Local Government Committee

33rd Meeting, 2002

Tuesday 17 December 2002

The Committee will meet at 2.00 pm in the Chamber, Assembly Hall, the Mound, Edinburgh

1. Items in private: The Committee will consider whether to take items 4 and 5 in private.

2. Subordinate Legislation: The Committee will consider the following affirmative instrument—

   The Scottish Local Government Elections Regulations 2002 (draft)

3. Public Appointments and Public Bodies etc. (Scotland) Bill: The Committee will consider the Bill at Stage 2 (day 3).

4. Prostitution Tolerance Zones (Scotland) Bill: The Committee will take evidence on the general principles of the Bill at Stage 1 from—

   Patrick J Shearer, Assistant Chief Constable, Grampian Police
   John McLean, Assistant Chief Constable, Strathclyde Police
   Elizabeth McLean, Inspector, Strathclyde Police
   Tom Wood, Deputy Chief Constable, Lothian & Borders Police

5. Allotments Inquiry: The Committee will consider its conclusions.

6. Proportional Representation (Local Government Elections) (Scotland) Bill: The Committee will consider a draft Stage 1 report.

Eugene Windsor
Clerk to the Committee
Room 2.05, Committee Chambers
85217
e mail: eugene.windsor@scottish.parliament.uk
The following papers are attached for this meeting:

**Agenda item 2**

The Scottish Local Government Elections Regulations 2002 (draft)  
Extract from the 45th Report of the Subordinate Legislation Committee  

**Agenda item 4**

Submission by Grampian Police  
Submission by Strathclyde Police  
Submission by Lothian & Borders Police  

**Agenda item 5**

Allotments Inquiry – Summary of Evidence [PRIVATE]  

**Agenda item 6**

Proportional Representation (Local Government Elections) (Scotland) Bill: Draft Stage 1 Report [PRIVATE]
Subordinate Legislation Committee

Remit and Membership

Remit:

The remit of the Committee is to consider and report on—

(a) (i) subordinate legislation which is laid before the Parliament;

(ii) any Scottish Statutory Instrument not laid before the Parliament but classified as general according to its subject matter;

and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation; and

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation.

(Standing Orders of the Scottish Parliament Rule 6.11)

Membership:

Bill Butler
Colin Campbell
Brian Fitzpatrick
Murdo Fraser
Gordon Jackson QC
Ian Jenkins (Deputy Convener)
Margo MacDonald (Convener)

Committee Clerks:

Alasdair Rankin
Steve Farrell
Alistair Fleming
Joanne Clinton
Subordinate Legislation Committee

45\textsuperscript{th} Report 2002

Subordinate Legislation

The Committee reports to the Parliament as follows—

1. At its meeting on 10\textsuperscript{th} December the Committee determined that the attention of the Parliament need not be drawn to the instruments listed in the Annexe to this report.

2. The report is also addressed to the following committees as the lead committees for the instruments specified:

   - **Rural Development**
     - SSI 2002/520
     - SSI 2002/526
     - SSI 2002/529
     - SSI 2002/531
     - SSI 2002/537
   - **Justice 1/2**
     - The Extended Sentences for Violent Offenders (Scotland) Order 2003 (draft)
   - **Local Government**
     - The Scottish Local Government Elections Regulations 2002 (draft)
     - SSI 2002/521
   - **Health and Community Care**
     - SSI 2002/523
     - SSI 2002/524
     - SSI 2002/528
     - SSI 2002/533
     - SSI 2002/534
     - SSI 2002/535
   - **Transport and the Environment**
     - SSI 2002/527
     - SSI 2002/538
Annexe

Draft instruments subject to approval

The Scottish Local Government Elections Regulations 2002, (draft)
Submission By Patrick J Shearer Ma Llb
Assistant Chief Constable, Grampian Police

Introduction

Grampian Police currently operates a 'Tolerance Zone' for prostitutes within the industrial belt of Aberdeen Harbour. Although this has been identified as a 'non harassment' area for prostitutes, the policy does not encourage or permit any actual sexual activity in the zone, especially in areas which would be the subject of complaints from businesses or the public. The aim of the zone is to create a relatively safe environment where street prostitutes can operate and where the impact to the public at large is minimised as far as is reasonably practicable. Crime reduction, health promotion and the encouragement of personal safety are the main goals the Tolerance Zone seeks to achieve. The ultimate goal is to address the causes behind prostitution and assist those involved in returning to the mainstream of society.

This scheme was introduced to address a historical situation which has developed over the years. Although a number of partner agencies, such as Drug Action Teams and Health Promotions have been engaged with, the initiative has been largely driven forward by Grampian Police. In addition, the Procurator Fiscal, local Councillors and other parties have been made aware of the existence of the scheme, albeit they have had no formal input into the process. It was, however, identified at an early stage that a key component of this strategy was the development of a Prostitute Drop In Centre, designed to provide much needed support for sex industry workers as well as drugs services and information on health issues. It was recognised that such a facility could not be created in isolation by the Police and consequently numerous partner agencies have been engaged in moving the concept forward. This process is still ongoing.

Impact on Prostitutes / Levels of prostitution

Perhaps a useful starting point for discussion in this area, is the recognition that prostitution exists, and is unlikely to be eradicated by police enforcement activity. Evidence for this statement may be drawn from the fact that prostitutes have continued to operate in the Aberdeen Harbour area for many years, apparently undeterred by high levels of police patrolling. The benefits of introducing a tightly defined tolerance zone within which prostitutes may 'loiter or solicit' for business, are that their areas of operation are restricted to a smaller, largely commercial area. This in turn brings increased opportunities for proactive police patrolling within the zone, to the benefit of prostitutes and clients alike, and also, by encouraging prostitutes to remain in this area, reduces disruption to the lives of the wider community. The overriding ethos behind the evolution of a tolerance zone has been based on the principles of problem solving policing, looking beyond the immediacy of the problem, to address and tackle the wider issues in order to achieve a favourable long term solution.

There is no evidence that the operation of a tolerance zone in Aberdeen has impacted
adversely on the levels of prostitution within the city. The bulk of those operating as prostitutes continue to be local to the Grampian area and their patterns of working remain largely unaltered. A large percentage of those engaged in prostitution do so as a result of their involvement in misusing illegal drugs and, as the multi agency approach to dealing with the issue develops, it is anticipated that a significant number will receive appropriate treatment and advice which will hopefully encourage them to adopt a different lifestyle.

**Impact on local residents and businesses**

Inevitably, the creation of a tolerance zone in Aberdeen, and the resultant high levels of publicity this has generated, have created increased anxiety within both the local resident and business communities. Understandable concerns were expressed about the possible impact of the perceived reduction of activity by the police.

In reality however, the creation of the tolerance zone provided increased opportunity for the police to be effective in addressing community concerns, as it was increasingly easy to locate areas where prostitutes were active and ensure that their activities were compatible with the parameters previously agreed.

The effect of this approach has been to restrict activity to a largely commercial area, outwith normal office hours and to move prostitutes further away from residential areas than had previously been the case. This has not necessarily always tallied with the perception of the local community as, by confining a similar number of prostitutes to a smaller geographic area, increased visibility within that area is an inevitable by product.

A degree of flexibility has been required to address specific concerns such as businesses working late on certain nights. Representations from these businesses have led to modifications being made to the zone, to restrict activity in the relevant areas to within certain times of day.

Interestingly, there has been no significant variation in crime statistics within the unofficial tolerance zone operated by Grampian Police as part of the Divisional Policing Plan since the zone’s inception some 18 months ago. It has been noted however, due to increased liaison with prostitutes by Police and other agencies, the prostitutes themselves are now more willing to impart information in relation to crimes and incidents.

**Code of Conduct**

The informal tolerance zone in Aberdeen allows prostitutes to loiter only, the zone serving solely as a ‘pick up point’. If a member of the public complains against an individual, who is subsequently identified and there is sufficient evidence to substantiate the complaint, it may be appropriate to prosecute a prostitute for loitering if it is in the interest of justice to do so. The Bill goes beyond the constraints imposed by the unofficial tolerance zone in that it decriminalises the offences of loitering, soliciting and importuning. The latitude given to prostitutes by the Bill may effectively negate the requirement for a ‘Code of Conduct’ as any activities outwith those tolerated by the Bill are likely to be subject to the constraints of Criminal law.
Potential clients of prostitutes approaching people for sex would still commit a Breach of the Peace subject to a corroborated complaint being made. Prostitutes and clients engaging in sexual acts in a public place, and those living off the earnings of a prostitute or encouraging someone into prostitution, all either within or outwith the zone, would still be committing an offence.

**Procedures - designation, consultation and appeals.**

The procedures detailed in the Bill in relation to designation, consultation and appeals appear both robust and appropriate. While the Chief Officer of Police for the area is head of the list of consultees, in practice it would be essential for Local Authorities to take part in early discussions with the Police prior to the formulation of draft proposals. Given the possibility of controversy in relation to the introduction of zones, it is commendable that the Bill allows for consultation to be undertaken as widely within the community as is considered necessary.

**How the Bill might help to minimise the opportunities for associated criminal behaviour.**

As previously stated, there has been no significant variation in crimes statistics within the unofficial tolerance zone operated by Grampian Police. The fact that the prostitutes are concentrated in a designated area assists Police Officers in their liaison or enforcement roles, and could prove beneficial if additional measures such as improved street lighting or CCTV coverage were being considered. The zone may also promote a feeling of 'safety in numbers' with the prostitutes themselves. It is also entirely compatible with the ethos of Intelligence Led Policing in that it provides focus in deploying resources to where the need is greatest as well as generating increased opportunities for intelligence gathering.

**Police power to suspend or modify operation of the zone.**

The power to suspend or modify operation of the zone as specified in Section (6) of the Bill would afford senior Police management the flexibility to react to changing circumstances and trends which may affect the safety of prostitutes, or public safety in general. Circumstances which may justify suspension of the zone could include abnormally high crime rates, crimes specifically directed at the prostitutes or their clients, or redevelopment or partial redevelopment of the zone. Emergency situations, for example a major fire, land subsidence or the outbreak of disease may justify immediate suspension or modification of a zone without prior consultation with Local Authorities or residents.

**Other strategies for dealing with prostitution (e.g. how approaches to non-street prostitution impact on street prostitution).**

At this time there is no significant issue within the Grampian Police area in relation to non-street prostitution. Anecdotal evidence suggests that while this activity no doubt
takes place, albeit on a smaller scale when compared to street prostitution, the two are
tenuously linked in that it is believed to be uncommon for prostitutes who work within
premises to solicit or importune on the streets.

Conclusion

The issue of prostitution is one which evokes strong emotions, and it is recognised that
there is no single approach that will be acceptable to every section of the community. It
should be stated however, that the creation of tolerance zones on a statutory footing
perhaps provides the best means of managing a situation which will always exist to a
greater or lesser degree. Such an approach will not merely serve to enhance
community safety, or indeed provide increased scope for effective policing but, if
managed and resourced properly, may also represent an opportunity to enhance the
health and welfare of those engaged in prostitution and perhaps present them with
alternatives to this lifestyle.
Submission by Strathclyde Police

Prostitution Tolerance Zones (Scotland) Bill

I refer to the letter from the Clerk to the Local Government Committee at the Scottish Parliament dated 5 December 2002 and make the following comments prior to the Committee meeting on 17 December 2002.

Firstly, I think it is important to make clear the comments offered relate solely to the issue of street prostitution in the Glasgow area. There is no other significant street prostitution problem elsewhere within the Strathclyde Police area and as I understand colleagues from other Scottish Police Forces with a prostitution ‘problem’ will give evidence to the local Government Committee no attempt is made to comment on experiences in other parts of Scotland. For the record, you may wish to note that Strathclyde Police has no experience of operating ‘official or unofficial’ prostitution tolerance areas.

It should also be noted that Strathclyde Police considers that street prostitution is a symptom of a drugs problem which requires to be addressed in a holistic manner rather than dealt with in isolation.

Turning now to the seven specific issues raised in your correspondence, I would offer the following comments:

- **Impact On Prostitutes And The Level Of Prostitution**

There are a number of points to be made in this regard.

There is a concern that the withdrawal of enforcing the legislation in relation to prostitution would encourage an increase in the number of women/men who are working on the streets, particularly those who are not illegal drug users. Prostitution Tolerance Zones offer a degree of legitimacy to this activity and there may be a tendency for women/men to treat prostitution as ‘an easy option’ for earning money on the realisation that they would not face any criminal charges for their activities. They may, therefore, totally disregard the high risk of violence that they may encounter.

97% of the women involved in street prostitution in Glasgow are chronic drug users and would be an easy target for dealers in this illegal trade.

At present there are two areas within Glasgow frequented by prostitutes, the City Centre and the area surrounding Glasgow Green. Both areas have a high level of policing at present to deal with the varying geographical policing issues and any reduction in this level of policing leads to the possibility of an
increase in violence not only on the prostitutes themselves but other members of the public frequenting the areas.

There has been no evidence to date of children being exploited on the streets in Glasgow and there would be concern that a Tolerance Zone would attract young girls/boys to prostitution.

The Routes out of Prostitution SIP appears to be having some success in diverting women from prostitution. I am not aware of any evidence Tolerance Zones will do likewise.

- **Impact On Local Residents And Businesses**

  Obvious care would have to be taken in an area which would be identified for use as a Tolerance Zone with local consultation taking place with residents and occupiers of business premises. Local residents, either male or female, take the risk of either being approached by a prostitute looking for a client, or by a client looking for a prostitute. Indeed, it could be argued a tolerance zone for prostitution is a ‘no-go’ area for others.

  Hotels situated in or near proposed zones may have their clientele approached by the prostitute looking for business or in fact have them frequenting their car parks and foyers. Financial implications for the businesses may have to be considered.

  Businesses such as Call Centres, which operate into the evening, expose their workforce to being accosted by prostitutes or clients in the search for business.

  Consideration also has to be given to the debris, such as used condoms and used hypodermic syringes, which is left by the prostitutes, presenting an obvious health hazard to residents or employees.

- **Content Of Any Code Of Conduct For Persons Participating In The Operation Of The Tolerance Zone**

  Directions would have to be given to the Prostitutes as to where they could stand to solicit and within what timescale this was permissible. Emphasis would have to be placed on the fact that this was only a crime free area as far as soliciting was concerned and that any other criminal activity taking place within that area would be addressed. It would also have to be addressed whether the zone permitted sexual activity to take place within it, bearing in mind that the safety of the prostitute is paramount, and it is normally the place of the sexual act and not that of the pick up point, where acts of violence are carried out against Prostitutes.

  A point of significant importance and the main difficulty in any directions given to Prostitutes is that in Glasgow most have a heavy drug addiction which leads to very chaotic lifestyles making it very difficult for them to follow even the simplest of instructions.
Procedures – Designation, Consultation And Appeals

Should the Bill be implemented it would be the relevant local authority who, after consultation, would designate an area as a ‘Tolerance Zone’. Thorough consultation would have to be made with local residents, businesses and other statutory authorities who hold an interest in that area.

From a policing perspective, a full risk assessment would have to be undertaken with regards to the geographical situation of the proposed area, the resident population with close scrutiny of residential hostels/schools in the close proximity and any members of the public who may use the area as a thoroughfare. Consideration would also be given to street lighting and any CCTV coverage within the area which would endeavour to make the area safer for anyone frequenting it.

Any indication as to the unsuitability of the area to be designated as a Tolerance Zone should be forwarded to the relevant Local Authority and the appeal process should be forwarded to the Scottish Ministers by the local authority for consideration.

How The Bill Might Help To Minimise The Opportunities For Associated Criminal Behaviour

There is no evidence to suggest that the implementation of the Bill would minimise the opportunities for associated criminal activities. On the contrary it may lead to an influx of drug dealers and other criminals intent on robbery of both the prostitutes and their clients.

To provide a high level of policing to combat any opportunities for associated criminal activities would have financial implications on the policing of Territorial Divisions where any Tolerance Zone was placed. It is also possible that ‘policing’ of a prostitution zone may drive the ‘customers’ and prostitutes from the Tolerance Zone.

Police Power To Suspend Or Modify Operation Of The Zone

With regards to the police power to suspend or modify the operation of the zone, this would have to be addressed by making application to the relevant local authority and at present the Bill presents no time scale in which that local authority must respond. Given that the need for suspension or modification would in all probability arise out of an urgent if not emergency situation then the inclusion of a timescale for response would be advantageous.

Other Strategies For Dealing With Prostitution

Strathclyde Police is in partnership with Glasgow City Council, Social Work, Housing, Greater Glasgow Health Board, Base 75, City Centre Initiative
Project, Turning Point (Scotland) and the Women’s Support Project in Routes out of Prostitution. The aim of the partnership is to prevent women from entering prostitution and to assist those already involved to exit. Base 75, which is a drop in centre for female prostitutes, is the first approach where medical and counselling services are available and there is also a methadone clinic held within. To date 91 women have been assessed of which 51 are being prescribed methadone. This programme is designed to enable the women to decrease their illegal drug dependence and therefore decrease the number of nights that they work in prostitution to fund their drug habit.

Routes out of Prostitution Social Inclusion Partnership Intervention Team commenced in October 2000 and is a long term strategy for women wishing to exit prostitution and is run under the guidance of Glasgow City Council Social Work Department. To date there has been 147 referrals made to the team of which they are presently working with 43 open cases. 34 women have exited prostitution, one of which is in full time University education studying law. Of the remaining referrals made to the Intervention Team 8 women have reduced the number of nights which they are working in prostitution.

Strathclyde Police strongly support the Routes Out of Prostitution strategy as opposed to the creation of Tolerance Zones in addressing this issue.

John McLean
Assistant Chief Constable
Community Safety
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John McLean
Assistant Chief Constable
Community Safety
Submission by Lothian & Borders Police to the Local Government Committee

(As submitted to the Justice Committee)

THE LEITH PROSTITUTION (NON-HARASSMENT) ZONE c1985-2001
“A BRIEF DESCRIPTION”

In responding to the invitation to give evidence on the Prostitution Tolerance Zones (Scotland) Bill I thought it might assist members of the Local Government Committee to have an accurate account of the development and operation of the Discretionary/Tolerance Zone for prostitutes which operated in Leith, Edinburgh between the 1980s and the year 2001.

The Leith model has been copied by many and held up as best practice. Accordingly it is important to understand its origins, strengths and weaknesses.

The views expressed in this document are my own and are based on personal experience over the life of the zone. They do not reflect ACPOS policy necessarily.

Let me say by introduction that the Leith policy for policing the sex industry was neither perfect nor trouble free. It was not introduced as a single strategy but evolved over nearly twenty years of pragmatism and the active co-operation of a number of groups – Police, Health Board, Council and not least sex industry workers and their representatives. This co-operation and the policy itself was often problematic and difficult to sustain, attracting as it did pressures and criticism from some Press, some politicians, some religious factions and eventually from residents. The demise of the Leith Non-Harassment Zone eventually came about as a result of pressure from residents in the regenerated area and the lack of legal basis for support by the local authority.

From a police perspective the Leith policy demanded a step beyond law enforcement to a wider consideration of the general public health and safety. I believe that this wider view is essential to the effective management of such a complex issue but it is a difficult line to cross for many police officers and for their staff associations. The Police Federation and others have, however, the luxury of being able to view the world only in the context of the law, they have no responsibility for the wider policing plan or for public safety.
The Leith policy was based on three basic propositions:

1. Prostitution has always and will always exist – no law enforcement agency, system of punishment, or moral or civil code has ever in recorded history eradicated the sex industry.

2. Rigorous law enforcement does not eradicate the sex industry but at best displaces it or drives it underground where the worst excesses of criminal activity, drugs, extortion, blackmail, pimping and violence have free reign to prey on it.

3. To ignore the sex industry or pretend it does not exist hinders good intelligence or intervention and also allows criminal elements to prey on it.

Accordingly it was concluded that the best if not ideal solution was to recognise the sex industry and develop multi-agency relationships, to contain, regulate and ensure it operated in the safest and healthiest environment possible. Importantly this was to be done while always working to encourage prostitutes away from the sex industry and preventing the incursion of serious criminal activity.

Despite the difficulties, tensions and ambiguities of our policy, many other police forces have sought to replicate the Leith model and some have done so. It is important to recognise, however, that the simple imposition of our system on other areas is unlikely to succeed since each area having its unique problem demands its own solution. For this reason comparisons between areas such as Edinburgh and Glasgow, are in my view, largely invalid.

To place our policy in context it is important to chart its development. From the time criminal records began Edinburgh, like all other cities, has had an established sex industry. In the 1960’s street prostitutes were confined to the traditional dock area and were serviced by mature and fairly streetwise women. Crimes committed by, and upon these women were generally unreported and a few very serious offences apart, the policing of street prostitution was a local matter enforced by small groups of plain clothes officers who often formed professional relationships with the established prostitutes, offering some protection to them and their clients. The clients of these street prostitutes were mainly working men, sailors and dock workers comprising the majority. Middle class clients were catered for by an infamous brothel which operated in the Stockbridge area from the 1940’s till the late 1970’s when the proprietor died. This establishment was well run and any attempted incursions by criminals was firmly resisted through informal but well-established contacts with local police.

In the late 1970’s these traditional patterns and informal controls disappeared when the main brothel in Stockbridge ceased to exist, and the first wave of Heroin abuse hit the housing schemes in Edinburgh. Throughout the late seventies and early eighties this resulted in a huge growth of young street
prostitutes, the vast majority being drugs and alcohol dependent or supporting others who were. At the same time the clientele changed with a greater number of middle class men, displaced from Stockbridge, coming to Leith to use the services of the growing number of street prostitutes. The results of these changes were explosive. Younger drug/alcohol dependent women displaced the more experienced women, supply outstripped demand and street prices fell while crime increased with more affluent clients being robbed, blackmailed and assaulted while the younger women, often working under the influence of drink or drugs, fell prey to violence and sexual assault.

In 1981 two street prostitutes were murdered and a number of others seriously assaulted, numerous clients were assaulted, robbed and blackmailed and it was clear that behind these known statistics a substantial “dark figure” existed. It became clear that the old systems of informal control no longer worked and that if we were to regain control it would require a careful analysis and a strategic re-direction.

An analysis of that time showed that the sex industry in Edinburgh fell, as it does today, into three broad categories; The street scene in Leith, the saunas and massage parlours, then beginning to emerge, and the small and unquantified private flat/escort agency operations. There also exists a small but volatile homosexual rent boy scene but since our interest is mainly in female prostitution, I will restrict my comments to the sex industry as it relates to women only.

At that time the Leith street scene comprised a constantly changing population of about 200 women, engaged in chaotic and highly dangerous patterns of offending.

It was immediately clear that most of the women were not engaged in prostitution by choice but were working to sustain themselves or their dependants. A substantial number came from a background of local authority care and had developed drug and alcohol dependence in their teenage years. Because of the high level of activity many were falling regularly into the hands of the police as victims or offenders, but it was to the pattern of offending that we first addressed ourselves. Then as now we operated the three caution system before charge. That is to say a woman found soliciting would be cautioned on three occasions before a charge would be preferred. On conviction the offenders would then be designated a convicted or known prostitute, effectively stigmatised and trapped to some extent within the sex industry. Whereas in the previous era the older wiser prostitutes went to considerable lengths to avoid conviction, often moving area or ceasing to offend when cautions began to mount, the lifestyles of the new generation did not allow for this and the number of convicted prostitutes was growing steadily.

On examining court disposals it became clear that traditional punishments did little to discourage offending, indeed the opposite was often true. When fined, the most common disposal, the offender was compelled to offend again to pay the fine, when chaotic lifestyle and the inability to pay resulted in fine default -
imprisonment eventually followed. Our study showed imprisonment apparently did little to deter either with additional pressure being placed on a frequently dysfunctional domestic life.

A picture emerged of a large and volatile group of women chaotically engaged in dangerous behaviour in which they had been trapped, many apparently with the unwitting assistance of the criminal justice system. In a time when HIV/AIDS was emerging as a major hazard this was recognised as a significant threat to the wider public safety.

The developing sauna/massage parlour represented a safer solution offering as it did some control and a healthier environment for workers and clients alike. The licensing of saunas and massage parlours was made possible by the Civic Government Scotland Act which gives local authorities the option to licence for public entertainment certain premises, dance halls, snooker clubs, etc. Some authorities decided to licence saunas/massage parlours, others did not. The City of Edinburgh Council decided after consultation with the police to licence such premises within Edinburgh, not as a back door method of legalising the sex industry but in recognition that most, if not all, saunas/massage parlours are part of the sex industry and it was better to have some control than none. The provisions of the Civic Government Scotland Act give opportunity to vet applicants for licences to establish suitability of premises and most importantly right of access. During the 1970’s some 20 saunas/massage parlours opened in Edinburgh and contrary to predictions of enormous growth that number has remained fairly constant, supply apparently having matched demand.

Following our review of the 1980s we developed a strategy based on the wider public safety, the main elements of which are as follows.

**Multi-agency Working and Group Responsibility**

Recognising that the police are one component of any strategy we established good communications with the Health Board, departments of the local authority and most significantly the prostitute health groups – SHIVA (now defunct) and “Scot-Pep”. The importance of these groups cannot be overstated since they provide the main contact with the street and sauna workers.

In our experience group responsibility and understanding was vitally important particularly when dealing with the press and all involved worked hard to establish and maintain contact and trust at a number of levels.

**Non-Harassment Zone – Prosecution Policy – Patrol Profile**

From the start it was evident that while agreements in principal and strategic direction were essential, understandings on practical issues had to be put in place. Accordingly a Non-Harassment Zone for street prostitutes in the
Coburg Street area of Leith was agreed. It is important at this stage to define our Non-Harassment Zone policy. Within the defined area of the zone we undertook to take no action against an agreed number (usually 20) of street prostitutes who worked in a manner which did not attract complaints from members of the public or otherwise cause offence. That is to say they had to be sober, not obviously under the influence of drugs and be reasonably well behaved. If aspects of this understanding were breached we first took action to rectify matters before preferring charges.

Prosecution policy was of utmost importance since it was vital that prostitutes and their representatives knew where the line was drawn. As previously described while working within the Non-Harassment Zone we undertook to take no action as long as prostitutes behaved reasonably. We did not tolerate the presence of pimps, the presence of drugs or other criminal activity within or without the Non-Harassment Zone. Likewise if prostitutes operated outwith the zone they were moved on and reminded of the agreement prior to any action being taken. Inevitably, however, we did not succeed in conciliating all complaints and in an average six month period usually cautioned seventeen to twenty prostitutes and subsequently charged three. When a street prostitute is charged we do not as a matter of policy seize as evidence condoms or other contraceptive devices. This was once standard procedure since it indicated sexual activity but since the practice deterred the use of condoms among some prostitutes we discontinued seizure after consultation with the Procurator Fiscal – we now make no reference to possession of such articles so as not to discourage their use. Given the level of activity in Leith we considered the small number charged a credit to the practitioners from all groups involved.

In order to maintain this uneasy balance a structured police patrol profile was essential and we tried to maintain a regular but not heavy uniform patrol presence in and around the Non-Harassment Zone. This helped to control the behaviour of the street prostitutes and their clients but just as importantly provided a safer environment for both.

**Prostitute Liaison Officer**

Since 1993 we have deployed a Prostitute Liaison Officer tasked with keeping regular contact with the street prostitutes and their various help groups. The PLO will routinely visit the prostitute “drop in centre” and act as a mediator in any local difficulty as well as a line of communication for criminal intelligence and problem solving.

These arrangements worked reasonably well for nearly 20 years but they were always informal and depended ultimately on goodwill, pragmatism and a degree of flexibility.

The Leith policy came under pressure and failed when the traditional zone was re-developed for high amenity houses and the new residents began a campaign of complaints. An attempt to move the zone to a nearby,
commercial area also failed because of public pressure and the attention of the local press. Since the zone had always been informal, the City of Edinburgh Council and its locally elected members could not support its continuance.

At the present time there is no designated area for street prostitution in Edinburgh but the trade continues in a number of locations in Leith. Understandably local residents are concerned and resistant to prostitutes and their clients in their neighbourhoods and this has led to a number of complaints, petitions and public demonstrations amidst continuing media interest. From a police perspective there has been a loss of control and intelligence, pimps have started to re-appear and although we still have good contact with the prostitute help groups it is fair to say that we have lost much of the advantage gained over the last twenty years.

In conclusion you will have noted from my description that the Leith policy was far from perfect, but it did provide a pragmatic response in which risk to health, the public safety, and victimisation was reduced. I have no doubts as to the overall benefit of a Tolerance or Non-Harassment Zone such as operated in Leith. The challenge will be in the practical application of such a scheme within a legal framework should the Bill be passed into law.

(T J Wood)
Deputy Chief Constable

26 November 2002