

From: THE PRIVATE SECRETARY



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

26 MAY 1982

Dear Mr Webb,

Thank you for your letter of 23rd April to the Home Secretary expressing concern about a number of matters relating to legislation in the field of obscenity and indecency. The Lord Chancellor's Department has also forwarded to us a copy of your recent correspondence with them on the same subject.

The Home Secretary has noted carefully your comments on the various matters you have raised. He thinks that it would not be particularly helpful in this reply to go over again the ground which was covered in the very full discussion which he had with you in January last year but he has asked me to make the following observations in regard to the legislation which is currently before Parliament.

The Home Secretary regrets that it was not possible to allow a longer period for consideration of the Government's proposals for the control of sex shops before the amendments were discussed at Commons Report Stage of the Local Government (Miscellaneous Provisions) Bill. They were, however, tabled at the earliest opportunity.

With regard to the amendments which have been made subsequently to the Bill in the House of Lords, the Home Secretary has asked me to make it clear that the Government has not departed from its policy that it should not be open to a local authority to decide, as a matter of principle, that there should be no sex shops in the whole of its area. The Bill does provide, however, that a local authority may, in considering an application for a licence, refuse it on the ground that the number of establishments in the particular locality would exceed the number which it considers appropriate for that locality. (An amendment made in the House of Lords simply confirmed that the appropriate number might be nil). The Government has resisted amendments to provide local authorities with an absolute power to prohibit sex shops in their area or with a power to decide, in relation to an application, the appropriate number of sex shops for the whole of its area.

On the question of appeals against a local authority's decision to refuse an application for a licence, you will be aware that the Government's decision to withdraw the right of appeal in respect of the ground I have just mentioned was founded on the belief, which was supported by the majority in the House of Lords, that the formal decision as to the appropriate number of sex shops in a particular locality should properly lie with the local authority and not with the courts.

/Turning

D. Webb, Esq.

Turning to the Cinematograph (Amendment) Bill, the Home Secretary is not of course answerable for any comments which may have appeared in the press about support for its provisions. The Government has made no secret of the fact that it was responsible for the preparation of the Bill and that, accordingly, the proposals which it contains have its full backing. As has been made clear in the discussion of the Bill, the Government believes that it is right that commercial cinematograph exhibitions should be subject to censorship requirements and that the operations of the present sex cinema "clubs" constitute a blatant abuse of the cinematograph licensing arrangements.

The Home Secretary has noted your remarks about the actions of the prosecuting authorities and about statements made by the judiciary. It would not, however, be proper for him to add to the reply which you have received from the Lord Chancellor's Department.

Yours sincerely,

Lesley Pallett

(MRS. L. PALLETT)