



**Derbyshire Constabulary**

Ms Joanna Morris

Telephone: 101  
Direct Line: 0300 122 8752  
Ask For: Freedom of Information  
Our Ref: 002649/19  
Your Ref: Sex Work  
Date: 10 June 2019

Dear Ms Morris

**FREEDOM OF INFORMATION REQUEST - REFERENCE NO: 002649/19**

I write in connection with your request for information which was received by Derbyshire Constabulary on 21/05/2019. I note you seek access to the following information:

1. *How many arrests the force has carried out in relation to sex work/prostitution offences, including but not limited to:*
  - *Loitering or Soliciting for Prostitution*
  - *Keeping a Brothel*
  - *Paying for Sexual Services*
  - *"Kerb Crawling"*
  - *Advertising - Placing of Adverts in Telephone Boxes*
  - *Advertising - Placing of Advertisements in Newspapers*
  - *Exploitation of Prostitution - Causing or Inciting Prostitution for Gain: Section 52 Sexual Offences Act 2003*
  - *Controlling Prostitution for Gain: Section 53 Sexual Offences Act 2003*
  - *Trafficking for Sexual Exploitation: Section 2 Modern Slavery Act 2015*
  - *Sexual Exploitation of Children*
  - *'Sex for Rent' Arrangements and Advertisements*

*For each offence description listed, I would like to know the number of arrests for each year, broken down for 2015/16/17/18/19 respectively.*

2. *For each arrest, I would like to know the following:*
  - a. *The outcome of the investigation*
  - b. *The gender of the person arrested, their age and nationality*
  - c. *Whether the arrest resulted in a referral to immigration authorities/officers*
  - d. *Where the arrest did result in a referral to immigration authorities, what the outcome of that investigation was*

*For questions 1 and 2, please provide the answer in an xlsx format, with column headings as follows:*

*Force Name – Year - Offence Description – Investigation Outcome – Gender of Arrested Person - Age - Nationality – Immigration Referral Y/N – Outcome of Immigration Referral*



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3. *How many operations/raids/crackdowns has the force carried out in relation to issues around sex work/trafficking/prostitution? Please provide for each year between 2015-2019:*
- a. *The date of the operation and its name* b. *The purpose of the operation* c. *The number of arrests as a result of the operation and what those arrests were for* d. *How many officers were involved in carrying out the operation*

*Please provide information for question 3 in a separate worksheet within the same Excel document with column headings as follows:*

*Force Name – Year – Date of Operation – Name of Operation – Purpose of Operation – No of Arrests – No of Officers*

4. *How many PSPOs/ASBOs/FPNs has the force issued (or being involved in the issuing of) in relation to sex work between 2015-2019? For each instance, please breakdown what the orders were issued for and what the terms of them were, in a separate worksheet as follows:*

*Force Name – Year – PSPO or ASBO – Terms – Amount requested in fines or FPNS*

5. *Which external charities/support agencies or organisations does the force refer/signpost sex workers to?*

## **Result of Searches**

Following receipt of your request, searches were conducted within Derbyshire Constabulary to locate any relevant information. The searches located some information relevant to your request.

## **Decision**

On this occasion I am unable to provide you with the information you requested under the Freedom of Information Act 2000 as I have applied Section 12 of the Act - 'Excess Fees'; the rationale for which is shown below.

This letter therefore represents our formal refusal to supply the information you requested.

However, I would ask you to view the Section, Information provision outside the Freedom of Information Act 2000 also below.

## **Reason(s)**

Section 12(1) of the Freedom of Information Act 2000 provides that Section 1(1) (General Right of Access to Information) does not oblige a public authority to comply with a request for information if "the authority estimates that the cost of complying with the request would exceed the appropriate limit."

The Constabulary utilises various computerised systems for the management of core functions to include crime and custody. The request as stands is asking for specific, detailed data covering a range of related issues over a 3 and 5 year period. As a consequence to

retrieve the data would require manual searched and interventions in excess of 18 hours to complete, e.g. Q2. Whilst I accept that you state *"If you believe the cost/time limit may be exceeded in the carrying out of this request, please prioritise most recent years and work backwards to provide the information requested until you hit the cost/time limit"* I need to point out that the Constabulary is not obliged under the FOI Act 2000 to work up until the cost threshold is engaged. The fact that S12 is engaged is sufficient per se.

The costs limit is set by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. For non-central government public authorities such as the Derbyshire Constabulary the appropriate limit is £450 (which can be calculated as 18 hours of work where an hour is charged at a standard national rate of £25). This means that, in effect, there is a time limit of 18 hours.

The public authority's estimate of the cost of compliance should be *"sensible, realistic and supported by cogent evidence"* - Information Tribunal: *Randall v Information Commissioner and Medicines and Healthcare Products Regulatory Agency* (EA/2006/0004)

Regulation 4(3) provides that the following factors can be taken into account when formulating a cost estimate:

- (a) Determining whether it holds the information,
- (b) Locating the information, or a document which may contain the information,
- (c) Retrieving the information, or a document which may contain the information, and
- (d) Extracting the information from a document containing it.

Section 17(5) of the Freedom of Information Act 2000 a public authority which, in relation to any request for information, is relying on a claim that section 12 or section 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.

### **Information provision outside the Freedom of Information Act 2000**

I acknowledge that we have identified that excess cost is an issue in this matter and that we are unable to provide the information that you require. In accordance with our duty under Section 16 to provide assistance in relation to requests for information and in keeping with the spirit of the Act, on this occasion, I am providing some retrieved information for that part of your request which was retrieved or available before it was realised that the fees limit would be exceeded. However, I realise that providing only partial information may not assist you.

For the sake of completeness I should also point out that as the whole request exceeds the fees limit we are not obliged to indicate further where either exemptions or a "neither confirm nor deny" response may have been relevant to any part of your request.

Should you be able to substantially amend your request it may be possible to provide some information within the fees limit. However, given the above position and in line with my responsibilities under Section 16 of the Act I am at this time unable to offer any alternative(s). Additionally I need to add that it is our policy to decline the opportunity to undertake such retrieval at cost payment as the apparent result appears to be disproportionate to the effort of our resources to achieve it.

I am sorry that on this occasion we cannot provide the information that you requested but I hope you understand that there is a finite limit to the amount and scope of retrievable information we record in terms of effective resource use.

NB A public authority is not obliged to assist an applicant in redefining a request to within the time/cost limit, if there is no probability of achieving this. This was confirmed in Decision Notice 50194062.

For questions 1 and 2a and b please see the attached spreadsheet.

2c - Immigration operate a 24 hour National Command and Control Unit which should be contacted by custody staff for every foreign national entering custody.

2d - In relevant cases the Constabulary make a referral to Immigration. Any subsequent investigation is owned by Immigration.

5. Please see below

- National Ugly Mugs Scheme. [www.uglymugs.org](http://www.uglymugs.org). Government funded scheme to improve safety of sex workers. Run by the UK Network of Sex Work Projects, an independent charity.
- Restore - a Christian outreach and support agency.
- Women's Work – a National charity based in Derby. Outreach work and general support.
- AddAction.
- Building Better Opportunities. Funded by the European Social Fund and The National Lottery Community Fund.
- [www.beyond-the-gaze.co.uk](http://www.beyond-the-gaze.co.uk). Safety tips.

### **Right to Request a Review (Complaint)**

Your attention is drawn to the attached sheet, which details your right of complaint.

I would like to take this opportunity to thank you for your interest in Derbyshire Constabulary.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer, on the above telephone number quoting the reference number in the header.

Yours sincerely

Kevin Lea  
Freedom of Information Officer

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