



Guildford Borough

A31 Hogs Back Report

To:	Surrey County Council	From:	Insp Tim Shaw 2156 Guildford Borough Inspector
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The A31 Hogs Back lay-by is located on the route between Guildford and Farnham. It is a place of natural beauty and is used by a mixture of visitors including dog walkers, Heavy Goods Vehicles (for use of the lay-by for legal rest break provisions), and other motorists for use of the rest facilities including the cafe. In addition to this the area to the rear of the cafe has regular visitors who attend the location to engage in consensual sexual activity.

The term Public Sex Environment is given to locations such as the A31 Lay-by. The following definition provided in the ACPO guidance on Policing PSE's.

A public sex environment or PSE is any open space, public or private that is habitually used for the purpose of engaging in consensual sexual activity. This definition includes those areas commonly referred to as 'cruising grounds' or 'dogging grounds' PSEs are common across the country and vary in type, size and activity, one common feature is that they will be known as areas where an individual can go to engage with others in sexual activity.

To meet previously unknown partners for sexual activity, this is often referred to as a 'dogging site', with the sexual activity being referred to as 'dogging.'

In general, locations used by men to meet previously unknown other men for sexual activity are often referred to as 'cruising grounds' with the sexual activity being referred to as 'cruising'

The term PSE is not a legal term but a descriptive one. The A31/Hogs Back location is well known and published locally and nationally for PSE users. Although Surrey has many PSE's (in excess of a 100) it is one of the most visited in the county. The reasons for this seem likely to be a combination of easy access (from the A31 lay-by), and the landscape behind and in close proximity to the lay-by which provides some form of natural cover and is a mix of wooded area, hedgerows and fields. Ownership of this area is a mixture of Surrey County Council, Guildford Borough Council and private landowners.

To the bottom of the hill behind the lay-by and fields is the village of Puttenham and the local primary school.

Total crime levels for the village of Puttenham are low in comparison to national and Surrey standards. The percentage of the reported crime that is attributed to the PSE is also low and (see attached crime and ICAD figures).

Although reported crime levels are low at this PSE, it is known that there is strong feeling within the local community that their quality of life has been affected by activity linked to this site. For instance there are reports that the teachers at the primary school are fearful of leaving the grounds of the school to conduct nature classes due to the fear of the children seeing inappropriate behaviour by site users. Likewise examples have been given by residents of others no longer wanting to walk this area in close proximity to their village. A smaller number of reports from dog walkers state that they have not seen sexual activity, but have often seen sexual litter left in the area.

There is a perception that PSE site users now meet in closer proximity to the school than perhaps they did a decade ago. Due to the lack of numbers of offences reported in the past six years this is not possible to assess this statistically. Attempts have been made in the management of the landscape to reduce activity, however such activity is required to be conducted on a regular basis to ensure the best chances of success are achieved.

It is clear that the concerns of a significant amount of the village outweighs the reported crime numbers and that many have chosen not to make reports to the Police. At the numerous public and private meetings in the past six months on this subject the message has been given to the public that they must make specific reports to the Police of alleged crimes as soon as possible after they were witnessed. This has led to a minimal increase in numbers of calls to the Police (see peaks of ICAD reporting on page two of the supplied problem summary) .

Types of offence – from ACPO guidance of PSE's

There are a number of criminal offences that may be committed by people who use PSE's for sexual purposes. This can include the Common Law offence of Outraging Public Decency and Statutory offences such as Offences against the Public Order Act, 1986. This Guidance does recognise that an arrest may be necessary, legitimate and proportionate to deal with the offences committed by users of PSE's for sexual purposes. However, having recognised this, the Guidance supports the view that the use of enforcement alone is unlikely to be effective in dealing with the many problems associated with PSE's. We need to fully understand the problems at each PSE site and, by working alongside our partners, we can develop and implement sustainable solutions together.

There also needs to be recognition that the use of an arrest in these circumstances can have an extreme impact on the person arrested. It is documented elsewhere that the impact can include humiliation, breakdown of relationships and the 'outing' of men living in an opposite sex relationship being perceived as 'gay.' Acts of suicide and self-harm by persons who may have been arrested, charged or come into contact with the police in such a situation, has happened in various parts of the country and has been reported across the many media organisations. It is important to be aware of this, to ensure we are mindful of the potential impact an arrest in these circumstances can have, when exercising our duty of care in respect of the people with whom we come in contact with.

The Police do not have powers to exclude users from using PSE's unless there is other legislation available. People who use PSE's do not as a matter of course commit offences by visiting the site. It is an offence to have sex in a public toilet but not in any other location unless other factors apply. Offences such as gross indecency, buggery and loitering with intent are no longer valid.

The fact that an Officer sees someone within a PSE does not provide sufficient grounds for them to use stop and account tactics to identify and make the person account for their behaviour or presence. Neither does it allow them to ask the person to leave the area.

Outraging public decency

Outraging public decency is one of the very few common law offences remaining in the criminal justice system. It is an offence to commit an act of a lewd, obscene and disgusting nature, which is capable of outraging public decency, in a public place where at least two members of the public could have witnessed it. The act is in place where there is a real possibility that members of the general public might witness it. Case law states that exposure of the naked body must grossly transgress acceptable limits of decency, thus this offence will usually only be suitable if masturbation or sexual intercourse occurs in full public view

S66 Sexual Offences Act – Exposure

Section 66 makes it an offence for a person intentionally to expose his genitals where he intends that someone will see them and be caused alarm or distress. It is not necessary for the defendant's genitals to have been seen by anyone or for anyone to have been alarmed or distressed. For example, if a person exposes his genitals to some passers-by, he may (depending on his state of mind) commit the offence regardless of whether they actually see his genitals or whether they have been alarmed or distressed by seeing them.

"Genitals" refers to male or female sexual organs.

Note

The offence would not apply to a naturist who intentionally exposes his genitals in the knowledge that they may be seen by others but without the intention to cause alarm or distress. Similarly, it would exclude an exhibitionist streaker at a sports occasion.

Section 5 Public Order Act

Section 5 of the Public Order Act 1986 creates an offence of being threatening, abusive or insulting in a way which is likely to cause harassment, alarm or distress.

5(1) A person is guilty of an offence if he -

- (a) uses threatening, abusive or insulting [words or behaviour](#), or disorderly behaviour, or
- (b) [displays](#) any [writing, sign or other visible representation](#) which is threatening, abusive or insulting,

within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby.

The current position

The end of the Café lease has provided an opportunity for residents to request Surrey County Council to close the lay-by, an opportunity that is only available every ten years. There has been regular contact with members of the public by the Police and partners since before Christmas 2009. The Surrey Police crime reduction advisor conducted an analysis of the problem, and produced a list of options in a problem summary and analysis to Surrey Council (the landowner of the lay-by) at the end of 2009. It has been the subject of much discussion at various committees within Surrey County council and awaits a decision. There are partnership meetings planned by Surrey County Council to discuss some of these options and others.

In relation to the Police view on this issue it is believed that the usage of the PSE will fall in number if the lay-by is closed which is one of the key aims of a majority of the local village. These users will not cease to visit PSE sites and it is likely that most will use others in Surrey or in North Hampshire, with perhaps a smaller number still using the A31 Hogs Back but looking for other places to access the site. The true affect of displacement will not be known until any closure.

There are of course other issues to be considered in relation to the closure discussion such as the financial cost and the provision of HGV rest locations on the A31, I will leave these to the experts in these fields from the Highways Agency and Surrey County Council.

In relation to current Police patrols the local Officers (PC and PCSO) patrol the area four times a week during daylight hours, when the impact on the local residents has been flagged to be highest. The patrols include areas near the school, the fields to the rear and paths leading to the lay-by. These patrols are high visibility in nature to provide the public with reassurance that the Police are actively patrolling in the area, but also to act as a deterrent for those who may consider committing offences. Additionally there have been regular patrols by the Roads Police Unit at and around the lay-by. This is currently the most patrolled PSE site in the county as it has been recognised as being a local neighbourhood issue.

Training has been provided internally to Police Officers and staff in the last year on the policing of public sex environments. The training has also been given to members of the call handling centre who will be the first to receive a call from a member of the public.

Further Police engagement with those using the area takes place at least every few months to encourage dialogue with all sections of the community. Historically PSE sites have had hate crimes committed there, with offenders travelling some distance to target users. These offences have often been under reported, and ties between users and the Police Lesbian and Gay liaison Officers in recent years has resulted in more intelligence being gained on offenders. Reports of hate crimes on the A31 Hogs Back are low.

From the ACPO Guidelines

High visibility Police patrols are considered to be a tested approach to community reassurance.there is no evidence that using plain clothes officers in a detection and enforcement role is an effective means of solving problems of this type. Indeed, such a tactic often risks accusations of agent provocateur.

PSE users view themselves as a community and use web forums to discuss activity. Their view is that if the lay-by is shut the County Council will be choosing one community over another when only a small proportion of users break the law. There has been some evidence of self Policing within this community in relation to acting responsibly especially in the leaving of sexual litter in the area. Members of the PSE community or associated health workers with close ties to it can provide further first hand details if called as witnesses, to ensure full details are known by the committee before making recommendations.

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