive consultation document - *Paying the Price* – published in July 2004. Drawing selectively on police and academic research (and notably failing to note the various reports produced by the Vagrancy and Street Offences Committee between 1974-76, the Criminal Law Revision Committee in 1984 and 1986, and the Parliamentary Group on Prostitution, 1996), *Paying the Price* spelt out some of the pros and cons of different models of legal reform (Table 1). In essence these models offered alternatives to maintenance of the status quo – namely, a system of tolerance through the establishment of managed zones; the full or selective decriminalisation of sex work; the legalisation of prostitution through state registration and licensing or a more rigorous enforcement of existing laws. This document attracted some 850 responses from individuals and organisations.
Table 1 - Policing street prostitution: options as proposed in *Paying the Price* (adapted from Home Office 2004b, with reference to Scott 2001)

<table>
<thead>
<tr>
<th>Potential Strategy</th>
<th>Outcomes</th>
<th>Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continue to enforce laws prohibiting soliciting, kerb-crawling and pimping</td>
<td>Temporarily removes prostitution from the streets – long-term impact if combined with follow-up programs to educate clients and/or help sex workers exit</td>
<td>May displace prostitution to new locations, and compel sex workers to work more to pay fines; kerb-crawling legislation has little deterrent or rehabilitative value; expensive</td>
</tr>
<tr>
<td>Increased enforcement and a highly visible police presence</td>
<td>Discourages both prostitutes and clients from negotiating on streets; increased surveillance would reduce all types of criminality in a local area</td>
<td>Intensive use of time of police, CPS, courts, probation services etc; possibly create the perception that the area is unsafe</td>
</tr>
<tr>
<td>Serving restraining orders/civil injunctions against sex workers and kerb-crawlers</td>
<td>Effectively controls and deters the activities of large numbers of sex workers and clients in a particular area</td>
<td>Labour-intensive and costly to document individuals and activities; legality questioned in some cases; may prevent workers accessing key services</td>
</tr>
<tr>
<td>Closing streets and alleys, diverting traffic or introducing lighting</td>
<td>Increases the difficulty for clients to find and negotiate with sex workers</td>
<td>Potential disbenefits to local car-owners; slowing traffic may be conducive to kerb-crawling; expensive to implement; results in displacement</td>
</tr>
<tr>
<td>Relaxing the regulation of indoor prostitution venues via licensing</td>
<td>Gives street workers incentive to relocate to indoor venues; reduction of ‘trafficking’ and exploitation; improved data on number of working women.</td>
<td>High compliance costs could result in businesses remaining outside the legal system; may be perceived as condoning prostitution; shifts burden of responsibility to local authorities</td>
</tr>
<tr>
<td>Treating sex work establishments as legitimate businesses (decriminalisation)</td>
<td>Encourages improved working conditions; benefits for the taxpayer through increased national insurance contributions.</td>
<td>High compliance costs could result in businesses remaining outside the legal system; loss of anonymity for workers; businesses could fall into hands of criminal gangs.</td>
</tr>
<tr>
<td>Mediating conflicts between prostitutes and the community</td>
<td>Keeps prostitution away from the areas of highest citizen complaints, or from engaging in the most offensive behaviours</td>
<td>Difficult to get sex workers, clients and communities to adhere to agreements</td>
</tr>
<tr>
<td>Increased preventative measures</td>
<td>More systematic provision of general information to raise awareness of the dangers of prostitution and the ways in which young people can be ‘groomed’ into it. More specific provision for those who may be at particular risk.</td>
<td>Resource implications for social services; significant costs attached to meeting the needs of children and young people in terms of refuge accommodation, health care, and other services required to prevent them from becoming vulnerable to coercion into prostitution.</td>
</tr>
<tr>
<td>Managed areas</td>
<td>Reduces nuisance complaints; increases the police ability to monitor street prostitution and related crime</td>
<td>Remoteness might reduce demand for sex work; costs borne by members of the community where a managed area is designated; possibly ineffective in reducing nuisance complaints or harm to prostitutes; implies that police condone prostitution</td>
</tr>
</tbody>
</table>
Significantly, many of the responses to *Paying the Price* by key stakeholders indicated the major differences of opinion existing as to how the law might be best reformed. From some quarters, there was support for formally-designated and regulated zones, acknowledging the success of such schemes in the Netherlands, Edinburgh (between 1986 and 2001), Aberdeen, Bolton, Plymouth and Northampton, where street work had been tolerated in specified non-residential areas. At the time of the consultation, Liverpool City Council was actively seeking to establish a managed zone (see Bellis et al, 2007), and argued that there needed to be a legal basis for the creation of such zones. The Association of Chief Police Officers’ response to *Paying the Price*, on the other hand, directly opposed such moves:

> ACPO is unconvinced that 'Zones of Toleration' and the licensing of brothels is the way forward, as they continue to permit the abuse and exploitation of women. However, we will listen carefully to the arguments and contribute positively to the debate. Meanwhile we will continue to promote a policing policy that attacks those who abuse and exploit, and work with partners to support those who have been victimised by prostitution (ACPO, 2004)

Some sex worker advocacy groups - such as the UK Network of Sex Work Projects - were openly critical of all suggestions in the Home Office report, stopped well short of advocating outright decriminalisation. Others were critical of the focus on the notions of harm and the assumption that prostitution is coercive. Sanders (2005), for instance, argues that in his introduction to the document the Home Secretary stressed ‘prevention is of prime importance’, ignoring the benefits that accrue to sex workers under certain circumstances (such as freedom, time and money). The use of the term ‘prostitute’ in preference to sex worker was also taken as evidence that sex work was not being conceived as part of the service economy, but as part of a criminalised ‘underworld’.

Despite flagging up possible liberalisation of certain prostitution laws, *Paying the Price* was thus read by Sanders as embodying New Labour’s preoccupation with enforcement and nuisance. Kantola and Squires (2004) analysis of dominant UK discourses in policy documents concurs, suggesting that discourses of nuisance and immorality continue to outweigh those which talk of ‘sex work’.
What is also evident is that the document placed much more emphasis on the role of clients and kerb-crawlers, affirming Brooks-Gordon and Gelsthorpe (2003) view that ‘the punter and the pimp [are] aligned as coercive and abusive characters from whom the public should be protected’. Campbell and Sanders (2007) concur, and note that ‘men who buy sex are only present as exploiters and transmitters of disease who are to be tackled through criminalization and “rehabilitation”’. Significantly, Paying the Price says nothing about men who sell sex to men.

Published in 2006, A Coordinated Prostitution Strategy and a Summary of responses to Paying the Price considered responses to Paying the Price together with an evaluation of the eleven projects funded as part of the Crime Reduction Partnership, making a number of key recommendations. First and foremost, the strategy outlined the need for more opportunities for women to leave prostitution, underlining the idea that prostitution is an exploitative industry that no woman would freely choose to work in. Launching the strategy, Home Office Minister Fiona Mactaggart reported that ‘Prostitution blights communities and the lives of those who participate…We will not eradicate prostitution overnight, but we must not condone this exploitative industry. I want to see a tough approach to kerb-crawling, combined with much better work to prevent children being drawn into prostitution and give those involved a route out’. Particular emphasis was hence placed on the undesirability of street prostitution, with the strategy stressing the possibilities for disrupting the street sex market through a combination of punitive policing of clients (i.e. reducing demand), the provision of exit routes for those working on the streets and prevention work with vulnerable young people (i.e. reducing supply). Advocating vigorous prosecution of kerb-crawlers, the strategy suggested that court diversion schemes should be in place for first-time offenders, despite the mixed evidence for the success of John’s schools and rehabilitation programmes (Campbell and Storr, 2001). The Strategy also proposed creating a new penalty for the offence of loitering or soliciting for prostitution, allowing the courts to direct women into compulsory programmes of drug or alcohol rehabilitation. It was also stated that the stigmatising term ‘common prostitute’ would be removed from legislation, in line with this rehabilitative approach.

The Strategy’s insistence that street prostitution ‘is not an activity that we can tolerate in our towns and cities’ hence curtailed any
discussion of selective decriminalised or managed zones. Speaking specifically about ‘managed zones’ for prostitution, Fiona MacTaggart stated ‘I cannot accept that we should turn a blind eye to a problem that causes misery for people living in or near red-light areas. There is no evidence that decriminalisation or licensing prostitution would achieve our objectives of reducing exploitation, improving the safety of those involved, and making local communities safer’.

The Strategy also reported that responses to *Paying the Price* did not support the licensing or legalization of brothels, but did support the idea of changing the definition of a brothel so that two prostitutes could work together (to increase the safety of women working in prostitution) – leading some sections of the media to forewarn of an ‘explosion’ of ‘mini-brothels’ across the country. The Strategy did suggest that attitudes towards indoor work were very variable, simultaneously noting the variation across the country in the way brothels were licensed (or not) as saunas and massage parlours.

Reaction to the Strategy was predictably mixed. English Collective of Prostitutes Spokeswoman Cari Mitchell argued ‘we disagree that clamping down on clients will help make women safer…the government's proposals are not dealing with the fundamental issue and that is that poverty and debt and drug misuse are sending women into the sex industry. Brooks-Gordon also notes a significant discrepancy between the published Home Office strategy and the wide range of (published) responses to *Paying the Price*: for example Cusick and Berney (2005) advocate strongly against more punitive measures, while Self (2004) identifies the paucity of evidence on which the Home Office bases its recommendations. Brooks-Gordon concludes:

*Paying the Price* and the subsequent Government Strategy has disappointed researchers, health workers, legal historians, and activists alike. Regrettably, omissions and factual errors are made in the use research and legal evidence – especially on clients of commercial sexual services. Viable policy alternatives, such as those in Germany and Holland have been dismissed. Inaccuracies about the legal basis of other jurisdictions such as Sweden have led to the flawed representation of them as options, and inadequate research and attention to the literature has led to failed programmes such as Johns’ schools being put forward as viable…(Brooks Gordon, 2006, 6).
In the event, the introduction of new legislation necessary to implement the Strategy was not implemented before the murders of five young sex workers - Gemma Adams, Tania Nicol, Anneli Alderton, Paula Clennell, and Annette Nicholls (aged 19-29) - in Ipswich. Given these women were working on the streets, this seemed to give credence to the Home Office’s view that street sex work is unacceptable, yet some voices in the media argued that the government had failed these women by promoting discriminatory laws and practices. Goodyear and Cusick’s response to the Ipswich murders in the British Medical Journal did not mince its words, arguing that the Home Office’s Strategy was ‘disturbingly reminiscent of the Victorian Contagious Diseases Acts’. Such attacks, as well as the revelation that the Home Secretary’s wish to introduce managed zones had been vetoed at a higher level, are perhaps significant factors in the government’s failure to bring forward the new legislation pertaining to off-street work suggested by the Coordinated Strategy. However, the Home Office launched a major publicity campaign in May 2007 underlining the commitment to a more rigorous policing of kerb-crawling, targeting kerb—crawlers in Bournemouth, Leeds, Southampton, Bristol, Peterborough and London.

4. Case study - Westminster (London)

Situated at the heart of London, the Borough of Westminster defines itself as home to 220,000 people (though this is disputed because of enumeration difficulties), is a workplace for 537,000 people and attracts over a million annual tourist visits (Westminster City Council, 2005, 6). While Westminster is situated at the centre of a world city, and is consequently a quite unrepresentative local authority, many of the debates about the regulation of sex-related businesses in England and Wales have been mapped onto, and out of, spaces within its jurisdiction. Indeed, the area has more than 2500 bars, pubs, restaurants and entertainment venues, many of which offer adult entertainment (Roberts, 2004). Westminster’s entertainment focus is the West End, with Covent Garden and Soho designated as ‘stress areas’ because of the problems of crime and disorder (including drug dealing), noise and anti-social behaviour associated with their role as hubs in the entertainment economy. Of these, it is Soho that is most associated with sexual commerce. In the nineteenth century, this was primarily in the form of (female) prostitution; in the twentieth,
night-clubs, theatres and burlesque reviews catered for a wider range of erotic tastes, with an increasingly visible gay community simultaneously stamping their identity on cafes, pubs and clubs. Consequently, by the 1950s Soho came to represent a ‘nocturnal space where the conventions of respectable urbanity could be discarded’ (Houlbrook, 2005, 87), famous for its ‘range of apocryphal and irregular transactions’ (Mort, 2004, 8).

Given its role as a tourist and nightlife hub, it is perhaps not surprising that it is home to a wide variety of sex work environments:

You have escort work, flats, street soliciting, public toilet behaviour, lap dancing, stripping, hostess bars, peep shows, spectacles, things that happen in bars and clubs, massage parlours, telephone work, Internet work, pornographic videos and cinemas, crack dens, shooting galleries, so these are all places that in the largest sense, and some of that, lots of people would call prostitution (interview, police, 2006)

Perhaps most obvious – and extensively documented – manifestation of Westminster’s sexual economy has been street prostitution. As noted in Section Two, many pieces of legislation appear to have been spurred on by concerns that vice was taking visible form in the capital, with the Wolfenden Committee (for example) placing much weight on the evidence collected from the metropolis, not least the streets of the West End, where street work was rife in the immediate post-war years. Though street prostitution is understood to have declined markedly since the 1950s, with recent kerb-crawling legislation and ASBOs for street workers accelerating rates of decline since the 1990s, Westminster remains one of nine London boroughs in which street prostitution occurs to the extent that the police described it as a ‘problem’ (the others are Camden, Hackney, Haringey, Islington, Kensington and Chelsea, Lambeth, Newham, and Tower Hamlets) (Metropolitan Police Service, Response to GLA Scrutiny, 2005, 1).

Matthews (1997) extensive audit suggested there were approximately 1100 women across the capital known to be involved in street work over the course of the year with around 635 actively on the scene at any given time. There were approximately 3500 arrests for soliciting over the course of the year. Hotspots of activity at that time included Kings Cross (315 arrests), Stoke
Newington (525), Mayfair (429), Paddington (880), Soho (130) and Streatham (630), Whitechapel (250) and Tottenham (160). By 2004 (see Appendix Three), the number of arrests had declined to less than 900, with the main areas now being Stoke Newington, Whitechapel and Paddington. By 2006, the police estimate there are perhaps 200 or 300 people actively working on street in London (interview, Clubs and Vice, 2006).

The decline is understood by informants to reflect both the shift in police activity towards kerb-crawlers as well as a renewed focus on off-street work prompted by concerns about trafficking. It is also understood to be related to the shift off-street, enabled by new technologies (Internet and mobile telephones). Several hotspots have also declined in significance as sites of street working as they are undergoing major redevelopment (with Kings Cross undergoing massive redevelopment associated with the Crossrail initiative). Together, our informants believed that a number of factors are conspiring to reduce the amount of street working, with increasingly repressive policing encouraging clients and workers off-street. The one area where street work is thought to have remained more or less constant is Whitechapel, and here the police report that women from ‘out of town’ have replaced ‘local girls’, and that this may include some who might have previously worked elsewhere.

In Westminster (Central – West End), the amount of street work has declined dramatically over the last decade. There were 48 arrests in 2004, with fewer understood to have occurred in 2005 - 06 (though the Metropolitan police were unable to provide the more recent figures when requested). Intensive policing and surveillance in the West End ‘hotbox’ area (Soho and Covent Garden), including CCTV surveillance and a strong system of communication between street wardens (‘red caps’) and police, is understood to have been significant in the virtually eradication of street work from Soho and the West End. Though police and local informants report some instances of ‘clipping’, there are no established ‘beats’ in Soho and the clearest manifestation of prostitution is now not street working but ‘carding’, which continues despite the police’s ability to arrest carders under the terms of the 2001 Criminal Justice and Police Acts (see Appendix Three). Though a significant aspect of London’s sex industry, a fuller discussion of carding is not possible here (though see Hubbard, 2002); suffice to say that the police and BT continue to collect
cards, logging numbers and blocking advertised lines whenever they can get the agreement of the mobile companies with whom the worker is registered. The consensus is that although some cards are for workers based off-street in Soho, Paddington, Mayfair and Marylebone, many work further afield; many women work under multiple identities and with multiple numbers, so it is difficult to use such cards as evidence of local prostitution. A report from the Jill Dando institute in 2004, commissioned and subsequently vetoed by BT, revealed that the West End is a focus of carding, but that such cards appear in significant numbers in Vauxhall, Bloomsbury, Camden and other areas outside Westminster.

Carding has prompted much local concern in Westminster, especially when phone boxes are near to schools. There is also a widespread concern that carding creates a bad impression for visitors (Hubbard, 2002). ‘Clipping’ – obtaining money under the false pretence that sex will be provided - is also of concern to many, however, as it is a form of criminality and its exact magnitude is unknown as those deceived are unlikely to report the offence. Informants often noted the idea that it is foreign visitors who are most frequently duped by such practices, though there is little evidence to corroborate this. The police are unable to given figures on the number of women involved in clipping, and suggest that for most it is a ‘spur of the moment’ act; key areas are around Soho’s amusement arcades and some of the busier pedestrianised streets. At least two persistent clippers had been identified and warned by police, and it was thought this had been sufficient to ‘care them off’ (interview, Clubs and Vice, 2006). Soho is also designated as part of an ASDO – dispersal area – from which groups of more than two people can be asked to leave for 24 hours, or face arrest. The warning to disperse is usually given orally, with those warned presented with a map of the area they are being asked to leave. The police interviewed claimed this is an effective tool for reducing drug-dealing and street scams in the area, and may have had some knock-on effects for the sex industry (for example, it was reported that instances of prostitute women entering men’s hostels in Soho and offering sex for drugs had decreased markedly since the 1990s).

Parts of Mayfair where ‘higher-class street workers’ were understood to have worked in the past are now relatively insignificant as sites of street work. Occasionally, the police do
instigate kerb-crawling surveillance operations in this area, but the
prostitution here is mainly off-street. Other occasional areas of
street working are Westbourne Park Road and Harrow Road,
though again most sex is sold off-street in these areas in what
police describe as ‘crack houses’. The most important site of street
working in Westminster is now Sussex Gardens, near Paddington
Station, which remains a focus of concern for some residents (and
this is an area that is relatively-sought after). There is a common
‘cruising’ route for kerb-crawlers along the south side of Sussex
Gardens from Southwick Street, along Radnor Place and Somers
Crescent to Hyde Park Crescent and Southwick. There are some
small hotels in the area that have been used for prostitution in the
past. There has been no outreach presence in the area for some
years now, though the Praed Street clinic is nearby and run an
extensive health support service for both male and female sex
workers.

The police claim they receive regular complaints from residents in
Sussex Gardens about noise (from cars and arguments), mess
(discarded condoms), ‘scandal’ (public sex) and punters’ annoying
female residents by mistaking them for prostitutes. The number of
workers here is understood to be small (5-10 per night) but
persistent. Kerb-crawling, having been criminalised in the Sexual
Offences Act of 2003, has been targeted by police at Paddington
Green Station. Late in 2005, 26 men were arrested in a single
night. The entrapment operation uses women constables as
decoys and requires considerable personnel and financial
resources, so is not carried out often. The object is to discourage
punters from going to Sussex Gardens, so publicity is necessary.
Arrested men have been cautioned or fined, with some having
their driving licence suspended for three months. In May 2007,
Chief Supt Ian Dyson, in charge of the Clubs and Vice Unit at the
Metropolitan Police, went on record at the launch of the Home
Office’s new anti kerb-crawling campaign to state that;

Kerb crawling causes misery to many…From the local
communities that are blighted by the crime and detritus
associated with the on-street sex markets, the chaotic and
often vulnerable women who are forced by their
circumstances to work the capital's streets, to the families and
friends of the men who are caught…Men from every lifestyle
go kerb-crawling, but the one thing they all share in common
is if caught by my officers we will ensure they are put before
the courts. With regular operations being carried out by us, men who kerb-crawl need to stop and think about the overall cost to them and their future (cited BBC online news, May 13 2007).

The implication here is that the police will back up the Home Office’s anti kerb-crawling campaign with action, although it is as yet unclear whether covert operations will be undertaken in Westminster.

While the police we interviewed believe that their operations have been important in discouraging clients and workers from soliciting in Sussex Gardens, they do acknowledge a persistent number of women who they assume to be drug-addicted and they suggest would not be displaced by regular arrest. Police have hence obtained one ASBO in 2003 for a Sussex Garden worker at the point of conviction (i.e. a CRASBO, authorised by a judge or magistrate in a soliciting hearing). It should be noted that there have been far fewer ASBOs for sex workers in Westminster than in some other Boroughs, but this may also be a function of the fact that street working is low, with most women occasionally rather than persistently working.

In 2006, two further Sussex Garden workers were subject to an ASBO; the former had 122 convictions for soliciting. Evidence from the local Neighbourhood Watch group was used to secure these ASBOs, with a series of residents complained that the pair ‘made their lives hell by having sex on their doorsteps and by shouting and brawling in street turf wars’ (as reported in Evening Standard, September 2006). The court heard both women had been captured on CCTV and were identified by residents as among those who had disturbed them: one, living just off Sussex Gardens, said ‘It goes on night after night and it gets wearisome if you have to work during the day as well. It has a very serious effect on residents’. Another resident said his family had been woken up by women having sex with clients while leaning against his window in the quiet mews where he lives. Justifying the ASBOs, a spokesperson for Westminster City Council stated that Sussex Gardens ‘is a pleasant, tree-lined place to live - or at least it should be. But instead it has been turned into a notorious and hostile environment for residents as a direct result of the street prostitution and associated vices, which includes the kerb-crawlers and drug dealers who are attracted to the area’. The ASBO granted by
magistrates hence banned both defendants from street prostitution anywhere in the City of Westminster. In other instances, such conditions on ASBOs have been suggested to cause displacement (some banning sex workers from Camden were regarded as having shifted workers to Whitechapel), though informants were unable to corroborate if this has happened in this instance.

The previously well-known street beat for men, the ‘Meat Rack’ in Piccadilly, is no longer a significant site of cruising or hustling: both police and outreach workers providing support to men who sell sex to men (through the Working Man’s Project) report that male sex work in Westminster occurs mainly off-street in bars and clubs, but is most associated with in-calling escort work advertised through contact magazines and the ‘gay’ press as well as through Internet sources such as Gaydar (which has client and punter chat rooms). There are a few advertised male workers offering incalls, usually to their own house or flat. The Working Man’s Project still does weekly street outreach in the triangle of streets between Piccadilly, Old Compton Street and Brewer Street, though reports that there are few ‘professional’ prostitutes, but street homeless who may be drawn into selling sex on a occasional basis. They used to visit a number of gay male brothels in the West End, but there are currently none known to exist within Westminster. Although saunas remain significant in the gay scene, none of these are regarded as dedicated sites of sex working:

Gay saunas are just where gay men get to have sex...And yes, we know that sex is sometimes sold there, but it is not sold with like the owner’s knowledge. The owner’s aren’t employing boys to sell sex, it’s just that sex workers go there and, if there’s no one...around for them to actually have sex with, then it’s just loads of old men. But, if the old men want sex, they’ll say ‘well sure, I'll give you a blowjob but it'll cost you this much’. So they opportunistically work (interview, outreach worker, 2006).

Clubs and Vice reported little interest in male prostitution, suggesting that while public soliciting and cottaging in the West End had once been a source of public complaint, they now receive few calls about male working, and claim little knowledge of the sites where sex may be being sold. The police emphasised that if they received a tip-off about underage working they would act on information given to them, but were unable to cite any recent
examples of operations. Neither police, council or outreach projects were able to provide any particular insights into the phenomena of women selling sex to women or men selling sex to women.

Men who sell sex to men are accordingly assumed to work independently and in isolation, and hence this sector appears to be considered unworthy of intense regulation and surveillance despite the gender neutrality introduced by the 2003 Sexual Offences Act:

Very rarely do you get more than one guy. We’ve found that when they’re both escorts they might work together or share the same flat, but it’s very rare to see it like that, occasionally, but it’s very rare that you would get three or four escorts that get together and hire a property for their work and most of the time they are working from the place they live (interview, social services, 2006).

In contrast to male sex work, where it is claimed that men tend to work in isolation, off-street female sex workers are more likely to work from premises where more than one woman works (either renting rooms/flats by the hour/day or working shifts in massage parlours). The distinction between ‘flats’, ‘massage parlours’ and ‘brothels’ is widely made by regulators, but the boundaries between them are very blurred. In the former case, it is assumed women work alone and there is only one woman on the premise at the time. However, some of these are advertised as ‘massage parlours’, with a series of women working the same address at different times (the advert sometimes giving the customer the impression that multiple women work at the same premise simultaneously). These type of premises are advertised mainly via the Internet, through phone cards and also in massage parlour guides (such as McCoys).

The London Assembly Task Force on Prostitution and Community Safety (2005) took evidence from a variety of sources to suggest that the majority of commercial sex in the capital is now sold in flats, with between 800 and 1000 working flats in London. This number has risen considerably since the 1990s (Matthews, 1997). In Westminster, our mapping and fieldwork suggest there are 114 working flats, predominantly in the form of ‘walk-up’ flats. These are open doorways with stairs leading up to one or two flats, with signs outside the door usually indicating that ‘models’ are
available. It is difficult to be precise about the number of flats being used for sex work at any given time, but at the time of our fieldwork, we identified 60 walk-ups in Soho, mainly in Berwick Street, Green’s Court, Peter Street, Greek Street, and Romilly Street, with one or two outliers in Chinatown. We also identified 34 flats in Mayfair, with 12 walkups and 10 flats which are advertised more discreetly and only accessible by invitation. These are mainly in Shepherds Market, Trebeck Street, Market Mews and Stanhope Row.

Despite some successful attempts by Westminster City Council to compulsory purchase flats in Soho on the basis these are businesses being conducted in residential premises (and citing a shortage of residential in Westminster) (Hubbard, 2004), flats seem to generate little cause for concern among regulators. Local residential and business groups have made occasional objections to the presence of such premises, but they appear to be regarded as part of the ‘scene’. Licensing officers do not visit or inspect such premises as they do not require licenses; occasionally Customs and Revenue may visit to encourage women to declare earnings and pay tax, and will take advice from the local authority as to the location of flats. However, informants suggested it is difficult to ‘disentangle’ independent workers from those who work in escort agencies, massage parlours or ‘brothels’, as they may do all three kinds of jobs at some point as well as dance, pose, and act in pornographic films. The assumption here is that flat workers are independent and relatively safe. The police hence appear little interested in these spaces:

You know, and all of those places we don’t have a problem with, we really don’t, the only time we get problems with flats are because arr, umm, people try and sell hooky gear in there (interview, Police, 2006)

From a police perspective, flats are not a priority because they only rarely generate public complaint about noise or nuisance, and would only be visited if a client made an allegation against a worker (or vice versa). Else, the police regard such sites as legally offering sexual services, and suggest they lack the resource to subject such sites to regular surveillance (see below). However, informants did allege that some flats had been subject to persistent visits, with the police suggesting to workers that they should ‘move
one cited example is a flat that was apparently visible from a high ranking police officer’s house in Mayfair.

Here, it should be noted that there appear to be some flats in Westminster where more than one person is present on the premise, often as a ‘maid’ who screens clients and answers the phone. These are technically definable as brothels, and hence illegal, but in practice the police do not attempt to enforce this law:

Under an old sexual Offences Act maiding was fine, then the new one had a little amendment to which made anyone who was assisting or managing a brothel liable to prison for seven years. This has really upped that tariff considerably, which makes it an arrestable offence which makes it easier...that’s the best term...for us to deal with that side of it. Now again, what we’ve decided almost is that we can’t, you know, we not going to (interview, Clubs and Vice, 2006)

The implication here is that since 2003 it has been possible for the police to arrest maids for aiding and abetting, but prefer not to given maids offer some degree of protection to working women (and are assumed to have a different relationship with a worker than a pimp or manager). That said, it was suggested that this power might be enforced if there were concerns that a premise was involved in forms of criminality or coercion:

If we look at the off-street side of it, I dunno eight hundred to a thousand places selling sex across London and, in total here, eighty-five police officers, so we haven’t got the ability in my unit to look at all of those places which, on the face of it, would appear to be illegal...So, we will look at a priority – why we will want to look at a certain place or places, and that is around things like, you know, is there large amounts of organised crime, large amounts of illegal money being made, is there coercion, violence, are under 18s involved? Have people been trafficked to work in those places and those are the sorts of things we would look at before, as a unit, we would start to look at some of these establishments. Which means that many are probably not policed as well as they could be, so they are not tolerated, it is just about, it is an understanding about resources and what we can or can’t do (interview, Clubs and Vice, 2005).
The police hence suggested that they have made a decision to concentrate resource in monitoring those sites where they feel particular forms of criminality may be occurring, clearly prioritising coercion and violence over the prosecution of those who assist in the running of a brothel. At the time of our fieldwork, there were 13 officers in Vice (focusing on off-street) and 30 dealing with street prostitution and juvenile protection: the remainder of Clubs and Vice deal with issues relating to gaming and clubs.

For Clubs and vice, off-street work hence raises different issues to street work:

From a police side of it’s more the public order side of it, all the anti-social behaviour that is sometimes associated with street prostitution. Erm, you can split it between street prostitution and off-street prostitution. With street prostitution it is anti-social behaviour and public nuisance level. Regarding off-street, it is more the organised criminality behind a great deal of off-street prostitution…The escort agencies we tend not to have that much to do with to be honest. We have done some prosecutions in the past, not my unit here but another unit, regarding escort agencies but generally it is more around brothels really from the off street point of view. The Internet we look at but not in any great detail because I think, to be honest, we have enough work, we don’t need to: it’s there it’s used (interview, police, 2006).

The police’s priorities of tackling organised crime and the employment of workers under 18 or the presence of women from outside the UK who are said to have been coerced into working or enslaved leads them to focus on ‘brothels’ – unlicensed and often covert spaces where women sell sex for a pimp/manager and may reside on the premise. In some instances, these are advertised as massage parlours and have multiple workers on premise at a given time offering sexual services in addition to full body massage. Both the names of these businesses and the way these are advertised make it clear that sexual services may be on offer. The number of these in Westminster has reduced markedly over the last decade, with licensed massage parlours having their ‘special treatments license’ revoked or refused in instances where it is apparent sexual services have been repeatedly offered on the premise. Four licensed premises offering massage currently provide sexual services, though the licensing authority insisted if
there was hard evidence of this there would be action taken. This attitude differs from the past, when it was claimed Westminster City Council turned a blind eye to the fact that prostitution occurred in massage parlours and actually introduced a costly ‘Tier One Special Treatments License’ for premises offering full body massages to men on the basis that these types of premise required closer supervision (interview, licensing officer, 2006).

The police currently have a ‘brothel policy’ whereby, if no children are working or there are not women clearly working against their will, they will not prosecute but report to the local authority. In instances where the local authority reports complaints from local residents, the police may then make repeat visits to suggest that they will take action if the complaints continue, and that this may involve prosecution for running a brothel. Over the last five years, however, the police’s main interest in the off-street sector – partly determined by Home Office dictates – has concerned illegal immigration. Police spokespersons regularly talk to the press about the ubiquity of illegal migration in the sex industry, often giving the impression that all off-street premises are tied into networks of trafficking:

The Poppy Project did some research last year into housing and I am not in a position to dispute, and I think there is probably some validity in what they are saying, that are probably up to 800 brothels in London with as many as 5,000 plus women working in those brothels. Most of them are non-UK nationals. We visit most of the brothels that we can identify and you will find all services offered in these brothels, and that includes unprotected sex, so we have a massive health time bomb that is ticking (Richard Powell, Detective Inspector, Clubs and Vice, Metropolitan Police, cited in evidence to the GLA Committee, 2005)

Estimates of the extent of trafficking in London’s sex industries actually vary widely, and the Poppy Project method has been critiqued (Agustin, 2006). Nonetheless, Clubs and Vice has been involved in a major operation (Kon Tiki) which has involved regularly brothel raids with a view to identifying trafficked workers. At some raids, Immigration Service officers are present with police. In those situations, the remits of the two enforcement agencies may be at odds: the police interested in listening to workers who are victims of crime (e.g. rape) while Immigration in expelling
undocumented workers from the UK. Immigration is higher up in the policing hierarchy than the Metropolitan police and thus breach of immigration status ends up being seen as worse than the crime of rape. Significantly, the police have raided flats, licensed massage parlours and brothels, reaffirming that these categories of working environment are not legally distinct in all respects.

At the time of our fieldwork, the Home Office published its co-ordinated prostitution strategy, suggesting there was a case for allowing up to three women (including a maid) to use a premises for prostitution without it being classed as a brothel. The Government claimed that these mini-brothels might encourage women off the streets and by allowing up to three women to work together ensure they are in a safer environment than if they were alone. Westminster City Council took the unusual step of publicly criticising this proposal, arguing that this would effectively move responsibility for enforcement in this area from the police to the city’s planning officers:

Practical experience tells us that customers use brothels at anti-social hours and this, along with the intensity of use, has the potential to cause distress to those residents unfortunate to live next door or near them. Given that the Police will be turning a blind-eye to the activities of prostitutes, the fear is that it will fall to planners to address many of the inevitable complaints brought by local residents. The main avenue for addressing these complaints will be to look at whether or not the operators have planning permission to use the property for a business. It would be impossible to argue that three prostitutes working in a set of premises does not constitute a change in use of a premises. But it will be difficult - and not to say time consuming - to prove that any premises was or are actually being used for prostitution (WCC Press Release, January 2006)

This interpretation is interesting in so much that it discounts a system of licensing for ‘mini-brothels’ and assumes such brothels will cause more complaint and nuisance than the already existing walk-ups. More generally, it suggests that Westminster City Council – who have a strong mantra of promoting excellence and enhancing the West End’s ‘world class reputation’ – feel that these would be incompatible with the promotion of city centre living.
It is here that the police’s relative lack of concern with legal forms of sex work contrasts with Westminster City Council’s ongoing desire to tighten up regulation around some of the forms of sex working which, while legal, they regard as potentially detrimental to amenity. Much of the debate here relates to Soho, with the local authority keen to ensure that the balance of ‘sex, food, and alcohol’ which constitutes the mainstay of the evening economy is tipped in favour of eating out and café culture rather than downmarket or ‘sleazy’ diversions. Westminster City Council’s role in pushing through legislation to allow for the arrest of carders is a demonstration of the extent to which it was prepared to explore ways of criminalising activities it felt were undesirable (see above). Yet it is its ongoing effort to bring sites of ‘adult’ entertainment within the ambit of regulation that is worthy of particular attention here. These include a variety of premises which trade on the promise of sexual gratification in one way or another, and may provide some form of sexual service (if not outright prostitution). It was the impeding redevelopment and blight of Soho in the 1970s that allowed sex-related businesses to take advantage of the area’s low rents, and, by 1978, the area boasted an estimated 54 sex shops, 39 sex cinemas, 16 strip shows, 11 ‘sex clubs’ and 12 massage parlours (Thompson, 1994). A newly-formed resident’s group, the Soho Society, campaigned vigorously against the proliferation of such businesses, accusing them of displacing long-established ‘family’ businesses and alleging that Westminster City Council was doing nothing to prevent this. Westminster City Council countered it was unnecessary for new retail leaseholders to gain planning permission to sell sex-related items, and hence there was little they could do to control the situation (Thompson, 1994).

Supported by Westminster City Council, the Soho Society petitioned central government for new controls for sex-businesses, with the subsequent Local Government (Miscellaneous Provisions) Act (1982) applying to all local authorities, but based primarily on the recommendations of those familiar with the Soho situation. The new system of licensing allowed Westminster City Council to issue licenses for ‘any premises, vehicle, vessel or stall used for a business that consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles’ (Local Government Act 1982). This Act allowed Westminster Council to impose conditions on shops selling pornographic (‘restricted 18’) videos alongside sex toys, contraceptives, fetish
wear, magazines and books, prohibiting display of products in shop windows (by insisting windows were blacked out), and refusing access to persons under 18. The new act also allowed refusal of a license on a number of grounds, such as the ‘character of the applicant’.

Significantly, licenses were also refused on grounds of location, with a crucial clause in the 1982 Act stating the grant or renewal of a license would be inappropriate ‘having regard to the character of the relevant locality’. Westminster City Council initially suggested that only four specific localities within its boundaries would be suitable for sex-related businesses: Marylebone (one license), Victoria (two), Bayswater (two) and Soho (‘between ten and twenty’) (Manchester, 1986, 111). In the event, the cost and complexity of applying for licenses meant only six licenses were granted in the 1980s (all of them in Soho), with the overall number of businesses declined markedly as closure orders were served on unlicensed cinemas and sex shops. However, a small number of unlicensed sex shops continued to trade, ensuring sex-related items did not constitute a ‘significant’ proportion of their trade by stocking large numbers of remaindered (non-pornographic) novels. In some instances, these premises also offered videos ‘under the counter’, keeping such videos off-premises lest they were raided by police searching for obscene publications. Though few in number, and often short-lived, unlicensed premises became more widespread in the 1990s as entrepreneurs realised it was proving difficult for Westminster to enforce closure of unlicensed premises: Michael Guth, then Head of Licensing, spoke of ‘fighting a losing battle’, suggesting ‘the problems we have legally are quite horrendous as the chap behind the counter changes daily…As soon as we caution him, he disappears’ (Evening Standard 15 April 1993).

Ultimately, the problem of unlicensed sex shops became so bad Westminster City Council went to the trouble and expense of obtaining their own Act of Parliament, the City of Westminster Act 1996. The legislation allowed Westminster City Council to serve an immediate closure notice on any sex shop trading without a license. This proved effective in reducing the number unlicensed sex cinemas and shops from 47 in 1993 to less than 10 by 2000. Further, the extension of the 1982 licensing scheme to encompass ‘sex encounter’ premises helped limit the total number of licensed sex-related businesses in Westminster to 18 by 2000, with 16 of
these in Soho. Moreover, by stipulating that no additional licenses will be issued for sex shops and cinemas (Westminster City Council, 2003), the council exercises a significant level of locational control over such businesses, suggesting that when licenses become available they will give preference to applications for sites where potential negative impacts will be minimised. For instance, in 2001 the Licensing Sub-Committee insisted there were ‘too many’ sex establishments at the heart of Soho, with a license for 6 Brewer Street refused because ‘the premises are situated in the heart of Soho in an area with numerous sex-related premises’ (R v Westminster Co/3179/99, 2000). Such decisions about location remained tempered by observations about the character of the applicant; for example, in another case - 26 Wardour Street - the Subcommittee noted ‘the premises are situated in a mixed commercial and residential area [but] this Subcommittee is convinced that the company will do everything possible to avoid causing any nuisance to the residents’ (R v Westminster Co/3179/99, 2000).

Westminster City Council’s attempt to contain sex-related businesses in Soho using licensing powers can be interpreted as a pragmatic attempt to limit the negative impacts of sex businesses on the wider community. In effect, Soho has become a de facto tolerance zone, with planning and licensing policy identifying it as the only area where sex-related uses are permitted:

The City Council has set a limit of a maximum of 16 licensed sex establishments in the area defined [Figure Two]. Planning permission and licensing consent for new sex-related uses such as sex encounter or peep shows will therefore only be granted in exceptional circumstances where the location of the use is compatible with the character of the area and adjoining activities, will not cause nuisance to local residents and is in the area marked (Replacement Unitary Development Plan, 2004, 401).
Figure Three: Licensed spaces of adult entertainment, Borough of Westminster, London (UK) (source: authors)

Justifying this restrictive policy, the Unitary Development Plan (2004, 402) states ‘the sexual nature of the activities associated with these uses means they can have a significant impact on the character and function of an area and its residential amenity’, being ‘generally incompatible with certain other uses particularly those used by families and children such as schools, youth clubs, community and sports centres and places of worship’. As in the US, the justification for excluding sex businesses from residential areas is the idea such facilities ‘may attract a particular clientele
whose presence may not be considered desirable’ (Collins J, R v Newcastle upon Tyne 2002 CO/3020/00).

However, while Soho was initially identified as suitable area for sex-related businesses because it was not regarded as residential (Manchester, 1986), there has been a gradual increase in Soho’s population from around 5000 in 1981 to 12000 by 2001 (Roberts et al, 2006). This repopulation has been encouraged by the City Council, which ‘supports the provision of more homes in the centre of cities…as these provide for a lively civic life and the "ownership" of the environment by people who have a long-term stake in the maintenance of the public realm’ (Westminster City Council, Parliamentary evidence, 2003). This has ensured that the continued presence of sex-related businesses in Soho has not been uncontested, with incomers adding their voices to the Soho Society’s call for a reduction in the number sex-related businesses in their locale. Of particular concern here has been the proliferation of lap-dancing and table-dancing clubs operating as spaces of public entertainment rather than as sex establishments per se.

First emerging in suburban London in the mid-1990s, the arrival of US chains in central London (e.g., For Your Eyes Only, Spearmint Rhino) spawned a number of home-grown imitators claiming to offer an 'upmarket' form of adult entertainment. In the context of efforts to consolidate Westminster’s reputation as an important centre for business tourism (see Westminster Tourist Policy, 2001), the rise of these businesses raised an interesting quandary for the local authority. On the one hand, such businesses could be regarded as an integral part of a diversified and vibrant evening economy. On the other hand, concerns remained about the type and nature of the entertainment on offer, with some critics alleging a significant link between the opening of such venues and violence against women (Bindel, 2004).

In the light of such concerns, and noting local authorities can draw no distinction between premises that provide lap dancing and those that provide live music, it was proposed in the House of Lords to add the category of ‘adult cabaret club’ to the sex licensing system. Justifying this amendment, Baroness O’Cathain suggested ‘These clubs are a menace, at best, and, at worst, an encouragement of depravity’ (cited in Hansard, 17 Jul 2003, Column 998). Those speaking in favor of the amendment argued that when members of the public wish to object to a license for a lap-dancing club, their complaints must relate to environmental
issues (i.e. noise disturbance, parking difficulties or an increased risk of litter) rather than anxieties about the nature of adult entertainment or the clients it might attract. Considering the situation in Westminster, Jones et al (2003) suggest most residents are actually concerned with the latter rather than the former, with some stating that the presence of nude dancing makes Westminster less safe for women. For example, one local resident argued 'I can only think it will become a haunt for prostitutes and all the other nasties that go with such behaviour, which concerns me greatly as a young single female who regularly walks home late through the vicinity' (resident, interviewed October 2004).

Retrospectively, it has been suggested the exemption of nude dancing venues from the sex licensing system was because of fears this might allow for the de facto licensing of brothels (Self, 2003, p. 240-41). Given this, and the failure of the amendment proposed in the House of Lords, striptease venues continue to be licensed in the same manner as other public houses and places of public entertainment. The consequence is Westminster can only regulate striptease or similar entertainment through the licensing system by demanding that applicants intending to offer ‘entertainment or services of an adult or sexual nature’ indicate this clearly on their application. Under the terms of the 2003 Licensing Act, if entertainment consists of ‘striptease, lap-, table- or pole-dancing, feigned or actual sexual acts or fetishism’, the application can be refused if ‘in the vicinity of places of religious worship, schools, youth clubs or other premises where significant numbers of children are likely to attend’ (DCMS, 2003).

Legally, the justification for licensing striptease clubs as spaces of public entertainment rather than sex encounter is not entirely clear as case law suggests activities such as lap-dancing may not always be considered as entertainment (see especially Willowcell v. Westminster City Council 1995, where it was ruled ‘lewd sexual displays by young naked, or semi-naked, women that included gyrating to loud music while caressing their breasts and vaginas with their hands are not dancing or a like public entertainment’). Further, it means that the local authority cannot impose conditions on a license unless objections are lodged, and instead must encourage licensees to include certain provisions within the operating schedule they submit as part of their initial application. Typically, Westminster City Council seeks assurance that
licensees will not advertise the nature of their business outside the premises, will ensure no person under 18 years of age enters the premises and also prevent any physical contact between performers and customers. Until 2002, Westminster also refused licenses where applicants did not state that they would maintain minimum clothing laws. This meant that dancers and performers in Westminster could not be fully naked, and had to wear g-strings. In many senses, this contradicted the oft-made claim that ‘influencing the content of public entertainment is not a proper function of UK licensing law [as] the contents of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity’ (cited in Goudie, 1986). It was on this basis that Peter Stringfellow, of Stringfellow’s Cabaret of Angels, successfully challenged Westminster’s minimal clothing rule in February 2002 (Stringfellow vs Westminster City Council 2002), noting that venues in neighbouring Camden were allowed to have fully-nude dancers.

Treating striptease as a form of entertainment that may be permitted by way of a general ‘premise license’ rather than a sex encounter license means that a group of premises offering naked dancing ought to be regarded as no more likely to cause problems of nuisance than a group of public houses. Even so, Westminster Licensing Sub-Committee remain anxious that such businesses should not be allowed to proliferate:

Naked dancing is acceptable, but we don’t want too much of it because there is a risk it would dominate and attract people who we necessarily wouldn’t want too many of. And, of course, the more of these places you get, the more it attracts prostitution and other sex services, so we want to limit it. We don’t want touching because that’s where we draw the line. We think there is a line between dancing, simulation, and people copulating or you know, girls delivering oral sex you know, that kind of thing, in cubicles (Licensing officer, Westminster City Council, interviewed 2005).

Westminster City Council has hence set a guideline figure of eight striptease venues in Soho, two in Mayfair and one each in Covent Garden, St James’s and South Marylebone (Figure Three). Limiting the number of clubs allows enforcement officers to subject these premises to regular visits:
It is what we call a covert visit…you basically go down as a customer and seeing if you are offered extras. It’s as simple as that. If you are offered extras, either you show out and you put the allegation to the person and go through the police Criminal Evidence Act, or…more than likely it would be done over a period of time because the defence would always be that it was just a one-off (Licensing officer, Westminster City Council, interviewed 2005).

Here, it is apparent that licensing officers are concerned about the potential for sex-related venues to be used for prostitution, and regard them as deserving of closer and more regular surveillance than other categories of licensed premise (even though there is nothing in the Licensing Act to suggest they should be treated differently). Instances of dancers offering sexual services for money have been uncovered (see Westminster City Council vs Blenheim Leisure, 1997), and repeated transgressions have lead to licenses being withdrawn on the basis that the licensee was ‘not capable of maintaining good conduct on the premise’.

While the law relating to nudity, pornography and sexual entertainment is complex, the licensing of sex shops and cinemas through the Local Government Act, and striptease venues through the Licensing Act 2003 has allowed Westminster City Council to limit the overall number of sex businesses. Simultaneously, it has encouraged higher standards of management in the sector, with unscrupulous and poorly-run businesses being supplanted by larger, corporate premises. This has not assuaged all local concerns about the presence of sex businesses, however, as some residents allege that these premises attract groups of men rather than the traditional ‘solitary’ consumer:

*The big lap dancing clubs do have raucous crowds of men there. So, when it gets very commercial and starts to attract the…umm, what do you call them, stag nights, it is dreadful for residents because they are very loud, they scream in the night, they wake the children…so we do have an issue when it becomes very big and very commercial (interview, residents’ group, 2005).*

However, the noise associated with groups visiting Soho’s eight lap dancing venues needs to be in the context of the area’s sixty
night cafes and one hundred pubs (Roberts and Turner, 2005).

In fact, the Soho Society remains most concerned by the sex-related premises that remain beyond the reach of the licensing system, with the continuing presence of ‘hostess bars’ causing particular anxieties. Such premises are also known as ‘near beer’ venues as they charge unsuspecting customers inflated prices for (non-alcoholic) drinks on the pretext that they are entering a space where sexual services or striptease are on offer. One owner explains the principle behind such operations:

Once men are inside all the hostess has to do is sit with him and make him think he's going to get sex... The council insisted we put a price list on each table, so we did. It's printed in gothic script in red ink on red card. We keep the lights low so you can't actually read it. If the cops come we turn the lights up and there it is. The drinks have exotic names but none have alcohol in - we don't have a license for that. When the bill arrives it includes the hostess fee, the waitress fee and a service charge. Depending on how much we reckon we can take the punter for, it goes from a few hundred to £600 (unidentified owner, cited in The Guardian 29 Feb 2004).

Because no criminal offence is committed, and no prostitution occurs, the police cannot intervene when duped customers complain about excessive charges, and the lack of alcohol or public entertainment means that no license is needed:

They are not licensed to provide any type of entertainment, so they sometimes use the bizarre excuse that the girls are actually modelling lingerie and they do not have any music there because that would make it a club and allow us to close it down... If somebody went in there and was offered what they think they were going to get offered, then I could shut them down, but they don’t get what they are offered (interview, licensing Officer, Westminster City Council, 2005).

Recognizing this, Westminster included a clause in the 1995 London Local Authorities Act requiring the licensing of ‘near beer’ venues, defining these as any venue providing ‘liquid refreshments...expected to contain alcohol or calculated to represent any alcoholic beverage..., and offers, expressly or by implication, whether on payment of a fee or not...the provision of
companions for customers on the premises’,

Coupled with covert police surveillance of such venues to collect evidence of blackmail (with 15 arrests made during Operation Reaper, 2002), the new act reduced the number of ‘near beers’ from nearly 20 in the early 1990s to six by 2002 and just three in 2004. However, the three remaining premises sidestep licensing laws by only serving orange juice (see House of Lords Select Committee, 13 June 2006). As such, and given the continued local opposition to such venues (especially the ‘Soho Cabaret’, which neighbours Soho’s only primary school), Clause 44 in the London Local Authorities Bill (2006), introduces a new class of establishment, known as ‘hostess bars’, which will become subject to licensing as a sex encounter establishment. Outlining the rationale for this, the senior licensing solicitor stated:

We are now in the position where we have these premises where really the only defining factor is that either they seem to be offering some kind of titillation by the signs and enticement on the outside, or they actually do provide companions inside…So the way we have drafted it this time, and we are hoping that it will not be a moving target again, is to say…if those are things on offer then you need a license (Peter Lewis, evidence to House of Lords Select Committee, March 2006)

This attempt to tighten up loopholes in current licensing laws underlines Westminster’s determination to bring a range of sex-related premises within the ambit of licensing, and suggests they are keen to promote well-organised businesses to the detriment of premises perceived (rightly or wrongly) to be disorderly. It is here that the importance of discretion within the law becomes clear, with practices of licensing making assumptions about the desirability of particular types of sex-related businesses in different locales, despite an evidential lack of data about the behaviour of customers in and around different types of venues.

Viewed in the context of tendencies towards the gentrification of urban leisure (on the one hand) and the corporatisation of the sex industries (on the other), the replacement of Soho’s girlie shows and ‘men-only’ bookstores by luxurious adult cabarets and sex shops which welcome women as much as men is entirely explicable. Yet the role of the local authority in this process should
not be underestimated. Indeed, the local state has been instrumental in changing the nature of sex businesses through existing legislation. Moreover, where existing legislation has appeared insufficient, Westminster City Council has lobbied successfully for new powers to control the location and nature of adult entertainment venues, extending the licensing system to encompass a diverse range of sex-related businesses.

Reducing the overall number of adult entertainment premises through the licensing system has been key tactic pursued by Westminster City council as it pursues its licensing objectives of ‘reducing crime and disorder and preventing public nuisance’ (Westminster City Council, 2004, p. 65). Another is setting standards in the remaining premises by imposing conditions relating to opening hours, signage and the extent to which the nature of the business is visible to the passer-by. The conduct of employees and customers is also a matter for which the licensee assumes responsibility. In some cases, licensing conditions can be stringent: for example, lap-dancing and pole-dancing clubs are required to have CCTV installed, to prevent customers touching dancers, and to ensure dancers do not simulate sex. Performers are not allowed to stand outside premises enticing customers in, and are required to remain fully-clothed when not dancing. In all cases, licensees are pressurized into compliance, and transgression duly punished through withdrawal or non-renewal of licenses. Coupled with the prohibitively expensive cost of licenses (for example, sex shop licenses cost £28,531 per annum), the consequence is the aforementioned ‘upscaling’ of adult businesses, with independent operators displaced by corporate chains. The local authority’s ability to exercise forms of spatial control through the planning and licensing system is highly significant here, as it has prevented the spread of adult entertainment beyond the Soho Central Activity Zone (Figure Three). Moreover, within Soho, potential conflicts have been minimized by ensuring businesses are not in the vicinity of residential accommodation, schools, places of worship, community centres and youth clubs.

Given any crime, disorder and public nuisance associated with sex-related venues could be effectively dealt with by the police (e.g., instances of prostitution on premises are illegal under brothel-keeping laws), it is interesting to consider why local authorities to use the licensing system to regulate sex businesses.
One reason is clearly financial, with licenses becoming an important source of local revenue. Perhaps more significantly, the licensing system also grants the local authority considerable flexibility in deciding which businesses are appropriate in particular contexts, allowing licensing committees to draw on local knowledge to determine what type of premise might be acceptable in particular neighbourhoods. Yet the evidential lack of data about these types of venues and their clientele, and the absence of clear national guidelines, means that licensing committees inevitably resort to stereotyped views of adult entertainment. This can be illustrated with reference to Westminster licensing policy as it relates to the clustering of sex-related businesses:

Their clientele often arrives and departs in large groups. Premises offering sex-related entertainment have a cumulative effect particularly if they are clustered together. The City Council has consulted Visit London, the official visitor organisation for London, on their views on expansion in the number of premises offering sex related entertainment. It has advised that, if the balance and mix of uses in areas such as Soho were to change to become more dominated by sex related entertainment, this could deter visitors and have a negative impact overall (Westminster City Council, 2004).

Here, the judgment that more adult entertainment would be detrimental to the area is based on the (non-expert) opinion of the city’s tourism board; in fact there is no research suggesting an increase in sex-related attractions might deter visitors. Further, licensing authorities are supposed to refuse licenses only on the basis of the character of the applicant or where there are significant concerns about environmental impacts (e.g., noise, parking, or stress on local services); however, when setting guidelines for the appropriate number of sex businesses for Westminster, such environmental considerations appear to blur into a series of (unstated) concerns about the conduct of patrons, the nature of the business and the image of the area.

Hence, while the licensing system constitutes a relatively pragmatic, cost-efficient and low-tech way of managing risks (Valverde, 2003), it is highly reliant on the judgments made by licensing committees about the type of businesses that might be appropriate in given locales. The lack of national guidance relating to adult businesses in England and Wales means that the potential
for ‘locationally irrational’ or prejudicial decision to be made is high, not least because sexual commerce invokes a range of moral and religious sensitivities. The example of Westminster bears this out, with the Licensing Committee demanding to be informed of all applications where striptease or nude dancing will occur even though the application cannot be refused unless objections are lodged by the public. This implies that the local authority regards sex-related businesses as worthy of particular scrutiny (and the relative number of licensing refusals and appeals bears this out). That said, the increased reliance on licensing rather than direct governmental control allows the state and law to reaffirm its belief that the sexual conduct of adults does not concern it. In effect, licensing allows the state to promote particular notions of urban order and civility by turning over responsibility for managing nightlife to licensees, ostensibly avoiding any direct state interference with citizen’s liberties. As such, techniques of licensing system may impose stringent and onerous controls on places of ‘public entertainment’, but are rarely perceived to be attacking personal liberties (Valverde, 2003).

5. Conclusions

When compared to many other nations in the EU, the concern about trafficking in England and Wales is relatively mooted and has only recently begun to impact directly on prostitution policy. In contrast, longstanding concerns about incivility (as opposed to immorality) have come to the fore in recent years and taken new inflections as discourses of antisociality become prominent in policy debates. The idea that prostitution represents unacceptable gendered exploitation is also an important discourse in current policy debates, with the idea that purchasing sex might perpetuate exploitation, child prostitution and trafficking emphasised in some of the Home Office rhetoric accompanying its recent Prostitution Strategy. Published during this research, the Coordinated Prostitution Strategy is perhaps not as far-reaching or radical as might have been anticipated, but does consolidate a policy shift from a position where street prostitution is discouraged but tolerated within limits to one where it is deemed unacceptable. The advocation of multi-agency interventions and the provision of exit routes underlines that sex workers are seen as victims; conversely, clients are increasingly depicted as perpetrators, and
penalised as such through kerb-crawling legislation. In this sense, the policy rhetoric in England/Wales echoes that in Sweden. On the other hand, a more relaxed and pragmatic approach to small brothels and independent working suggests the Home Office has taken on board some of the arguments from sex workers that this represents a safe and unobtrusive way of working. The events in Ipswich, however, seem to have stymied any legislative reform, meaning that many forms of sex working persist in spaces whose legal status is ambiguous.

While Westminster cannot be considered a microcosm which encapsulates national trends, several aspects of the regulation of sex work within the borough appear to be indicative of tendencies observed elsewhere, namely:

- A strong emphasis on the undesirability of street work, manifest in high profile and mediated multi-agency campaigns against kerb-crawlers, with ASBOs served against persistent offenders.
- A relatively low police priority given to men selling sex to men, with little resource devoted to surveillance despite
- A tolerance of off-street sex work in flats where there are one or two women present given these tend to generate few (reported) complaints and are assumed to be relatively safe environments
- Increasing surveillance of licensed massage parlours by local authorities, with complaints about sex being sold on the premise initiating covert operations that may collect evidence leading to the withdrawal of licenses
- Police visiting/raiding brothels according to intelligence and tip-offs about underage or migrant workers, but not prosecuting under brothel-keeping laws unless they have clear evidence of criminality
- An acceptance that well-managed and licensed adult entertainment venues can fulfil a legitimate role in the night-time economy, but a concern that unlicensed premises that are not able to offer the sexual entertainment they promise create a bad impression
All this suggests that regulators have clear priorities in terms of how they enforce the criminal laws at their disposal (see Appendix One), and choose to target particular types of premises on the assumption that they are more likely to cause nuisance or promote exploitation. What is particularly interesting in Soho (and Westminster more broadly) is that prostitution has co-existed alongside a varied range of sex businesses, with some of these (legal) businesses having caused more anxiety for regulators than some of the (illegal) forms of prostitution occurring in the area. Bringing such sites of sexual commerce within the ambit of licensing and civil law suggests that the regulation of sex work involves more than the enforcement of prostitution law by the police, involving varied forms of governmentality that have distinctive spatial outcomes. In Westminster, the gradual decline of street work, clipping and ‘girlie shows’, the increasing amount of escort and ‘adult entertainment’ work and the stability of the flat-working sector all needs to be understood in relation to the preoccupations of local regulators; the distinctive sexual geography associated with this is, in part, a function of the situated decisions made by these regulators about the appropriateness of particular forms of sex work on particular streets.
References


Manchester, C. (1986) Sex shops and the law Chichester, Ashgate.


APPENDIX ONE:
KEY LEGISLATION RELATING TO SEX WORK,
ENGLAND AND WALES

NB: Someone is a 'prostitute' if they have, on at least one occasion and whether or not compelled to do so, offered or provided sexual services to another person in return for any financial arrangement.

<table>
<thead>
<tr>
<th>OFFENCE</th>
<th>ACT</th>
<th>MAXIMUM PENALTY</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SOLICITING</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soliciting or loitering for purposes of prostitution</td>
<td>Sexual Offences Act 1959 section 1 (see note 1)</td>
<td>A fine</td>
<td>Gender-neutral upon passing of Sexual Offences Act 2003; removed offence of Persistent soliciting or importuning between men for immoral purposes (SOA 1956 sec 32) Soliciting includes any tempting or alluring of prospective customers, through ‘words, winks, glances, gestures, smiles or provocative movements’. This could also include someone sitting in a window if they are in an area where prostitutes are sought.</td>
</tr>
<tr>
<td>Common prostitute behaving in a riotous and indecent manner in a public place.</td>
<td>Vagrancy Act 1824, section 3. Vagrancy Act 1824, section 4</td>
<td>Offences by prostitutes: Second conviction as an idle and disorderly person</td>
<td></td>
</tr>
</tbody>
</table>

**CAUSING PROSTITUTION**

<table>
<thead>
<tr>
<th>OFFENCE</th>
<th>ACT</th>
<th>MAXIMUM PENALTY</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Causing or inciting prostitution for</td>
<td>SOA 1956 sec 22 SOA 2003 sec</td>
<td>Six months or fine (magistrate’s)</td>
<td>A person commits an offence if— (a) he intentionally</td>
</tr>
<tr>
<td>Offence</td>
<td>Relevant Legislation</td>
<td>Maximum Sentence</td>
<td>Notes/Explanation</td>
</tr>
<tr>
<td>--------------------------------------------------------------</td>
<td>---------------------------------------</td>
<td>------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Causes or incites another person to become a prostitute in any part of the world, and (b) he does so for or in the expectation of gain for himself or a third person.</td>
<td>SOA 1956 secs 22, 28, 29. SOA 1956 secs 14 and 15 relate to indecent assault</td>
<td>Two years, Ten years</td>
<td>Maximum sentence for was increased to 10 years in 1985.</td>
</tr>
<tr>
<td>Controlling prostitution for gain</td>
<td>SOA 2003 sec 53</td>
<td>Seven years six months</td>
<td>Applies to those running escort agencies etc.</td>
</tr>
<tr>
<td>Permitting defective girl under 13 or under 16 to use premises for intercourse</td>
<td>SOA 1956 sec 25. SOA 1956 sec 26</td>
<td>Life (under 13) two years (over 13 but under 16)</td>
<td>No equivalent offence regarding a 'defective' boy - 'defective' (an outmoded/offensive term) means the same as 'severe mental handicap' in SOA 1967, sec 1.</td>
</tr>
<tr>
<td>Keeping a brothel</td>
<td>SOA 1956 sec 33, sec 35 SOA 2003 adds sec 33a to 1956 Act</td>
<td>Six months or fine (magistrate’s court) to seven years (crown court)</td>
<td>'It is an offence for a person to keep, or to manage, or act or assist in the management of, a brothel to which people resort for practices involving prostitution (whether or not also for other practices).’ Owners and staff of gay saunas, sex clubs or any other premises used by more than one person for ‘fornication' remain liable to prosecution</td>
</tr>
<tr>
<td>Detention of a woman in a brothel or other</td>
<td>SOA 1956 sec 24</td>
<td>Two years</td>
<td>SOA 1956 sec 43 allows power to search and remove women detained</td>
</tr>
<tr>
<td>Premises</td>
<td>SOA 1956 sec</td>
<td>Penalty</td>
<td>Notes</td>
</tr>
<tr>
<td>----------</td>
<td>--------------</td>
<td>---------</td>
<td>-------</td>
</tr>
<tr>
<td>Knowingly and or wilfully permitting premises to be used for prostitution</td>
<td>25, 26, 27</td>
<td>If prostitutes are under 13 years = life, 13 - 16 years = 5 year sentence, and if any 'defective' = 2 year sentence</td>
<td>Owner, occupier or person who manages premises can be prosecuted. Gender-neutral upon passing of Sexual Offences Act 2003</td>
</tr>
<tr>
<td>Tenant permitting premises to be used as a brothel/for prostitution</td>
<td>35 SOA 1956 sec 36</td>
<td>Fine up to level 3 or 6 months imprisonment; landlord has right to terminate lease</td>
<td>SOA 1956 secs 33-35 deal with summary offences for the suppression of brothels.</td>
</tr>
<tr>
<td>Allowing prostitutes on premises</td>
<td>36</td>
<td>Fine up to level 3 or 3 months imprisonment</td>
<td></td>
</tr>
<tr>
<td>Permitting licensed premises to be used for prostitutes</td>
<td>33</td>
<td>Fine up to level 3 or 3 months imprisonment</td>
<td></td>
</tr>
<tr>
<td><strong>BUYING SEX</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kerb crawling (with persistence and in a manner likely to cause annoyance)</td>
<td>1; Criminal Justice and Police Act, 2001, sec 71 SOA 2003</td>
<td>Arrestandable offence: seizure of vehicle or driving ban</td>
<td>'Persistent' means more than once. Gender neutral offence from passing of 2003 Sexual Offences Act</td>
</tr>
<tr>
<td>Persistently soliciting a common prostitute</td>
<td>2</td>
<td>Fine up to level 3 (£1000)</td>
<td>'Persistent' means more than once.</td>
</tr>
<tr>
<td>Sexual intercourse with a child under 13</td>
<td>5</td>
<td>Life sentence</td>
<td>Her consent is no defence.</td>
</tr>
<tr>
<td>Sexual intercourse with a child under 16</td>
<td>SOA 1956 sec 6</td>
<td>Two years imprisonment</td>
<td>Only defence is if the man is under 24, has no previous similar offences and believed she was over 16.</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>----------------</td>
<td>------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Indecent assault</td>
<td>SOA sec 14</td>
<td>Two years</td>
<td>aged 13+ under age 13</td>
</tr>
<tr>
<td>Gross indecency towards a child and incitement of a child under 14</td>
<td>Indecency with Children Act 1960</td>
<td>Two years and/or a fine</td>
<td>Includes situations where abuser does not touch the child but invites her or him to touch him.</td>
</tr>
</tbody>
</table>

**TRAFFICKING AND GROOMING**

<table>
<thead>
<tr>
<th>Prostitution and procuring offences</th>
<th>SOA 1956 secs 2 - 4, 9, 22 - 24, 27 - 31 SOA 1967</th>
<th>A fine, and imprisonment up to maximum</th>
<th>False imprisonment, assault, intimidation, slavery are some of the experiences of women trafficked for purposes of prostitution into the UK.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic conspiracy and incitement to commit sex offences abroad</td>
<td>SO (Conspiracy and Incitement Act) 1996 SOA 1956 sec 22</td>
<td>Two year sentence</td>
<td>Does not apply if a man procures her to have intercourse with himself - or if she is already involved in prostitution - or she chooses involvement of her own volition.</td>
</tr>
<tr>
<td>Trafficking into, within or out of the UK for sexual exploitation</td>
<td>SOA 2003 (with reference to Child Protection Act 1978)</td>
<td>Six months to fourteen years</td>
<td>Includes intention to commit the offence.</td>
</tr>
<tr>
<td>Procure a girl under 21 in any part of the world with a third person</td>
<td>SOA 1956 sec 23</td>
<td>Two years</td>
<td>Domestic servants accompanying their employers are allowed entry outside immigration rules as a 'concession' to their employers (since 1980).</td>
</tr>
<tr>
<td>To commit sex offences against</td>
<td>SOA 1997 Part 11 sec 7</td>
<td></td>
<td>Individuals can be charged for committing</td>
</tr>
<tr>
<td>Children outside the UK, including prostitution, possession of or distribution of photographs</td>
<td>SOA 2003 sec 72</td>
<td>an act which is legal elsewhere but not in the UK</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------------------</td>
<td>----------------</td>
<td>------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>To employ someone 16 or over who does not have permission to be in or work in the UK</td>
<td>Asylum and Immigration Act 1996, Immigration Act 1971 and Immigration Act 1988</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slavery</td>
<td>Slavery Abolition Act</td>
<td>Fine (level 4 - up to £5,000) Used in 1991 to prevent an escaped domestic worker being deported.</td>
<td></td>
</tr>
</tbody>
</table>

**OTHER OFFENCES**

<table>
<thead>
<tr>
<th>Sex Offences</th>
<th>SOA 1997</th>
<th>Five years for breach of order</th>
<th>May be obtained by the Police if the individual has a previous conviction for a sex offence.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highway Obstruction</td>
<td>Highways Act 1980 sec 137</td>
<td>A fine</td>
<td>A 'highway' includes: roads, bridges, pavements, footways and carriageways.</td>
</tr>
<tr>
<td>Disorderly Behaviour</td>
<td>Public Order Act 1986 sec 5</td>
<td>A fine or imprisonment</td>
<td>Can be committed in a private or public place, but not inside a dwelling.</td>
</tr>
<tr>
<td>Anti Social Behaviour</td>
<td>Crime and Disorder Act 1998</td>
<td>Serving of ASBO, with up to 6 months imprisonment for breach</td>
<td>Full or interim ASBO may be granted for any behaviour which ‘…causes or is likely to cause harassment, alarm and distress to one or more persons not of the same household as the person against whom the order is made’</td>
</tr>
<tr>
<td>Keeping a Disorderly House</td>
<td>Disorderly House Act 1751</td>
<td>A fine or imprisonment</td>
<td>A disorderly house is a house 'not regulated by the restraints of morality,</td>
</tr>
</tbody>
</table>

---

69
<table>
<thead>
<tr>
<th>Offence</th>
<th>Act</th>
<th>Penalty</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowing a person under 18 to enter a sex establishment</td>
<td>Local Government Miscellaneous Provisions Act 1982</td>
<td>Maximum fine £20,000</td>
<td>The offence relates to 'knowingly allow'.</td>
</tr>
<tr>
<td>Advertising sex work on, or in the vicinity of a public telephone box ('carding')</td>
<td>Criminal Justice and Police Act 2001</td>
<td>Six months or fine</td>
<td>No arrests outside London</td>
</tr>
<tr>
<td>Graphic advertising</td>
<td>Obscene Publications Act 1959</td>
<td>Six months or fine</td>
<td>It is an offence to place an advertisement which is extremely graphic and likely to 'deprave or corrupt' persons likely to see it.</td>
</tr>
<tr>
<td>Sexual activity in a public toilet</td>
<td>SOA 2003 (though already illegal under Public Order legislation)</td>
<td>Six months or fine</td>
<td>Sexual activity (based on what a reasonable person would consider sexual, rather than the participant's purpose) in a lavatory to which a section of the public has access, whether on payment or otherwise.</td>
</tr>
<tr>
<td>Advertising massage services without a license</td>
<td>London Local Authorities Act (1991) and similar</td>
<td>License can be revoked if there is a likelihood of nuisance being caused by reason of the conduct, management or situation of the premises or the character of the relevant locality or the use to which any premises in the vicinity are put;</td>
<td></td>
</tr>
</tbody>
</table>
• The persons concerned or intended to be concerned in the conduct or management of the premises used for massage services could be reasonably regarded as not being *fit and proper persons* to hold such a license; or the premises have been or are being *improperly conducted*.

### NOTES

1. The Criminal Justice and Immigration act 2007 (sec 71) replaces reference to the ‘common prostitute’ to ‘any person loitering or soliciting for the purposes of offering services as a prostitute’. The act also empowers convicted persons to be served a supervisory order.

2. The whole of the 1751 Act has now been repealed with the exception of section 8 which suggests ‘any person who shall at any time hereafter appear, act or behave him or herself as master or mistress, or as the person having the care, government, or management of any bawdy-house, or other disorderly house...shall be liable to be prosecuted and punished as such, notwithstanding he or she shall not in fact be the real owner or keeper thereof’. Given a ‘bawdy house’, is a brothel, and the Sexual Offences Act 1956 makes it an offence ‘for a person to keep, manage or act/assist in the management of a brothel (section 33), ‘for a person to keep, manage, or act/assist in the management of a brothel to which people resort for practices involving prostitution (section 33A); or ‘for the landlord [or tenant] of any premises knowingly to let the premises for use as a brothel’ (section 34 and 35) it has been proposed that the 1751 Act may now be repealed as a whole.
### APPENDIX THREE: Arrests/cautions relating to prostitution, as recorded by Metropolitan Police Clubs and Vice CC0.14, by division

<table>
<thead>
<tr>
<th></th>
<th>Prostitutes</th>
<th>Prostitutes</th>
<th>Prostitutes</th>
<th>Prostitutes</th>
<th>Kerbcrawler/Kerbcrawler</th>
<th>Carders</th>
<th>Kon-Tiki</th>
<th>Kon-Till</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>18+ years</td>
<td>under 18s</td>
<td>Jars to Stn</td>
<td>(72&amp;78)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>charged</td>
<td>charged</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LX Vauxhall</td>
<td>100</td>
<td>0</td>
<td>2</td>
<td>23</td>
<td>43</td>
<td>16</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>BS Brompton</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>YT Tottenham</td>
<td>17</td>
<td>0</td>
<td>0</td>
<td>10</td>
<td>103</td>
<td>15</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>CX Charing X</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>25</td>
<td>0</td>
</tr>
<tr>
<td>CD Central</td>
<td>1110</td>
<td>10</td>
<td>36</td>
<td>138</td>
<td>1</td>
<td>6</td>
<td>45</td>
<td>0</td>
</tr>
<tr>
<td>DM Marylebone</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>DP Paddington</td>
<td>632</td>
<td>0</td>
<td>3</td>
<td>171</td>
<td>28</td>
<td>70</td>
<td>25</td>
<td>0</td>
</tr>
<tr>
<td>HT Whitechapel</td>
<td>274</td>
<td>0</td>
<td>0</td>
<td>164</td>
<td>23</td>
<td>44</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>NI Islington</td>
<td>57</td>
<td>0</td>
<td>0</td>
<td>19</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>GD Shoreditch</td>
<td>59</td>
<td>0</td>
<td>1</td>
<td>44</td>
<td>106</td>
<td>31</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>Total 2001</td>
<td>2250</td>
<td>10</td>
<td>42</td>
<td>573</td>
<td>304</td>
<td>205</td>
<td>124</td>
<td>0</td>
</tr>
<tr>
<td>LX Vauxhall</td>
<td>301</td>
<td>0</td>
<td>5</td>
<td>57</td>
<td>60</td>
<td>15</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>BS Brompton</td>
<td>15</td>
<td>0</td>
<td>0</td>
<td>17</td>
<td>19</td>
<td>0</td>
<td>37</td>
<td>0</td>
</tr>
<tr>
<td>YT Tottenham</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>117</td>
<td>9</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>CX Charing X</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>11</td>
<td>0</td>
</tr>
<tr>
<td>CD Central</td>
<td>351</td>
<td>6</td>
<td>22</td>
<td>74</td>
<td>0</td>
<td>2</td>
<td>48</td>
<td>0</td>
</tr>
<tr>
<td>DM Marylebone</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>13</td>
<td>0</td>
</tr>
<tr>
<td>DP Paddington</td>
<td>291</td>
<td>0</td>
<td>1</td>
<td>83</td>
<td>5</td>
<td>10</td>
<td>22</td>
<td>0</td>
</tr>
<tr>
<td>HT Whitechapel</td>
<td>523</td>
<td>0</td>
<td>8</td>
<td>207</td>
<td>54</td>
<td>15</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>NI Islington</td>
<td>450</td>
<td>1</td>
<td>6</td>
<td>91</td>
<td>61</td>
<td>10</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>GD Shoreditch</td>
<td>103</td>
<td>0</td>
<td>6</td>
<td>33</td>
<td>94</td>
<td>1</td>
<td>14</td>
<td>0</td>
</tr>
<tr>
<td>Total 2002</td>
<td>2042</td>
<td>7</td>
<td>49</td>
<td>569</td>
<td>410</td>
<td>62</td>
<td>156</td>
<td>0</td>
</tr>
<tr>
<td>LX Vauxhall</td>
<td>91</td>
<td>0</td>
<td>3</td>
<td>16</td>
<td>51</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>BS Brompton</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>20</td>
<td>0</td>
<td>12</td>
<td>26</td>
</tr>
<tr>
<td>YT Tottenham</td>
<td>8</td>
<td>0</td>
<td>2</td>
<td>9</td>
<td>50</td>
<td>1</td>
<td>0</td>
<td>33</td>
</tr>
<tr>
<td>CX Charing X</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>8</td>
<td>1</td>
<td>13</td>
</tr>
<tr>
<td>CD Central</td>
<td>76</td>
<td>0</td>
<td>3</td>
<td>23</td>
<td>0</td>
<td>0</td>
<td>11</td>
<td>34</td>
</tr>
<tr>
<td>DM Marylebone</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>DP Paddington</td>
<td>190</td>
<td>0</td>
<td>1</td>
<td>74</td>
<td>35</td>
<td>3</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>HT Whitechapel</td>
<td>316</td>
<td>0</td>
<td>0</td>
<td>101</td>
<td>39</td>
<td>9</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>NI Islington</td>
<td>766</td>
<td>0</td>
<td>3</td>
<td>134</td>
<td>42</td>
<td>8</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td>GD Shoreditch</td>
<td>213</td>
<td>0</td>
<td>3</td>
<td>104</td>
<td>75</td>
<td>15</td>
<td>19</td>
<td>92</td>
</tr>
<tr>
<td>Total 2003</td>
<td>1691</td>
<td>0</td>
<td>23</td>
<td>488</td>
<td>378</td>
<td>42</td>
<td>102</td>
<td>274</td>
</tr>
<tr>
<td>LX Vauxhall</td>
<td>103</td>
<td>0</td>
<td>0</td>
<td>7</td>
<td>31</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>BS Brompton</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>11</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>YT Tottenham</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>CX Charing X</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>CD Central</td>
<td>48</td>
<td>0</td>
<td>4</td>
<td>34</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>12</td>
</tr>
<tr>
<td>DM Marylesbon</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>11</td>
<td>9</td>
</tr>
<tr>
<td>DP Paddington</td>
<td>192</td>
<td>0</td>
<td>0</td>
<td>88</td>
<td>35</td>
<td>0</td>
<td>11</td>
<td>2</td>
</tr>
<tr>
<td>HT Whitechapel</td>
<td>160</td>
<td>0</td>
<td>1</td>
<td>82</td>
<td>27</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>NI Islington</td>
<td>240</td>
<td>0</td>
<td>4</td>
<td>57</td>
<td>22</td>
<td>1</td>
<td>11</td>
<td>8</td>
</tr>
<tr>
<td>GD Shoreditch</td>
<td>65</td>
<td>0</td>
<td>0</td>
<td>32</td>
<td>25</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>KF Forest Gate</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>33</td>
<td>0</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>EK Kentish Town</td>
<td>24</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>24</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>other</td>
<td>11</td>
<td>1</td>
<td>5</td>
<td>22</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>20</td>
</tr>
<tr>
<td>Total 2004</td>
<td>896</td>
<td>1</td>
<td>23</td>
<td>411</td>
<td>253</td>
<td>3</td>
<td>44</td>
<td>74</td>
</tr>
</tbody>
</table>

75