



Force Disclosure Unit

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.uk

disclosure@wiltshire.pnn.police.uk

XXXXXX – by E mail

Date: 22nd December 2021

Your ref: FOI

Our ref: FOI 2021 / 1032

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 14th December 2021 concerning Sexual Activity in Public.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and – having consulted our Business Performance Team - I am now able to respond as follows.

You wrote (and Our Response) :

1. The number of recorded offences of public sex under each of the following: section 5 of the Public Order Act 1986, section 66 of the Sexual Offences Act 2003, or the common law offence of outraging public decency.

Section 5 of the Public Order Act relates predominantly to harassment, alarm and distress caused by the use of threatening, abusive or insulting words or behaviour, or disorderly behaviour OR the displaying of any writing, sign or other visible representation which is threatening, abusive or insulting. It is not the mechanism by which a Force would normally record offences of “Public Sex”. As a consequence, we would not expect to see many sexually-related offences recorded under this section of the Act at all, which is Home Office Code 125/12.

Section 66 of the Sexual Offences Act 2003, relates to exposure. The applicable Home Office code for this offence is 088/09. Again, we would not expect to see many (if any) offences of “Public Sex” recorded under this code, only incidents of Exposure / Flashing / Streaking and so on.

Offences of “Public Sex” are however likely to be recorded under the common law offence of Outraging Public Decency – this is Home Office code 66/21.



INVESTOR IN PEOPLE

Please Note :-

Having liaised with you in respect of this request, by “offences of Public Sex” you have confirmed that by this you mean specific direct acts of sex (eg intercourse, oral sex and so on) as opposed to other non-direct acts of sex-related or genital-related activity such as masturbation, exposure, defecation and/or urination, unwanted sexual harassment and so on.

The table below details the total number of recorded crimes per year for each of the 3 Home Office Codes you require, together with the number of those recorded offences that were direct acts of public sex (as defined above) :-

	Section 5 of the Public Order Act 1986		Section 66 of the Sexual Offences Act 2003		Common Law offence of outraging public decency	
	125/12		088/09		66/21	
Year	Tot Offences	Direct acts of Public Sex	Tot Offences	Direct acts of Public Sex	Tot Offences	Direct acts of Public Sex
2017	232	0	113	0	50	5
2018	209	0	79	0	33	5
2019	257	0	75	0	40	4
2020	298	0	70	0	49	3
2021 to 20/12/21	337	1	59	0	37	4

2. The number of recorded offences of sexual activity in a public lavatory under section 71 of the Sexual Offences Act 2003.

The offence of sexual activity in a public lavatory under The Sexual Offences Act 2003 is dealt with under Home Office Code 175/04.

We have checked our records and we have no offences recorded under this code for the time period you have specified.

For both of the above, could I please receive the number of offences recorded in each of the last five calendar years (2017, 2018, 2019, 2020 and 2021 so far, stating to which date the 2021 data covers please).

If the first part of the request is unable to be provided, could it please be disregarded and the second part treated separately.

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Nick Penny
Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.pnn.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original FoI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk