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Findings from Wales supporting the decriminalisation of sex work

Tracey Sagar and Debbie Jones

Introduction

Several countries across the globe have English law at the very foundation of their legal systems (Australia, Canada and New Zealand for example), thus it is hardly surprising that in line with the English law, 'prostitution' has been closely associated with a public nuisance discourse in so many countries, with a tradition of managing and containing 'visible' street-based sex work in particular (Hancock 1991; Kantola and Squires 2004; Scoular 2010; Abel et al. 2010; Campbell 2015). However, unlike parts of Australia and New Zealand which have adopted a progressive approach to sex work through either licencing (Australia) or the removal of sex work laws (New Zealand), England and Wales (like Canada) have remained steadfast in their position that visible sex work is offensive, injurious and a self evident public nuisance, thus commanding criminal law sanctions (Wolfenden 1957). In England and Wales a system of partial criminalisation seeks to 'manage' sex work through outlawing a variety of visible activities such as soliciting and loitering in a public place under the Street Offences Act 1959 and kerb crawling and soliciting under the Sexual Offences Act 1985. It is an approach that was re-emphasised in the late 1990s and beyond under the then New Labour government where sex work was not only held up as a public nuisance but also took on the mantle of behaviour that was *anti-social* causing harassment, alarm and distress to members of the wider community (Crime and Disorder Act 1998). Under the New Labour government communities were urged not to tolerate prostitution; the government even supported community activism against sex workers through the state backed 'Street Watch' community/policing initiative which had a primary aim of displacing sex workers outside of the community, and it urged local authorities and the police to work with members of the community to curb undesirable behaviour through the implementation of anti-social behaviour orders (ASBOs) preventing sex workers from engaging in 'prostitution' and excluding them from entering specified geographical areas (Sagar 2005, 2007). All of this took place within a new era of policing underpinned by the concept of *community safety*.

Somewhat ironically, conceptually *community safety* moved the focus of crime prevention from property to *people* – it re-focused attention to the safety needs of those in the community (Squires 1997). Achieving community safety was dependent on local people working with the police and other agencies to

undertake coordinated action to resolve local problems. For the police, this partnership approach shared accountability for local issues but in doing so it meant that problems requiring community/police action were also selected at the local level, and primarily this meant that they would be set by the respectable middle classes i.e. those who were much more likely to engage with the police (Brake and Hale 1992: 77, cited in Squires 1997) to the detriment of others. Focusing on what and who the community needed protection *from* resulted in individuals and groups being either *inside* or *outside* of the community and this was and continues to be problematic for sex workers, and particularly so while sex work laws and policies are swathed in public nuisance/community protection discourse which prioritises the needs of the community – over and above for example the safety of sex workers.

It is hardly surprising therefore that sex work policy reforms in England and Wales which are shrouded in protective speak (recognising the vulnerability and exploitation of sex workers, the need for welfarist interventions and support to leave the industry, see Home Office 2004 and 2006) have in fact had severe consequences for sex workers. What could outwardly be regarded as a form of progressive governance given that the needs and protection of sex workers appear to be elevated has been criticised by Scoular and O'Neill (2007) for utilising social 'inclusion techniques' which in truth are much more about 'risk management' and 'responsibilisation'. For example, today under the law of England and Wales sex workers (vulnerable or not) can be ordered by the court to engage with support workers to find ways to exit sex work (see, section 17 Policing and Crime Act 2009). In this instance, good citizenship requires individual change – ceasing to engage in sex work. In short, as Scoular and O'Neill (2007) bluntly explain, inclusion was never really on offer to sex workers. Instead the reforms reflected the moral and political communitarian vision of the then New Labour government, leaving sex workers on the road to nowhere – lacking good citizenship, beyond community and consequentially de-prioritised in Community Safety initiatives. Indeed, putting the final nail in the coffin, the then New Labour government throughout the policy development process declared sex work to be a public nuisance and the *intolerance* of sex work in the community was encouraged, as well as zero tolerance policing initiatives (see Home Office 2004, 2006).

At the same time, however, a different model of regulating sex work was being implemented across Europe, underpinned by a neo-abolitionist perspective (Scoular and Carline 2014) that defined 'prostitution' as male violence against women and the epitome of male patriarchal domination (male and trans sex workers are not the focus of this agenda, see Whowell 2010). Several European countries in the late 1990s and the first decade of the new millennium outlawed the purchase of sex (for example, Sweden in 1999; Norway in 2009; Iceland in 2009) and what has become known as the 'Swedish' or 'Nordic model' has found a firm place on the political radar within Europe with Northern Ireland and France most recently adopting the model in 2016. To date, England and Wales (two countries which share the same criminal legal system) have refrained from criminalising the purchase of sex per se (see Home Office 2008), but as already noted, there is in place a re-structured legal framework designed to meet the call to provide protection for

sex workers from the violence inflicted by male exploiters and tougher measures have been implemented to protect against exploitation through laws that seek to deter men from purchasing sex (see for example, section 14 Policing and Crime Act 2009). As Carline (2009) points out, meeting the vulnerability of sex workers through criminal measures which target clients still sends forth a strong message that buying sex is morally unacceptable.

Of course a problem of some significance is presented where sex workers are on the one hand perceived to be vulnerable and exploited and in need of assistance, and on the other creators of public nuisance and offenders against the community because prioritising community interests can serve to negatively impact on the safety of sex workers – where sex workers are forced out in geographical terms from residential areas (through ASBOs and more recently Criminal Behaviour Orders under the Anti-Social Behaviour Act 2014 for example, and zero tolerance policing including operations targeted at clients), their vulnerability is heightened (Sanders 2009). Furthermore, it is true to say that concerns within the academic community are unremitting regarding the compulsory nature of section 17 engagement and support orders and the ability of criminal justice interventions to 'exit' sex workers from the streets (Scoular and Carline 2014) as well as reducing sex work through client targeting (Sanders et al. 2009). And while further policy guidance on responding to sex work was offered in 2011 from the then Coalition government which did (once again) emphasise the need to provide holistic multi-agency support for sex workers to facilitate exit from sex work, it also followed the long-standing trend of governments in underlining the negative impact sex work can have on communities and made it clear that local resources should be utilised to prevent sex work from taking place (Home Office 2011). In sum, despite the contemporary shifts in law and policy from enforcement to welfarist models of social control, sex work continues to be regarded as a crime against the community and protecting the community from sex workers remains at the heart of sex work policy in England and Wales (Sagar and Jones 2013a). The upshot is that the legal and policy framework regulating sex work in England and Wales is full of contradictions and this in turn presents a labyrinth to be negotiated in policing terms.

This chapter challenges the premise that sex work is a crime against the community necessitating punitive control. It draws on findings from the research project 'Sex Work Research Wales', a 4-year project that took place across Wales between 2010 and 2014.¹ Setting out to fill gaps in knowledge in Wales regarding the location of both on and off street sex work, the research also sought to understand the extent of the negative impact of sex work on Welsh communities as well as policing responses. Analysis suggests that sex work (both on and off street) is neither a policing priority nor a contested community issue in Wales. The importance of the findings is as follows. First, they add to an increasing body of local research highlighting the willingness of residents living in red light areas to share community space/try new and less punitive ways of managing sex work (see for e.g. Bellis et al. 2007; O'Neill et al. 2008; Sagar and Jones 2013a; Sanders and Sehmbi 2015). Second, at a national level in Wales the data signals a more tolerant attitude to sex work and this calls strategies of zero tolerance prescribed by

governments into question. The findings here confront many of the ‘community protection’ concerns which underpin the need for legal controls and which tend to be brought to the surface when the necessity of regulatory laws and policies are deliberated (see Wolfenden 1957; Criminal Law Revision Committee 1984; Home Office 2004, 2006). Thus, the discussion which follows here is very timely given the current review of sex work laws invoked by the House of Commons Home Affairs Committee (2016). At the time of writing the Committee is carefully considering the potential of both the Nordic and New Zealand sex work frameworks in particular. Contributing to this debate, our findings from Wales lead us to argue that abolitionist policies that criminalise the purchase of sex (Nordic model) may not easily be supported by the position that sex work is a public nuisance/damaging to communities. Instead we maintain that the indicators of community toleration presented in this chapter pave the way for the recognition that sex workers have the right to work safely within an inclusionary society and offer support for decriminalisation.

Sex work in Wales: A brief overview

Wales is a devolved nation of the United Kingdom bordered by England to its east. As a devolved nation, it has its own responsibility in matters of health and other social programmes such as education and well-being. However, in matters of criminal law Wales is governed by the law of England and Wales (unlike Scotland which has its own criminal legal system). Being a small nation with an estimated population of just over three million (UK Population 2016), there has been a tendency for sex work-related issues to be subsumed within policy and practice derived from and developed within England. And, it is true to say that until the last 10 years or so very little was known about sex work in Wales. In 1997, the then New Labour government’s mantra of local areas are best placed to resolve local problems, together with an importance on evidence-based local policies, brought about the development of local Community Safety Partnerships in Wales and consequentially some years later multi-agency approaches came into being with the aim of tackling a wide variety of local issues including sex work. Collaborations between academics and agency stakeholders began to take place in the pursuit of evidence-based sex work policy in Wales from 2008 onwards; for example, the authors of this chapter have worked alongside a wide range of local agencies (statutory and third sector) to provide base line data on sex work in Wales. Yet, unsurprisingly given the ‘local’ focus, this work was patchy and tended to take place in the nation’s capital, Cardiff (see for example Sagar et al. 2010; Sagar and Jones 2010). In an attempt to provide some much needed national base line evidence, a 4-year project ‘Sex Work Research Wales’ (SWRW) led by Gibran UK (a third sector organisation working to support people in the Criminal Justice System) in partnership with Swansea University (funded by the Big Lottery in Wales) took place between 2010–14, the findings of which are the focus of this chapter.

Following an outline of the project’s methodology, key findings of the project are presented. Importantly, the findings reported here from Wales are primarily concerned with the policing of sex work and public perceptions of sex work. Arguing that sex work in Wales does not present as a perpetual community

nuisance which needs to be eliminated, we suggest the time is now right to leave behind our obsession with nuisance and enforcement, and embark on a process of legal and policy reform which recognises sex workers as members of the community – deserving emotional and physical security.

Methods

The study

Adopting a multi methods approach the 'Sex Work Research Wales' (SWRW) study was divided into 2 phases. Phase 1 had a number of aims: to geographically map the areas in Wales where sex work took place both on and off street; identify whether sex workers were the target of police operations in Wales; locate areas of Wales where sex work was a community concern; identify multi-agency sex work focused partnerships across Wales; and to consider service provision for sex workers from the perspectives of service users. Phase 2 provided in-depth research which aimed to: understand how local areas with significant sex work populations responded to and managed sex work within a multi-agency capacity; work with local organisations to engage with sex workers; provide in-depth understandings of sex workers' experiences alongside of the opinions and impact of sex work on local communities in a case study area. This chapter draws on the project data specifically concerned with policing sex work and community perceptions of sex work. In this way we are able to provide: an overview of sex work in Wales; police responses to visible sex work activity; indicators of community discontent at sex work across Wales; and community views and opinions of sex work.

Engendering social change: action research

The study was underpinned by an Action Research (AR) ethos – influenced by the ground-breaking work of O'Neill and Campbell's (2004) community study of the impact of street sex work in Walsall. Stepping away from traditional methods of social science research, O'Neill and Campbell opened up their study to community participants who they trained to carry out the research in partnership with them with the purpose of generating new understandings and social change. Similarly, SWRW sought to address the power imbalance from research that is carried out 'on' participants to one that is inclusive and potentially empowering – conducting research 'with' those who are the subject of the study. SWRW trained 10 peer/community researchers (sex workers and members of the wider community) to carry out interviews and administer questionnaires with sex workers, residents and members of the business community (the latter of which forms the focus of this chapter). Peer researchers also assisted with data analysis.

Data collection methods

As already noted, this chapter does not report on the findings from all of the elements to the study (for the full report see Sagar et al. 2014) but focuses on the following aspects of data collection:

Phase 1***Data was collected from:***

- a) Community Safety Partnerships through the completion of a questionnaire;
- b) Two sister websites and newspapers across Wales utilising a three 'one day count' approach (Stanko 2001).
- c) Freedom of Information Requests to all four Welsh Police Forces (South Wales, Dyfed Powys; Gwent and North Wales);
- d) A survey administered to all four Police force areas in Wales to identify areas where sex work takes place and to assess levels of community discontent.

Phase 2

Provided a more detailed examination of responses to sex work within the South Wales area (identified by Phase 1 as the area within which sex work was most prevalent). During this phase of the study, semi-structured interviews were conducted with stakeholders in Cardiff, Newport and Swansea.

The city of Swansea was identified as the area which would most benefit from SWRW partnership work (responses to sex work were only just developing in this area and little was known about community perceptions and opinions of sex work). In this final stage of the project, questionnaires were carried out with businesses and members of the community in relation to the impact of sex work in Swansea.

Response rates**Phase 1**

A total of 17 out of 22 Community Safety Partnerships responded to our survey. Three partnerships requested that we apply for information via the Freedom of Information (FOI) Act 2000 which we duly did. Data from Community Safety Partnerships were also triangulated through counting sex worker advertisements online and in newspapers. Three one-day counts took place between December 2010 and April 2011.

All four police forces took part in the research. In particular FOI requests were focused on information relating to numbers of people cautioned/arrested/released without charge/charged with soliciting or loitering under the Street Offences Act 1959 between July 2009 and August 2010.

A further aspect of the mapping phase of the project included the identification of sex work within 891 Welsh wards (neighbourhoods defined for electoral purposes) with the aim of assessing the impact of sex work on local communities from a community policing perspective. With the assistance of Gwent Police, North Wales Police and Dyfed Powys Police local police officers/Police Community Support Officers (PCSO's) who had responsibility for a geographical ward were contacted and completed a questionnaire. While agreeing to administer the questionnaire, South Wales Police opted for an internal approach drawing

on the experience of Detective Inspectors in the Public Protection Departments throughout South Wales Police. The survey was designed to elicit: demographic information; dichotomous (yes/no) responses in relation to the identification of prostitution in the ward and open-ended response options that sought to understand the impact and prevalence of prostitution on local communities. The return rate for North Wales Police was approximately 89% with sex work identified in nine wards; Dyfed Powys approximately 81% with sex work identified in four wards; Gwent Police approximately 77% with sex work identified in 12 wards. In relation to South Wales Police sex work was identified in two wards.

Phase 2

Phase 1 identified that sex work was most prevalent in the South Wales region and thus South Wales became the focus of phase 2 of the research. Sixteen stakeholder organisations took part in the research: Cardiff (4); Newport (6); Swansea (6). This chapter draws on interviews with key stakeholders across South Wales in the context of multi-agency partnership work and local responses to sex work.

Phase 2 also included a case study. Swansea was selected due to it having both street-based and off street sex work with an atypical market in that there appeared to be considerable mobility between off and on street markets which was strongly associated with drug use. Furthermore, little was known about the impact of sex work on Swansea residents or community perceptions and opinions regarding the existence of sex work in the community. A self-completion questionnaire was chosen to survey the opinions and attitudes of residents and businesses (likely to be affected by sex work) within the case study area. Residents were provided with the opportunity to complete the questionnaire by return of post as well as face-to-face completion with our community researchers. The questionnaire's answer options were designed to elicit: demographic information; dichotomous (yes/no) responses in relation to knowledge of prostitution; Likert scale questions and options for qualitative in depth responses aimed at extracting data in relation to the more complex understandings of street-based 'prostitution' and solutions to it. In terms of content the questionnaire assessed: prevalence of street sex work; attitudes about sex work and sex workers including views about the safety of sex workers; the impact of sex work on the quality of life of the respondents; and understandings of the respondents in relation to local responses to street sex work.

Sampling

The overall sampling framework for the study was a hybrid of self-selecting, opportunistic, snowballing and targeted. Such sampling frameworks are not unusual in studies relating to the study of sex work (Shaver 2005). In relation to the Swansea case study, the population from which the sample for the study was drawn was identified from local stakeholder knowledge including police and sex work outreach services and interviews with sex workers. In total 58 residents and businesses took part in the research either through completion of a postal questionnaire or through face-to-face methods.

Analysis framework

A quantitative software package was used to present descriptive statistics; however, more meaningful data was extracted from qualitative responses and analysed using a thematic framework.

Ethical approval

Ethical approval for the study was granted by the College of Health and Human Sciences, Swansea University.

Findings***Mapping sex work******Street-based work***

As already noted, part of the geographical mapping process included survey responses from Community Safety Partnerships in Wales and front line service providers. A total of 155 *street-based* workers were estimated across Wales by Community Safety Partnerships; however this figure was met by an increased estimate of up to 263 by service providers. Areas identifying more than 10 street-based workers included Carmarthenshire (estimated range 10–30); Cardiff (estimated at 100); Newport (estimated at 50); Swansea (estimated at 40).

Off street sex work establishments

The majority of Community Safety Partnerships as well as service providers had little awareness of *off street* activity in their areas. Front line service providers however were able to estimate the number of off street establishments at approximately 67 with responses indicating that Cardiff, Newport and Swansea had the most concentrated number of off street sex work establishments – Cardiff (estimated at 10); Newport (estimated range 10 to 20); Swansea (estimated range 10 to 11).

Internet enabled sex work/newspaper advertisements

Having carried out research in Wales for several years, the project anticipated that both Community Safety Partnerships and stakeholder services would have negligible awareness of less visible forms of sex work such as internet enabled sex work – by this we mean those establishments and agencies which advertise their services online as well as those who offer sexual services and who work independently and advertise online. We were also aware that sex workers utilise other mechanisms of advertising such as newspapers. Employing our three ‘one-day count’ approach we collated data from two sister websites as well as newspaper advertisements across Wales. Data revealed:

- a) 57 establishments
- b) 1195 sex workers advertising online
- c) 209 sex workers advertising in newspapers (data cross checked with online advertisements for duplication).

Through this method we were able to present regional analysis which confirmed sex work was concentrated in South Wales, 40% in Cardiff; 14% in Swansea and 14% in Newport with the rest of Wales standing at 32%. Furthermore, and very importantly, we were also able to confirm that sex work took place *in all 22 local authority areas in Wales*. However, we are very careful to point out that we certainly do not hold out our findings as a true and accurate representation of sex work in Wales – the figure is likely to be much higher. To clarify, SWRW carried out three one-day counts on only two sister websites in Wales and it is important to recognise that escort agencies and sex workers thought to be working independently are also known to operate through social media networks such as Facebook and Twitter and individuals advertise sexual services on their own websites.

Policing responses to sex work

The FOI requests to the four police forces in Wales asked for information on prostitution offences as well as sex work activity warranting police action. Dyfed Powys Police did not hold any information on prostitution-related offences or police operations. Both Gwent Police and North Wales Police had not issued any cautions or made any arrests or released any individual without charge for soliciting or loitering offences. Neither force had carried out any police operations targeted at sex workers or their clients. South Wales Police had issued cautions for the offences of 'soliciting' and 'loitering' to 16 females but no arrests had been made, thus there had been no charges or convictions. Overall the requests revealed that sex work was not a target of police operations in Wales, with only 16 cautions being issued across the whole of Wales. Thus, it could not be said that sex work was a policing priority, or an activity warranting a zero-tolerance approach and the use of punitive sanctions.

Wards in which sex work is a community issue

With the assistance of the four Police Forces in Wales, data was collated from local police representatives and Detective Inspectors of South Wales Police to identify in which of the 891 wards in Wales sex work was taking place, and furthermore whether or not this had been presented as an issue for the wider community.

Sex work was identified as taking place or having recently taken place in *only 27 out of 891 Welsh wards*. Sex work was not identified as a community issue at all in the Dyfed Powys and North Wales Police areas. Furthermore, evidence suggested that within those 27 wards, sex work was only an issue for the community in *six wards* – four in Newport and two in Cardiff. Police responses also made it clear that sex work was a concern for a very small minority of residents within these six wards. For example, it was confirmed by South Wales Police that between January and May 2011 only three residents had raised concerns about sex work in the Cardiff wards of Grangetown and Splott at Community and Partners Together Meetings (PACT). Similarly, Gwent Police reported that: three residents had raised concerns about sex work in Pillgwenlly; four–five residents reporting they had *seen* street workers in Victoria; two residents had complained about a brothel in Always; three residents had complained about a brothel in Beechwood. These latter

complaints regarding brothels had arisen due to sex work establishments popping up in quiet residential areas. Importantly, as highlighted in the following section, in the six wards where sex work was raised as a cause of community concern, the police forces concerned were actively engaged in multi-agency partnership work.

Multi-agency responses to sex work in the South Wales region

As already noted, phase 2 of the project focused on the South Wales region where data suggested sex work was most concentrated and in particular on three Welsh cities which are connected by the M4 motorway – Newport, Cardiff and Swansea. Only Cardiff and Newport had developed a multi-agency response to sex work, with informal multi-agency work at the time taking place in Swansea. We asked stakeholder agencies/services in these areas to share with us their understandings of sex work focused partnership work as well as their views and opinions regarding the benefits and limitations regarding the delivery of multi-agency work.

Cardiff was found to have a strong multi-agency partnership which had come together to form the Cardiff Sex Worker Forum in 2008 with the aim of delivering a coordinated response to sex work. Focusing primarily on *street sex work*, a key aim of the Forum (which was reiterated by all stakeholder participants) was to uphold and enforce the law and respond to community need and the vulnerabilities of street-based workers – ensuring justice for ALL the community. Thus, community safety was interpreted broadly by Forum members to include a public health duty to protect sex workers and to keep sex workers safe. South Wales Police and Forum partners had also made a commitment to keep sex workers out of the criminal justice system and had developed a ‘Diversionary Pathway’ – where a sex worker may receive a police caution with a provision to engage with support services, and where an application for a section 17 engagement and support order was seen as a *last resort*. In this way, the partners believed that they could respond to the complex needs of sex workers and improve their safety and well-being – whether a sex worker remained in sex work or chose to exit.

A multi-agency ‘prostitution group’ had been established in Newport which was chaired by Gwent Police but it did not meet regularly and tended to come together where an issue required attention – therefore it was reactionary rather than strategic. However, there was a clear will amongst all agencies/services to support sex workers as *members of the community*. Gwent Police did not actively seek to deploy punitive sanctions against sex workers; however anti-social behaviour was not tolerated and several ASBOs had been invoked against both street sex workers and their clients. A significant issue was that off-street brothels popped up in residential streets and thus the police had elected to adopt a pragmatic approach – if establishments operated quietly and discreetly then the police would visit and monitor but take no formal action (a traffic light approach). Gwent Police representatives also described the development of a ‘code of conduct’ – an informal contract between the police and off street establishments which had reduced anti-social behaviour, kept sex workers safe and encouraged good sexual health practices, as well as providing consistent standards across the city.

As for Swansea, an increase in intelligence relating to the numbers of sex workers picked up in custody had led to a multi-agency focus on sex work. At the time of the

research South Wales Police and front line services were actively working together. Particularly there was a general consensus that drugs and sex work was inextricably linked in Swansea with a great deal of mobility between on and off street sex work which correlated with periods of 'stability' or 'instability' and drug use. Regarding visible street-based sex work, the police response was to invoke section 27 of the Violent Crime Reduction Act 2006 to move individuals on where they were causing anti-social behaviour that involved the use of drugs and or alcohol – although police representatives acknowledged that this was an outdated approach and far from ideal. As for off street establishments in the area (shop front style), South Wales Police sporadically visited premises to ensure that sex workers were safe.

The findings across the South Wales region were very clear in highlighting that precious resources were targeted at *either* the off-street market (Newport and Swansea) or the on street market (Cardiff) but not both and this presented a serious limitation to the development of an all-encompassing sex work strategy in the three cities. All participants acknowledged the need to develop a regional response, to share intelligence and good practice and in the words of one participant 'to prevent a catastrophe like Ipswich'. However, all three areas did adopt a harm reduction approach and in negotiating the needs of sex workers as members of the community their safety was a priority. It could therefore be suggested that these findings fly in the face of our former contentions that sex workers are outside of community and that their needs are de-prioritised against the needs of the wider community. However, as the data presented thus far indicates, sex work is not a policing priority because it is not a significant community issue in Wales. Indeed, as the following results from our case study illustrates, members of the wider community did not deem sex work to be a community nuisance.

Community perceptions of sex work and the impact of sex work on community

As already noted, 20 residents and 38 businesses provided their views and opinions of on and off street sex work in the Swansea study area.

Resident responses

Street sex work was identified as a crime and disorder issue by only two respondents. The majority of respondents either 'didn't know' sex work took place in the area ($n = 8$) or believed that the numbers of sex workers in the locality were less than 10 ($n = 10$). The overwhelming majority of respondents indicated that they either 'hardly ever' or 'never' saw street sex workers ($n = 16$). While one respondent identified street sex work as an issue which affected the quality of their 'everyday life', others who saw street-based sex workers were clearly concerned about their safety, for example:

I think that sex workers need to be protected. . . . I think that the safety of sex workers should be the main priority and that we should try to understand the reasons behind why people sell sex so that we can protect their welfare.

R05

100 *Tracey Sagar and Debbie Jones*

I have no personal experience of prostitution but I also think that in a free world people should be free to do whatever they wish to make a living – as long as they are safe!

R83

In terms of nuisance one participant explained:

Just the odd kerb crawler. Not a great nuisance but not very nice either. We have more nuisances from the drop-in centre across the road, but this has calmed down now though.

R02

As for off street sex work, the majority of respondents were aware of sex work in the locality but none of the respondents expressed strong opinions (either positive or negative) about off street work. Indeed, residents appeared to adopt a pragmatic approach:

Swansea has a number of well known establishments and they all are ‘behind closed doors’. I have no objection to them operating, it is far better than moving prostitution onto the streets.

R84

Taylor & Francis

Business responses

Crime and disorder in the area was identified by businesses as being primarily anti-social behaviour associated with drug and alcohol use. Out of 38 businesses, 25 were ‘not aware’ of street-based prostitution with 12 indicating they were ‘aware’, and one indicating that they ‘didn’t know’. Furthermore, street-based sex work was not identified as an issue having a negative impact on business:

The street sex workers I am aware of are females but they have never been a problem for this business.

B58

I am aware that it does go on, but it does not affect me.

B67

Friends of mine have said that they’ve seen street based prostitution taking place around here, but I haven’t. It has not made an impact on the business here at all.

B12

The majority of business respondents indicated that they perceived that there were five or less off-street establishments in the locality ($n = 29$); seven respondents didn’t know and only one respondent believed that there was over five. None of the respondents reported that indoor establishments had a negative impact on their business.

Nuisance versus safety

Responses (residents and business) did not indicate that sex work was a community concern. Only four respondents out of 58 (two residents and two businesses) agreed with the statement 'I think prostitutes are a nuisance' with the overwhelming majority ($n = 51$) of respondents indicating that they 'disagreed' with the statement.

The perceptions of residents and businesses regarding sex work were found to be very similar to those reported in survey on community perceptions of sex work in Cardiff by Sagar et al. (2010) in that there was a clear divide in opinion as to whether or not people 'should be allowed to buy and sell sex', but with a significant percentage indicating that they worried about the safety of sex workers in the area. Interestingly in Swansea, analysis showed that although 92.3% of the sample either 'hardly ever' or 'hardly ever to never', see street-based sex work, many of these participants also believed that people should *not* be allowed to buy and sell sex, suggesting therefore an objection towards sex work even though they hardly ever or never witnessed it. Yet, in stark contrast, the idea that sex workers are a nuisance received the least conformity and this does not fit with the presumption that sex work is inextricably linked to community nuisance. Furthermore, businesses and residents had firm ideas about different ways of approaching sex work – other than criminalisation:

I think this type of business should be monitored and taxed like any other. Stop keeping this type of work in the shadows, it will never go away.

R83

I think people should be able to buy and sell sex in a controlled environment.

B53

I think that prostitution should be made safer by regulating the health aspects of the work, ensuring that the sex workers are consenting adults, taxing the industry as a whole and then using the income from this taxation to help sex workers leave the industry if they wish to. Sex work should be decriminalised in general.

B35

A main theme arising throughout the responses was a worry and concern about the health and safety sex workers:

Prostitution should be legalised so workers are safe. It is inevitable so it should be legalised.

B68

I think prostitution will always take place but there should be a safe place provided for both the sellers and buyers protection . . . sex workers should have a safe place to work in outside of the city centre, like a managed zone. Sex work is always going to happen so they should have somewhere safe to work.

B63

I think prostitution should be regulated like it is in Amsterdam to make sure that the sex workers are safe and that they have a safe place to work.

B47

Discussion and conclusions

The findings presented in this chapter clearly suggest that although sex work takes place in every local authority area of Wales, it is not a priority for law enforcers. Sex work is only a contested community issue in a handful of wards and for a very small minority of residents within those wards (see also Sagar and Jones 2013b). Findings from the Swansea residents and business survey also suggested that while the principle of being allowed to sell and buy sex may be opposed by members of the community, the actual negative impact of sex work is negligible. Instead, for the police who work in a multi-agency capacity and for the community who live in areas where sex work takes place, sex work is primarily a welfare and safety issue – suggesting widespread support for harm reduction rather than criminalisation.

Importantly, the findings in this chapter provide more than a snapshot of a period of time in Wales – they offer a foundation for both legal and policy reform. In policy terms the findings evidence a clear will within communities to prioritise the safety and well-being of sex workers. And, while it is true to say that multi-agency approaches and community safety initiatives are often *very* localised and therefore fragmented, the building blocks for an inclusive sex work *Strategy for Wales* are in place. In stating this we are careful to note that the 2016 National Policing Chiefs' Council's (NPCC) guidance on policing sex work is to be welcomed with its harm reduction ethos, its call for sex workers to be treated with dignity and respect (para. 5.23), its call for the community to be involved in decision making (para. 5.18), its warnings against police operations that might lead to the displacement of sex work (para. 5.22) and its message that criminal sanctions should be a last resort (para. 5.26), and in Wales it is perhaps true to say that the approach of the NPCC is already embedded to a significant extent. However, as Alex Feis-Bryce has already emphasised in this Part I of this book, this is merely guidance and does not represent a straightjacket for police forces by any means. Thus, while the guidance has the potential to steer collaborative work in a positive way, we nevertheless argue that a *National Strategy for Wales* is now appropriate, not least because it could formalise regional and local responses and provide some much needed steering to improve information sharing and communication across Police Force areas, something that appears to have been overlooked in the NPCCs guidance. The guidance does call for 'a bespoke intelligence picture for each local area' as well as 'investigative and intelligence-building partnerships and information exchange protocols with key partners' (para.5.28), but our evidence suggests that there is little information sharing between Police Forces and within Police Forces pertaining to different sex work localities. We consider a National coordinated approach could facilitate information sharing, and that is particularly important in Wales given the mobility of sex workers who are known to work for example along the South Wales M4 corridor.

In terms of potential legal reform, we also welcome the interim report on prostitution from the House of Commons Home Affairs Committee (2016) which proposes the decriminalisation of the sale of sex, changes to brothel keeping laws to enable sex workers to work together in order to enhance their safety, and the removal of previous convictions from sex worker's records through amendments to the Rehabilitation Act (p. 21 paras. 58 and 59). The Committee's final report is keenly awaited; it will consider the *purpose of the law* on 'prostitution' and in doing so draw on robust evidence (for which the Committee has called). Importantly, in pursuit of legal reform, the Home Affairs Committee has recognised that different legal systems are founded on different moral values and that this was particularly true with regard to the 'sex buyer law' (Swedish or Nordic model) (p. 37 para. 11), but that the law of England and Wales makes no such moral judgement. Indeed, referring to the approach of the Wolfenden Committee back in 1957, we would argue that any legal reform based primarily on moral values would be a very slippery slope. As the 1957 Committee pointed out, 'there must remain a sphere of private morality and immorality which is, in brief and crude terms, not the law's business' (para. 60). The 1957 Committee also made it clear that to try to enforce any *pattern of behaviour* was not a function of the law. And although this subsequently led to a fierce debate regarding public versus private morality, with Lord Devlin (1959) for example arguing that even private acts are subject to legal sanction if they are considered to be immoral by the popular majority, and Professor Hart (1961) conversely warning of the dangers of moral populism, the principle of 'harm' won out, that is criminal laws must be based on the principle of harm to others (see Feinberg 1990). Indeed, if we had departed from this legal philosophy in 1957 we would have been unlikely to witness the decriminalisation of homosexuality in 1969, or the legal recognition of same sex marriage in 2013 for example. The Home Affairs Committee did appear to be more positive with regard to the New Zealand decriminalisation model – which had 'resulted in a number of benefits and which sent out 'a clear policy message' (2016: 39). However, the Committee stressed that the model required further evaluation to assess the extent to which elements of it might be transferred to England and Wales, and in this regard the potential risk of increased public nuisance will command attention.

The findings documented in this chapter clearly illustrate that from the community perspective *morality* and *nuisance* are very different things. There may well be a divide within communities regarding the morality of sex work, but there is in Wales a common consensus that sex work is not a public nuisance and when sex workers are visible, the overriding concern is likely to be sex worker's safety. Thus, laws criminalising the sale and purchase of sex on the presumption of public nuisance (an argument that has been raised by consecutive governments) cannot be said to be necessary or supported in Wales. Instead, our research supports an approach which departs from criminalisation towards a community justice focused approach which is more closely aligned with decriminalisation and the approach adopted in New Zealand. We accept that decriminalisation cannot reduce stigma overnight, nor can it put a stop to sex workers being subjected to violence, nor can it eliminate the risk of anti-social behaviour. It can however improve relationships between the police and sex workers and lead to increased reporting of violence

(see Abel et al. 2007; Abel 2014). This is a much better fit with the overarching aims of community safety and community justice in Wales, which like New Zealand, is a small nation with a relatively small number of sex workers.

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