



10 DOWNING STREET

THE PRIME MINISTER

15 February 1982

Dear Mr. Whitehouse,

Thank you for writing to me about the proposals to control sex shops by means of a licensing scheme. I have since seen your letter of 2 February covering your petition on the Williams report.

I have discussed this matter with the Home Secretary and I know that he fully understands, as I do, your objections of principle to licensing arrangements for establishments of this kind. The Government is convinced, however, of the need for firm statutory controls over the numbers and location of these premises. The need for such controls has been consistently urged on us by Members of Parliament, local authorities and many members of the public, and I believe that our proposals will receive a strong measure of popular support. We have no reason to think that sex shop operators would welcome a licensing scheme; indeed, there is evidence to the contrary. In our view, and contrary to what you suggest in your letter of 2 February, these proposals will avert the potentially serious social consequences which might have stemmed from the unrestricted spread of sex shops.

The proposals themselves, as you know, were tabled as amendments to the Local Government (Miscellaneous Provisions) Bill and were passed, without a division, on 3 February. Under the proposed arrangements it would be for each district council (or London borough) to decide whether it wished to introduce the scheme in its area. Where the scheme was introduced existing sex shops

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would have no right to a licence, and the grounds on which a licensing authority could refuse an application would be widely drawn. Each application for a licence will have to be considered individually on its merits; but a local authority could decide to refuse an application on the grounds that there should be no sex shops in that particular locality; such a decision would naturally have to take into account all the local circumstances.

Where a licence was issued under the scheme, it would confer no immunity from the general provisions of the criminal law. Action could continue to be taken under the Obscene Publications Acts and other relevant legislation and a conviction could lead to the revocation of a licence. These provisions would be backed up by an exceptional maximum penalty on summary conviction of £5,000: and there would be no opportunity for a defendant to opt for trial on indictment, with the delays that, in inner London, are commonly associated with proceedings on indictment under the Obscene Publications Acts. These proposals represent, it seems to us, an effective and necessary measure of control. The scheme is based in its essentials, moreover, on the original proposals put forward by the GLC, Westminster City Council and the London Boroughs' Association, who clearly believe that controls of this kind could have a considerable impact in areas like Soho.

You refer both in your letter of 22 January and in your letter of 2 February to the need for fresh general legislation in this field. I wrote to you on 26 March last year explaining the Government's views on this question, and I am afraid there is very little I can add to this. It remains our view that there is at present an insufficiently broad basis of agreement on the likely content of any new legislation on which to found a measure acceptable to Parliament as a whole.

I understand, too, that the Home Secretary wrote to you in October about the American legislation - a copy of which you enclosed with your letter - and that he has discussed with Lord Nugent

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of his proposed Bill. I gather that Lord Nugent has now sent to Lord Belstead at the Home Office a revised version of the Bill, and that this is now being considered.

I am grateful that you should have written to let me know of your concern. Please continue to write in that way. It is most helpful.

Yours sincerely
Margaret Thatcher
