



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-02555

Keyword: Crime/Incident Statistics Sexual Offences

Subject: Sex Work

Request and Answer:

Your request for information below has now been considered. In respect of Section 1(1)(a) of the Freedom of Information Act 2000 (FOIA) We can confirm that the Police Service of Northern Ireland does hold the information you have requested however it is estimated that the cost of complying with your request for information would exceed the “appropriate costs limit” under Section 12(1) of the Freedom of Information Act 2000. We have explained to you below that when PSNI estimates whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if certain conditions are met. In this case those conditions are met and complying with all of your requests would in our estimation exceed that appropriate limit set out in Regulation. We have explained this further below but also we followed the Information Commissioner’s Office guidance ‘*Requests where the cost of compliance exceeds the appropriate limit*’ in relation to this request, which also provides further detail on the application of Section 12 (1) of the FOIA. This guidance is available on the ICO website at the following link:

https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf

Under the FOI act I would please like to know the following. By each calendar year I mean 1 January to 31 December. For 2022 please give data from 1 January up to 31 September inclusive.

Request 1

The number of times your force has executed a search warrant in each calendar year since 2017 on known or suspected brothels.

Request 2

The number of prostitute’s cautions your force has issued in each calendar year since 2017.

Request 3

The number of cautions (as a judicial disposal, by which I just mean excluding prostitute's cautions) your force has issued in each calendar year since 2017 to anyone suspected of the following offences:

- Causing or inciting prostitution for gain (Sexual Offences Act 2003 Sec 52)
- Controlling prostitution for gain (Sexual Offences Act 2003 Sec 53)
- Keeping a brothel used for prostitution (Sexual Offences Act 1956 Sec 33A as added by

Sexual Offences Act 2003 Sec 55)

- Persistently loitering or soliting in a street or public place for the purposes of offering services as a prostitute (Street Offences Act 1959 Sec 1(1) as amended by Policing and Crime Act 2009 sec 16)
- Soliciting another for the purpose of obtaining their sexual services as a prostitute in a street or public place (Sexual Offences Act 2003 Sec51A added by policing and Crime Act 2009 Sec 19)
- Paying or promising to pay a person to pay a person to provide sexual services, where that person is subject to exploitative conduct to induce or encourage them to provide those services (Sexual Offences Act 2003 Sec 53A. Added by Policing and Crime Act 2009 Sec 14)

Please break this down by offence.

Request 4

The number of people your force has arrested in each calendar year since 2017 for the following suspected offences:

- Causing or inciting prostitution for gain (Sexual Offences Act 2003 Sec 52)
- Controlling prostitution for gain (Sexual Offences Act 2003 Sec 53)
- Keeping a brothel used for prostitution (Sexual Offences Act 1956 Sec 33A as added by Sexual Offences Act 2003 Sec 55)
- Persistently loitering or soliting in a street or public place for the purposes of offering services as a prostitute (Street Offences Act 1959 Sec 1(1) as amended by Policing and Crime Act 2009 sec 16)
- Soliciting another for the purpose of obtaining their sexual services as a prostitute in a street or public place (Sexual Offences Act 2003 Sec51A added by policing and Crime Act 2009 Sec 19)
- Paying or promising to pay a person to pay a person to provide sexual services, where that person is subject to exploitative conduct to induce or encourage them to provide those services (Sexual Offences Act 2003 Sec 53A. Added by Policing and Crime Act 2009 Sec 14)

Please break this down by offence.

Request 5

The number of charges authorised in your force area in each calendar year since 2017 to anyone suspected of the following offences:

- Causing or inciting prostitution for gain (Sexual Offences Act 2003 Sec 52)
- Controlling prostitution for gain (Sexual Offences Act 2003 Sec 53)
- Keeping a brothel used for prostitution (Sexual Offences Act 1956 Sec 33A as added by Sexual Offences Act 2003 Sec 55)
- Persistently loitering or soliting in a street or public place for the purposes of offering services as a prostitute (Street Offences Act 1959 Sec 1(1) as amended by Policing and Crime Act 2009 sec 16)
- Soliciting another for the purpose of obtaining their sexual services as a prostitute in a street or public place (Sexual Offences Act 2003 Sec51A added by policing and Crime Act 2009 Sec 19)
- Paying or promising to pay a person to pay a person to provide sexual services, where that person is subject to exploitative conduct to induce or encourage them to provide those services (Sexual Offences Act 2003 Sec 53A. Added by Policing and Crime Act 2009 Sec 14)

Please break this down by offence.

Clarification Sent To Requester;

The Sexual Offences Act 2003 is legislation for England and Wales only. Can you please confirm the Order and Offences you wish this act to cover in relation to Northern Ireland for Requests 3, 4 and 5

please?

Clarification Received From Requester;

Sorry about that, my mistake. These are the offences I'm after for Northern Ireland:

- Paying for sexual services of a person
- Soliciting another in street or public place for the purposes of obtaining their services as a prostitute
- Causing or inciting for prostitution for gain
- Controlling prostitution for gain
- Keeping a brothel used for prostitution

Answers

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

It is estimated that the cost of complying with your request for information would exceed the "appropriate costs limit" under Section 12(1) of the Freedom of Information Act 2000. Section 12 of FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to either comply with the request in its entirety or confirm or deny whether the requested information is held. The estimate must be reasonable in the circumstances of the case. The 'appropriate limit' is currently £600 for central government and £450 for all other public authorities including PSNI. The relevant Regulations which define the appropriate limit for section 12 purposes are The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 SI 2004 No 3244. These are known as the 'Fees Regulations' for brevity.

Regulation 4(3) of the Fees Regulations states that a public authority can take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- (i) determining whether the information is held;
- (ii) locating the information, or a document containing it;
- (iii) retrieving the information, or a document containing it; and
- (iv) extracting the information from a document containing it.

Under those regulations PSNI can calculate the time spent on each of these permitted activities at £25 per hour (thus if the activity(s) takes more than 18 hours PSNI will be in excess of the 'appropriate limit').

When a public authority is estimating whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if the conditions laid out in Regulation 5 of the Fees Regulations can be satisfied. Those conditions require the requests to be:

- made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;
- made for the same or similar information; and
- received by the public authority within any period of 60 consecutive working days.

Regulation 5(2) of the Fees Regulations requires that the requests which are to be aggregated relate "to any extent" to the same or similar information. This is quite a wide test but public authorities should still ensure that the requests meet this requirement.

In relation to Request 1 PSNI can advise that enquiries made in relation to your requests have identified that the retrieval of information would exceed the 18 hour cost limit set by the Secretary Of State under the FOIA. The information requested whilst held electronically on the central database, is

not held in a format that extracts the information without manual intervention, and a comprehensive search would need to be conducted to retrieve the information. The relevant business area has conducted a dip sample for January 2017 alone which identified there was 217 occurrences, that would need to be individually reviewed to determine if the location was a 'Known or Suspected Brothel'. To provide an answer for 2017 alone at an estimate of one minute to examine each occurrence would equate to 43 hours. Consequently examination of records from 1 January 2018 – 30 September 2022 would grossly exceed the 18 hour cost limit.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

Advice and Assistance

You may wish to submit a refined request in order that the cost of complying with your request may be facilitated within the 'appropriate limit'. In compliance with Section 16 of the Act, I have considered how your request may be refined to bring it under the appropriate limit.

- **Request 2** – PSNI can advise there is no offence for prostitution in Northern Ireland.

Please note; There is the offence of loitering or soliciting for prostitution and we can provide the number of cautions that have been issued for this offence.

- **Request 3**- PSNI can provide the number of cautions issued in each calendar year since 2017.

Please note; Information relating to convictions & prosecutions (this also includes cautions) is provided by Northern Ireland Courts Service and the Public Prosecution Service to PSNI for information purposes only and may not be wholly accurate. For accurate figures the relevant information should be sought from either Northern Ireland Courts Service or the Public Prosecution Service directly.

- **Request 4**- PSNI can provide the number of individuals has arrested in each calendar year since 2017.
- **Request 5**- PSNI can provide the number of charges authorised each calendar year since 2017.

Submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.

If you have any queries regarding your request or this decision please do not hesitate to contact me on 028 9070 0164. When contacting the Corporate Information Branch, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Corporate Information Manager, Corporate Information Branch, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.police.uk.

If, following an Internal Review carried out by an independent decision maker, you remain unhappy about how your request has been handled you have the right to apply in writing to the Information Commissioner, under Section 50 of the Freedom of Information Act, at 'Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. There are a number of other platforms you can use to contact the ICO and these can be found on the ICO's website at the following link: [Make a complaint | ICO \(https://ico.org.uk/make-a-complaint/\)](https://ico.org.uk/make-a-complaint/).

In most circumstances, the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out however, the Commissioner has the option to investigate the matter at their discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psnj.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.