New Localism: Implications for the Governance of Street Sex Work in England and Wales

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This article focuses on the escalating shift in power from the centre to 'community' with specific regard to the local governance of street sex work. With reference to reforms in local governance and sex work policy, we question what localism may mean for street sex workers as both vulnerable members of the community and also anti-social subjects. Our critical examination suggests that street sex workers are susceptible to increasing marginalisation and social exclusion. To counter this, it is argued that there needs to be greater attention and investment towards improving community cohesion and democracy for 'all' within the localist agenda.

Keywords: Decentralisation, community empowerment, sex work, social cohesion.

Introduction

Progressively, it is argued by the main political parties that policy which is designed and delivered at the local level is the best and indeed the only way forward. As emphasised in the rhetoric of Blair/Brown's 'Stakeholder Society', and Cameron's 'Big Society', we are currently experiencing an era of political consensus based on New Localist ideals. To borrow the words of the Public Services Trust, New Localism involves:

> A radically altered democratic settlement, in which the relationship between Central and Local Government is reformed, empowering local authorities and their partners to set priorities, take decisions and deliver services in a way that meets the needs and expectations of local people, and where there is an equally profound shift in the relationship between Local Government and local people, changing the way local democracy works so that priorities and decisions flow up from people, and individuals and communities are empowered to shape the places in which they live. (2020 Public Services Trust, 2010: 21)

Thus, New Localism aims to bridge the gap between Town Hall and Whitehall, via the promotion of decentralisation and democratic engagement. New Localism seems to be perceived as an 'unalloyed good', bringing the decision-making process closer to the people. However, we believe that there are serious implications for vulnerable community groups. As Parvin (2009: 353) explains, the centralisation of decision-making power fulfils an important liberal democratic principle 'the protection of minority groups from the tyranny of the majority'. Furthermore, it has been pointed out by Stoker (2004: 22) that: New Localism may open up decision making to the narrow minded, and that

behind the progressive politics lurks the real world of insular *not in my back yard politics* (nimbyism). This paper builds upon such criticisms and examines what we believe to be inherent failures within the New Localist agenda. In particular, we are sceptical of the general acceptance that localism will allow for civic engagement with all community members and be a true representation of the interests of the wider community. Particularly, we are concerned about the place of minority/vulnerable groups in this context. To illustrate this, we focus specifically on the local governance of street-based sex workers.

The Home Office *Co-ordinated Prostitution Strategy* (2006) sends out key messages that prostitution cannot be tolerated within the community.[1] Indeed, the *Consultation Paper* which preceded the *Strategy* aggressively spoke of the ability of empowered communities to 'reclaim their streets' (Home Office, 2004: 7.8). Thus, given the apparent zero tolerance approach to sex work within the community, the article begins by discussing the place of localism in the context of community safety, and draws out the new community empowering measures that are likely to have significant impact on the governance of street sex work at the local level: the strengthening of the local authority's accountability to the community; the process of community redress where councillors acting on behalf of their community can hold Crime and Disorder Reduction Partnerships (CDRPs) to account when issues that are highlighted as community concerns are not dealt with in accordance with community expectations.

Community disaffection towards street sex workers is aggravated by a central agenda which defines sex workers as anti-social subjects and which encourages the deployment of a variety of measures to control anti-social behaviour at the local level (see, Sagar, 2007, 2008). However, sex workers are also recognised as members of a vulnerable community group who often work within the communities in which they live (O'Neill, 2007; Pitcher *et al*., 2006). In light of this, the article goes on to question what *localism* may mean for street-based sex workers.[2] We suggest that there are some very real problems in the context of 'active citizenship', 'Othering' and 'nimbyism'.

A further problem is that the potential for community action against street sex workers is also exacerbated by the current approach to sex work in England and Wales, which we believe offers unrealistic long-term solutions for communities. The success of the 2006 *Co-ordinated Prostitution Strategy* (Home Office, 2006) is dependent upon a reduction in sex workers, which is to be achieved by a process of coerced rehabilitation. Logically, the aim is to facilitate the re-entrance of sex workers as reformed and responsible beings into the community. We argue however that without far-reaching structural reforms to tackle poverty and social exclusion for example (which are associated with the decision to sell sex), a reduction in street sex work is simply idealistic. Therefore, given that sex workers may not rehabilitate, we are critical of the potential of the newly empowered community's ability to intensify the deployment of anti-social behaviour measures against sex workers.

We draw the article to a close by emphasising the necessity for *localism* to focus attention more securely on improving community cohesion. We are mindful that community cohesion strategies have the ability to facilitate the democratic engagement of sex workers. However, cohesion strategies differ from area to area – a predictable feature of 'localism'. Yet, without a clear 'inclusive' focus, we reach the unfortunate conclusion that the future for street-based sex workers looks quite bleak.

Localism and community safety

Within the past decade, we have witnessed an increasingly apparent 'turning of the centralist tide' which favours the shifting of the balance of power away from centralised control, towards communities, citizens and service users (Jenkins, 2004: 10). Yet, although allegiances towards localism dominate the contemporary political arena, as Robertson points out, 'there are almost as many different understandings of localism as there are people who advocate it' (2005: 5). Hence, localism (like 'community') is a highly elusive concept with a variety of different meanings and interpretations. However, what is apparent is that New Localism is clearly distinct from the isolated individualism which prevailed during the New Right era (Cooper, 2006) – New Localism focuses on the decentralisation of decision making and active participation of local communities with regard to indivisible services such as community safety.

The undeniable appeal of localism to rejuvenate cohesion within localities resonates with Robert Putnam's warnings of community decline in the 1990s (see Putnam, 1995 and 2000). In this sense, responses to problems and issues that are developed locally provide for what Bunt and Harris (2010) refer to as 'local ownership' and a strengthening of social capital. And, as Raynsford reminds us, in the face of mass globalisation 'there is a paradoxical tendency to seek reassurance and meaning in one's own locality' (as cited in Coles *et al.*, 2004: 10). Thus, collective local action to improve the attractiveness and safety of a local park can, in theory, be very empowering for communities. It is a theory that extends not only to how local community assets are presented and used, but also to the way neighbourhoods are policed (see for example, Savage: 2007), and more generally to matters of community safety and, within this context, the reduction of anti-social behaviour (e.g. Flint, 2006).

Recently, the most significant 'driver' towards localism can be seen as stemming from the Department for Community and Local Government (2006) White Paper *Strong and Prosperous Communities* which was put on a statutory footing by measures contained within the Local Government and Public Involvement in Health Act 2007. Communities have been empowered through various measures, including: a new 'Best Value' duty ensuring the participation of local people in decision-making/planning and other activities as appropriate; a 'comprehensive community engagement strategy' with mechanisms for assessment; improved co-ordination between local services and citizen/community involvement. Furthermore, the role of local councillors has been redefined as *community champions* of community interests (Department for Community and Local Government, 2006: Vol.1, Section 3) with the aim of ensuring that councillors are more responsive and 'accountable' to their communities – a process kept in check through the establishment of 'Overview and Scrutiny Committees' – providing a 'pivotal link' between the council, the local people and organisations (Vol.1, Section 3). Other important reforms include 'Councillor Call for Action', a process which enables a councillor to refer any concern raised by a member of the community to the authority's Crime and Disorder Committee for scrutiny (*Local Government and Public Involvement in Health Act 2007*: s119, HM Government, 2007). This process is strengthened by additional measures which enable the community to hold CDRPs to account – the CDRPs must produce regular interim reports for public scrutiny and hold 'face the people' sessions (first introduced under the *Police and Justice Act 2006*: s20, HM Government, 2006); partnership members must also consult, engage and report regularly to their communities. Lastly, and perhaps most

significantly in relation to community safety, the devolvement of byelaw-making powers to the local level allows for the widespread deployment of fixed penalty notices for example (*Local Government and Public Involvement in Health Act 2007*, part 6). Clearly then, 'Community Safety' is today a central element of the 'place-shaping' role of local authorities, and local authorities have been armed with legislative powers to ensure that the community's expectations of a safer environment are met (see also Local Government Improvement and Development, 2011).

Given that tackling anti-social behaviour remains a key priority for both Central and Local Government and is a primary objective of local CDRPs, this is an area where New Localist powers will have a significant impact. As street sex work is a particularly contested community issue in some areas, the mechanisms outlined in this article will provide local communities with the increased capacity to deal with associated problems where regulation and policy fail. In the next section of this article, we connect localism more closely to community safety in respect of sex work as anti-social behaviour within communities. Importantly, given that localist ideology is about enhanced democracy and community empowerment for all (not just for some), our discussions focus on sex workers as both *vulnerable community members* and also *anti-social subjects*.

Sex workers as vulnerable community members

Within the new era of localism, concepts which once formed the bedrock of democratic society, namely equality, justice, human rights, freedom and so on, have been replaced by politically fashioned concepts such as 'community', 'active citizenship', 'inclusion' and, of course, the anti-social 'Other'. This is not to say that these phenomena are not real. The strategy for giving away power to communities and empowering the users of public services is no less authentic than the strategy of deregulating the market – both require a considerable amount of Central Government effort. However, since these *politically constructed* values have become component parts of how communities govern (see Rose, 1996), we question here how they might impact on the regulation of street sex work at the local level.

To begin with, government through community is in itself a 'slippery' concept (Jones and Stewart, 2006). Government policies consistently refer to *the community* in matters of crime prevention (the safe community), but community may also refer to a diasporic group (the Muslim community) or simply the moral majority (we want to reassure the community). Corresponding to this jargon is a significant shift in policy towards localism and greater interaction between the suppliers and the users of public services. Thus, there has been a reorientation in both discourse and policy and it appears to be widely accepted that self-governance through participation is an effective means of social regulation (e.g. Dean, 1999; Marinetto, 2003; Rose and Miller, 1992). In short, it is assumed that through local governance, communities become self-motivated, self-responsible and self-reliant (Marinetto, 2003). Thus, in theory, active citizenship heightens a sense of personal morality, which is a positive for individuals, communities and Government.

However, governance through community is reliant upon *enhanced community consultation* and *enhanced community participation* to be truly effective. It has been argued many times that the 'chameleon' quality of *community* may be a useful tool for Government to reach out with, but it is problematic in terms of developing community policy that is truly representative (e.g. Crawford, 1998; Lacey and Zedner, 1995; Lund

1999; Sagar, 2005). The reality is that consultation and active participation in local governance has always been problematic – even in the golden era of localism (in the years preceding full democracy in Britain) where there was extensive male participation in local affairs (Jenkins, 2004). In the 'golden age' not all members of the community were able to participate, women, being unequal, were left out of local governance, reflecting a moral and political climate whereby participation is certainly not meant for all. In the same way as women of a bygone age had no access to political, economic and social rights, we argue that there are groups today (such as sex workers) who are left out or in danger of being left out of the localist state.

Certainly, it is true to say that some groups are left out of any consultation/engagement as is illustrated by the constant rallying cry from the centre to reach out to hard-to-reach groups. We have already noted that localism provides for 'face-to-face' sessions with members of the public, but this is not the same as face-to-face sessions with hard-to-reach groups. The voices of sex workers, for example, are predominantly unheard at *any* strategic policy development level (O'Neill, 2007). Thus, sex workers, although being members of the community (living within the community, with children attending local schools, making use of local shops and facilities and even volunteering within the community (see O'Neill *et al.*, 2008; Pitcher *et al.*, 2006)), can be easily excluded from not only the engagement process, but also the problem-solving process. Therefore, whilst localism is generally put forward as an 'unalloyed good' or as a 'universal panacea', the darker side of localism is the potential for the development of *local authoritarianism*, where the balance is tipped too far in favour of the will of the moral majority. Arguably, this is heightened by the further decentralisation of power to local authorities and community when sex workers are deemed to be anti-social subjects and community 'outsiders'.

Moral authoritarianism and sex workers as anti-social subjects

The balance between tackling anti-social behaviour and addressing the needs of the vulnerable is far from certain. Displacement of law puts enforcement back in the hands of the angry mob – and we should not simply accept this as a general good. The actions of some civilians participating in community programmes such as Street Watch illustrate how sex workers can be victimised and in some cases physically harmed by members of the community (see Kinnell, 2008; Sagar, 2005). Other research has also drawn attention to sex workers being harassed and assaulted by community members (see Pitcher *et al.*, 2006; Sagar and Jones, 2010). Such intolerance towards sex workers has been encouraged by a central agenda that is increasingly demanding of 'respect' for the moral majority. Emotive language has been used to urge communities to 'take back control' (see Community Safety Advisory Service, 2010), to become 'community crime fighters' (BBC News, 2008a) and to form an 'army' of community 'champions' (Communities and Local Government, 2010). The current proposals to tackle anti-social behaviour put forward by the Home Secretary Teresa May are promoted with equally antagonistic laden language centring on the need for local people to re-establish social responsibility, and to take community 'action' to tackle what is a deep 'social disease' (see BBC News, 2011).

The protection of the vulnerable has also deteriorated with the transition of the local authority from social welfare provider to crime prevention agent, or what Hughes refers to as 'the criminalisation of social policy', where issues such as poverty, which were once in the domain of the local authority, have instead over the last decade been 'redefined

in terms of their potential to contribute to crime control' (Hughes, 2002: 3). This shift has become a common feature of contemporary crime prevention policy where cheap 'quick fixes' are employed at the local level to protect the community (including Public Nuisance Injunctions and other hybrid laws such as the Anti-Social Behaviour Order see Sagar, 2007 and 2008). These measures also bring with them prohibitions which exclude sex workers from working within the local authority area. As anti-social subjects, sex workers quite literally become outside of community – the 'Others'. Arguably, 'exclusion' is also synonymous with 'nimbyism'. It seems to us that there is every reason to believe that New Localist powers will influence the way in which local authorities/communities tackle street sex work, and that there is every chance that this will lead to an increase in 'Othering' and 'nimbyism' which are, of course, simply alternative terms for 'marginalisation' and 'social exclusion' – ironically, two of the democratic deficiencies which New Localism seeks to redress.

Prostitution policy: a 'trigger' for community action?

The Home Office (2006) *Co-ordinated Prostitution Strategy* aimed to disrupt the sex market, but it also recognised sex workers as being vulnerable. It predicted that a reduction in sex workers would only be possible if enforcement was supplemented by a process of rehabilitation. As a result, 'engagement orders' have been introduced under Section 17, *Policing and Crime Act 2009* which are court orders designed to compel street-based sex workers into the hands of support services with the overriding aim of identifying routes out of sex work (Home Office, 2010). However, disruption of the sex market in the form of police crackdowns began to take place well before engagement orders came into force (e.g. BBC, 2008b; *Coventry Telegraph*, 2008; *Evening Post*, 2008; *Yorkshire Evening Post*, 2008), while engagement orders for sex workers did not come into force until the 1 April 2010. Arguably, in the race to take action to disrupt the sex market and appease the community the support needs of sex workers were de-prioritised. Furthermore, 'disruption' and crackdowns are known to lead to displacement of sex work; they do not eradicate sex work (Brents and Sanders, 2010; Sagar, 2007).

Another problem revolves around the presumption that simply 'exiting' is a means of facilitating social inclusion – the idea being that this form of contractual governance between the sex worker and the state will bring about responsibility and self discipline (see Scoular and O'Neill, 2007) and thus re-integration into society. We wonder however, what opportunities there will be for sex workers who do 'reform their ways'. A major oversight with the current approach is that 'exiting' does not necessarily equate to 'enhanced democracy' and 'fuller citizenship' (Scoular, 2010). First of all, women with criminal records will find it extremely difficult to gain alternative and equally lucrative employment. Secondly, in the current economic climate women are choosing, and will continue to choose, to sell sex to top up their poor incomes. Thus, while we are certainly not arguing that offering support services to sex workers is not a good thing, we do question the sustainability of the 2006 strategy, particularly given the lack of wider structural reform (see also Melrose, 2007, 2009).

Another and perhaps more pressing problem however, is that there is no guarantee that a significant number of sex workers will rehabilitate – not just because the right services are not in place in all areas, but also because not all will be willing or able to exit sex work (Sagar, 2007, 2010). Given this, we believe that we are right to question

the possible responses of the community where sex work continues to be a feature of society (as it always has been). It must be remembered that *localist* measures enable the community not just to tell the police what they want, but also to be involved in policy and strategy development, and if that is not working to hold the regulatory system to account. Not only will this lead to increasing diversity in local responses (hence we will see further expansion of the post code lottery of localism as it becomes entwined with the anti-social behaviour agenda), but we are also likely see this feature of localism expand with the introduction of byelaw-making powers to local authorities. Byelaws increase the ability of local authorities to enforce standards of behaviour (Department for Communities and Local Government, 2008; BBC News, 2010). This is particularly worrying. If fixed penalty notices are applied to sex workers on the premise that their behaviour is anti-social, then once again we are likely to witness another example of the local authority casting judgment on undesirable community members. Given the visibility of street sex workers, repeat victimisation would be inevitable. Although our assertions may seem a little speculative and somewhat pessimistic, we would point out that the use of byelaws against sex workers has already come to the attention of the Community Safety Overview and Scrutiny Commission in Hull (Hull City Council, 2007).

Towards community cohesion

Regrettably, as Brents and Sanders (2010) emphasise, despite the economic mainstreaming of the wider sex market (including, pornography, lap dancing clubs, internet sex for example), which has effectively brought about a new respectability for male purchasers, this does not extend to street sex workers who remain visible and stigmatised and marginalised, with little state protection. They explain that sex work remains an indicator of immorality; it remains 'culturally marginalised' in spite of its increased social significance. This may be the reality of the community's perception of sex work in the UK presently, but importantly, to draw on the recent work of Scoular, we must also not forget that our laws operate within a liberal legal framework and that the law, together with human rights protections, is about regulating the 'complete lives of individuals rather than simply to prevent certain actions' (2010: 29). Shifting power to the local level must not be simply repressive. New Localism needs to focus securely on improving the standard of life of all members of the community and providing 'justice for all' and this includes justice for sex workers. This necessitates tackling violence against sex workers by clients and also reducing community disaffection which can lead to harassment and intimidation and other unpalatable forms of abuse from the community.

Throughout this article we have raised as a cause of great concern the extent to which the priorities identified by the law-abiding majority will make for the victimisation of vulnerable street sex workers. Similar concerns regarding the protection of the vulnerable in society are raised by Parvin who argues that:

> Liberal democratic principles may not always be best served by devolving decision making power down to local communities because it is entirely possible that local communities might use this power to enact policies or initiatives that violate liberal principles and, hence, make the lives of certain of their members worse . . . it may be that in certain circumstances it is right that the people who would oppress or threaten the wellbeing of certain other members of the

community are thwarted in their ability to do so, even if in doing so the system makes them very frustrated and angry. (2009: 355–6)

As Stoker points out, 'to every complex problem there is a simple answer and it is always wrong' (2004: 118). Certainly, we would argue that the actions of Street Watch against sex workers, which drove sex workers out of the community and which have been likened to 'urban cleansing' (see Hubbard, 2004), provided residents with a simple 'quick fix' solution, but it did nothing to resolve the issues of poverty, social exclusion, victimisation, and violence faced by street sex workers. Indeed, to borrow Parvin's words we would present these events as an example of how 'localism makes it easier for local majorities to overrule the needs of minority groups and allocate resources in ways that are unfair, inequitable and in violation of precisely those 'progressive' ideals of equality and individual freedom that its leftists advocates defend' (Parvin, 2009: 357).

It would also seem that ideals of 'equality' and 'individual freedom' within community are far removed from the general public's perception of localism, or, to be more accurate, from the general public's perception of 'The Big Society'. A MORI poll in May 2010 found that 37 per cent of the general public who took part in the survey associated 'The Big Society' with notions of 'community spirit', 'togetherness' and 'a more cohesive society'. Yet only 16 per cent of participants associated 'The Big Society' with promoting 'equality' and 'fairness' (Institute of Community Cohesion, 2011a). Thus, when Eric Pickles the Secretary of State for Communities and Local Government explains that localism requires not just a shift in power but also a shift in culture (Institute of Community Cohesion, 2011b), we wonder if politicians truly understand the depth of 'cultural' shift that is desired, and moreover the extent to which it can be realistically achieved. To facilitate the democratic engagement of weaker/more vulnerable members of society, we would argue that there needs to be greater attention and investment towards enhanced community cohesion in order to ensure true democracy for all.

We are careful to state here that democracy can only be achieved in part by enhanced community cohesion, as we acknowledge that out of the revitalised cohesive community comes the connected vision of stronger social capital which is believed to be good governance – but this does not necessarily resolve problems of economic inequality. In areas of social deprivation where there is a lack of opportunity and a lack of flexible decently paid employment it is likely that individuals within the community will continue to sell sex and thus they will continue to be targeted as the cause of the community's decline. Thus, the protection of sex workers and a reduction in community disaffection towards sex workers is essential to build an understanding of sex workers as citizens and members of the community (not outsiders) (see O'Neill *et al.*, 2008; Scoular *et al.*, 2009).

The ability of New Localism to provide for enhanced community cohesion for sex workers can be illustrated by the approach towards violence against sex workers that has been taken in Liverpool where crimes against sex workers are treated as hate crimes (see Merseyside Police, 2011). This is one area of the United Kingdom where the sex workers 'Othered' status has not been allowed to develop into her 'throwaway status' (see O'Neill, 2007). Liverpool City Council has also developed a *Hate Crime Policy* (2010) which aims to empower residents and promote community cohesion (2.2), and tackling hate crime is firmly embedded within Liverpool's Community Safety Partnership's Action

Plan (2011–2012). Unfortunately, there is extreme diversity at the local level with regard to the governance of sex work. For example, Sagar and Jones' (2010) research on behalf of the Cardiff Sex Work Forum revealed that in two Welsh suburbs where sex work is a contested community issue, nine out of seventeen women had been violently assaulted by clients on the streets, but none had reported this, nor were any mechanisms in place at the time of the research to encourage sex workers to report violence. Perhaps this is not so unsurprising given that the safety of sex 'workers' fell outside of the Welsh 2010 violence against women's strategy 'The Right to be Safe' which focused only on the 'deserving', that is those 'fleeing' prostitution and trafficking.

We accept that the process of building consensus, particularly regarding controversial issues such as sex work, is often slow and painful, especially where there has been a history of bad relations between the community and the statutory body. However, trying to short-circuit the process in the interests of a quick win carries the risk of not only undermining trust but also imposing solutions that are neither satisfactory nor lasting. A programme that allows for quick progress on issues where there is agreement and recognition of urgency, as well as a longer timetable for more complex and divisive issues, may help to build confidence among people – including sex workers. Whereas, in absence of such a focus (which incorporates the safety of sex workers and the development of the cohesive community), the New Localist measures making for community empowerment for the moral majority clearly illustrates how localism may collide with and triumph over the long-term strategic hopes of the New Labour *Co-ordinated Prostitution Strategy* (Home Office, 2006). Certainly, the Coalition Government appears to have abandoned any commitment to a 'co-ordinated' approach and is instead actively promoting a range of diverse approaches at the local level (see, 'Effective practice guidance', Home Office, 2011). Governments may claim to understand the difficulties and complexities associated with sex work but there needs to be some realisation that ill-thought-out Government policy (at both central and local levels) contributes significantly to the vulnerability of individuals.

Conclusion

As this paper has suggested, New Localism will make for winners and losers. Passing power to communities may be appropriate for the development of services and organisation of budgets etc., but with regard to community safety, localism must not come at the expense of sex workers (and other vulnerable groups) who are also members of the community. We have also argued that the situation for sex workers is exacerbated by a prostitution strategy that creates false expectations and thus it is a strategy which sets communities up for a fall. In a time of economic crisis, where the UK is facing unprecedented Government cut backs and high levels of unemployment which are typical features known to lead to social stress and breakdown, some people will choose to earn money by selling sex. When such circumstances are adjoined with the trend towards New Localism – the foundation of which is built upon community, moral responsibility and also conformity – this is set to become a catalyst for community/local authority action. Regrettably, in the absence of a local community cohesion strategy, that is founded on liberal democratic principles, this can only lead to the marginalisation and exclusion of sex workers.

Notes

1 This intolerance is further emphasised in part 2 of the *Policing and Crime Act 2009*, see in particular Section 14 which aims to reduce the demand for prostitution and Section 17 which provides for the compulsory rehabilitation of sex workers.

2 While this article focuses on street-based sex work, the authors acknowledge that the majority of sex work takes place 'off street' and that this can also give rise to community concerns. However, arguably, off street workers are less 'visible' and less likely to be of concern to local communities.

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