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VISIT OF NCROPA DELEGATION TO WESTMINSTER CITY COUNCIL

On the 9th September 1982, by invitation, two delegates of the National Campaign for the Reform of the Obscene Publications Acts were received by representatives of the City of Westminster Council at City Hall to discuss the scheme for the licensing of sex-shops contained in the newly enacted Law Reform (Miscellaneous Provisions) Act. The delegation consisted of David Webb, *Organiser of NCROPA*, and Edward A.C. Goodman, *its* legal adviser. They were received by the Chairwoman of the Westminster City/General Purposes Committee, the Vice-Chairwoman, the Chief Executive of the City, the City Solicitor, and a minutes clerk.

The Chairwoman presided over the meeting and opened the discussion by apologizing for the fact that she and the Vice-Chairwoman had only recently taken over their responsibilities and were not fully conversant with the background of the interested parties asked to submit their views on the scheme for the licensing of sex-shops. David Webb therefore outlined the aims of NCROPA and explained that it was an unpaid Law reform body not a commercial pressure group. He gave details of the correspondence and meeting NCROPA had with the Rt. Hon. William Whitelaw, Home Secretary, about the whole question of the licensing of sex establishments in the U.K..

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2 Mr. Webb proceeded to state that NCROPA believed² there was no need for special licensing of sex-shops in this country just as there was none in other countries such as the U.S.A. and France. He therefore requested that Westminster did not operate a licensing scheme as the Law Reform Act merely empowered local authorities to have such a scheme but did not require it. He added that if Westminster did operate a scheme it should not adopt a low figure, or even nil, as the number of sex-shop licences it would grant, although the statute allowed this. He pointed out that every world metropolis had an entertainment district which contained sex establishments and, whether they liked it or not, the City of Westminster included that such district in Greater London.

The Chairwoman then pointed out that there were sex-shops in the London Borough of Camden as well as in Westminster. Edward Goodman of NCROPA replied that the City of Westminster had to take account of the fact that it was by historical accident that sex-shops were being licensed by the London Boroughs under the Law Reform (Miscellaneous Provisions) Act, whereas sex-cinemas were dealt with by the Cinematograph (Amendment) Act and were being licensed by the Greater London Council. Thus, when licensing sex-cinemas, the GLC might decide that they should be concentrated in the West End i.e. Westminster and it would therefore be anomalous for the City of Westminster to decide that few sex-shops should be sited there. In any event, Mr. Goodman explained, suburban London Boroughs where few if any sex-shops existed could and most probably would, as the Law Reform Act allowed them, decide to grant no licences.

Goodman explained that the Law Reform Act was merely regulatory and not prohibitory. He added that if Parliament had wanted to ban sex-shops it would have enacted a statute doing so. He stated that it would thus be wrong for the Westminster City Council to do this by granting few if any licences or making them extremely expensive or difficult to acquire. He explained that, if Westminster did that, it would have the effect of banning sex-shops in South-East England as other local authorities there were unlikely to grant such licences on the grounds that sex-shops should be sited in the West End of London and not in residential areas.

Mr Goodman then said that all the existing sex-shops in Westminster were paying the high commercial rents and rates prevailing there and, to be able to do this, must be serving a large clientele and thus catering for a *widespread public demand*. To grant licences to only some of the existing sex-shops would therefore arbitrarily deprive some shopkeepers of their livelihood while giving the remaining ones a near monopoly. He stated that to do this was against democratic traditions.

It was stressed by Mr. Goodman that, unlike planning applications, there was no right of appeal against refusal of a sex-shop licence and that therefore the Westminster City Council were exercising an onerous responsibility in dealing with applications for such licences. The Chairwoman of the General Purposes Committee agreed and said that was why the City Council was consulting interested bodies before deciding policy on this question. She stated that therefore delegations representing all shades of opinion on the issue had been invited to submit observations to the City Council, including the *Festival of Light* and Mrs. Mary Whitehouse.

The Chairwoman then asked about the ⁴views of persons living near sex-shops who did not like them. The Organiser of NCROPA pointed out that people knew what they were doing when they chose where to live. He made the example of persons residing near public houses and dance-halls. He therefore stated that the views of neighbours should only be relevant to the granting of a sex-shop licence if it was for a shop being established where none existed. Mr Goodman added that NCROPA believed in a free society where the rights of minorities were respected, as opposed to the tyranny of the majority. Thus even if most of the people in a borough were opposed to sex-shops the minority should not be deprived of access to such shops.

On behalf of NCROPA, Messrs. Webb and Goodman then requested that no existing sex-shops in Westminster be refused licences. They were assured that this request would be carefully considered. Mr Goodman then referred to the Williams Report's conclusion that the obscenity laws in this country were in "chaos" and in urgent need of reform. He explained that the Home Secretary had informed NCROPA that no such reform could be enacted at the moment because of lack of agreement

among government ministers. Goodman therefore stated that it was legally impossible to know in advance what publications were unlawful in this country on the ground of obscenity. Mr Webb described a specific example of this by referring to the case of John Lindsey who had recently been sentenced to a term of imprisonment by a Court for publishing specific films which had thrice been found lawful by other Courts.

Mr Goodman therefore requested, on behalf of NCROPA, that obscenity convictions should not be regarded as a bar to obtaining or renewing sex-shops licences, just as he hoped that driving convictions would not. If this were not the case, Goodman added, sex-shops would only sell the same publications as ordinary shops, for fear of losing their licences, and would thus have no *raison d'être* and not be viable. The City Solicitor stated that Westminster City Council would try and prevent criminal elements from obtaining sex-shop licences but would sympathetically consider the question of what he agreed were the difficult obscenity laws. Mr Webb stressed that granting licences did not change these laws.

The Chairwoman of the General Purposes Committee, who had been making short notes in addition to the longer notes being taken by the minutes clerk, then closed the meeting. She thanked the NCROPA delegates for making what she said were "very useful points."