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Our Ref: IM-FOI-2022-2050
Date: 07 November 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

1, The number of welfare visits your force has made in each calendar year since 2017 to known or suspected brothels

2, The number of raids your force has conducted in each calendar year since 2017 on known or suspected brothels

3, The number of prostitute cautions your force has issued in each calendar year since 2017

4, The number of people your force has arrested in each calendar year since 2017 for the following suspected offences: loitering or soliciting for prostitution; keeping a brothel; paying for sexual services; kerb crawling; advertising prostitution in telephone boxes or in newspapers; advertising sex for rent. If possible please break this down by offence

5, The number of cautions (as a judicial disposal, and excluding prostitute cautions) your force has issued in each calendar year since 2017 to anyone suspected of the following offences: loitering or soliciting for prostitution; keeping a brothel; paying for sexual services; kerb crawling; advertising prostitution in telephone boxes or in newspapers; advertising sex for rent. If possible please break this down by offence

6, The number of charges authorised in your force area in each calendar year since 2017 to anyone suspected of the following offences: loitering or soliciting for prostitution; keeping a brothel; paying for sexual services; kerb crawling; advertising prostitution in telephone boxes or in newspapers; advertising sex for rent. If possible please break this down by offence

You then clarified your request as shown below.

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

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In response to the question above, I regret to inform you that I am unable to provide you with the number of times Police Scotland has executed a search warrant on known or suspected brothels.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, many thousands of incidents would have to be manually assessed to ascertain if a search warrant had been executed.

In the main, officers would raise an incident on Police Scotland's command and control database STORM advising that a search warrant had been craved from the Procurator Fiscal and provide details of the warrant. However, there is no specific opening code for the execution of a warrant. The incident could be opened under a variety of codes, this means that almost all incidents would need to be manually examined to determine if it was relevant to the execution of a warrant, and further filtered to ascertain if it was relevant to the execution of a warrant on a suspected brothel or if a warrant was executed for another purpose and a brothel was then identified.

Additionally, it is not a requirement to raise an incident for the execution of the warrant. This means that the details of which may only be recorded in an officer's notebook. Therefore, many thousands of police officer notebooks would require manual assessment to determine if there was any record of a search warrant specifically relevant to brothels.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

Ordinarily, I would suggest ways that you could refine your request to ensure the release of some relevant information, however in this instance the manner in which the data is held is vast, as such I cannot see that any refinement would result in that outcome.

2, The number of prostitute's cautions your force has issued in each calendar year since 2017

(The definition of prostitute's caution is outlined here: <https://www.cps.gov.uk/legal-guidance/prostitution-and-exploitation-prostitution> - please search *non-statutory 'prostitute's caution'* on the page and you'll see it)

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)

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- 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

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

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

In response to questions 2, 3, 4 and 5, I must respond in terms of in terms of Section 17 of the Act, I can confirm that the information you seek is not held by Police Scotland.

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By way of explanation, the terms noted in your request refer to English law which is not applicable in Scotland.

However to be of assistance, please see the attached spreadsheet Attachment 01 which provides the recorded and detected crimes which are most comparable, although not identical under Scottish Law.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.