

Leicester
City Council

**WARDS AFFECTED
ALL WARDS (CORPORATE ISSUES)**

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

**Leader's Briefing
Cabinet**

**6 January 2003
27 January 2003**

Policy on Licensing of Sex Shops

Report of the Service Director – Regulatory Services

1. Purpose of Report

This report sets out proposals for a new policy on licensing Sex Shops.

2. Summary

The City Council has wide discretion on whether to grant licences for sex shops in its area. The present policy was adopted in May 1988 and allows for up to three licensed sex shops within the inner ring road and elsewhere cases being decided on their own merits.

Only three sex shops have been licensed since the policy was adopted, with very few applications. The passage of time since the present policy was adopted and the recent increase in the number of applications suggest that it is appropriate to revisit the policy in the light of the statutory provisions, in particular with regard to the number of sex shops to be licensed and the factors that can be taken into account.

A review of the policy, including consultation with the public, has taken place. A new policy is now proposed which reflects the outcome of that consultation and the comments received from members.

3. Recommendations

- 3.1 It is recommended that the policy on the licensing of Sex Shops shown in Appendix 1 is adopted with immediate effect.

3.2 It is recommended that the implementation policy shown in Appendix 2 is adopted.

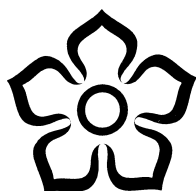
4. Headline Financial and legal Implications

If the City Council refuses to grant a licence because it believes there are already sufficient shops in a particular area or because the proposed location is unsuitable, there is no right of appeal.

The review of the sex shop policy has been carried out to reflect the possibility that the policy may be challenged by way of judicial review.

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Leicester
City Council

WARDS AFFECTED
All Wards - City Wide

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Leader's Briefing
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6 January 2003
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Policy on Licensing of Sex Shops

SUPPORTING INFORMATION

1. Report

1.1.1 Background

The Local Government (Miscellaneous Provisions) Act 1982 gave local authorities power to regulate sex establishments, which includes sex shops in their areas. The City Council adopted these powers in 1988 together with a policy that three was the appropriate number of sex shops for the City Centre and that elsewhere, each case would be determined on its merits.

Until recently there were only two applications on record for sex shop licences in Leicester. Both of these, one on Granby Street and one on London Road, were granted. Very few complaints have been made from the public about these two premises. There have been no complaints in the last five years,.

In May 2002, the Licensing Sub-Committee granted a new licence for a sex shop on Narborough Road. Two more applications have now been received; one on London Road near the railway station and one on Highcross Street, outside the central ring road. It is thought that the recent wave of applications is connected with the new definition for R18 videos.

In view of the time that has elapsed since the policy was introduced and the potential increase in demand for licence a review of the policy has now taken place. The review has taken the form of public consultation, on a proposed policy, through a number of focus groups. The report of the consultants who carried out

the consultation is shown in Appendix 3. There has also been written consultation with the existing licence holders and copies of the letters received are shown in Appendix 4.

1.1.2 What is a Sex Shop

The legal definition of a sex shop, contained in the Local Government (Miscellaneous Provisions) Act 1982, is any premises used to a significant degree for selling or hiring sex articles, which are articles used for stimulating or encouraging sexual activity or acts of force or restraint associated with sexual activity. Typically (in Leicester) this includes magazines, videos, sex toys and fetish/fantasy articles.

An important element of the definition is the words "significant degree. Because of this shops can sell a small proportion of sex articles without needing a licence. For example many newsagents sell magazines which are sex articles, and the proportion of the stock that are sex articles in the Ann Summers shop on Gallowtree Gate means that it is not a sex shop.

One type of sex article that can only be sold in licensed sex shops are videos that have been given an R18 classification by the British Board of Film Classification.

It is an offence under the Act for the shop to allow any person under the age of 18 to enter the shop. In addition all licences are granted subject to conditions, which for example prohibit advertising and require that nothing on sale in the shop is visible from the outside.

1.2 Consultation

1.2.1 Public Consultation

Consultation was based on a proposed policy shown below:

Aims of the proposed policy:

- To prevent offence being caused to members of the public who may inadvertently come into contact with goods or customers of a sex shop;
- To prevent inappropriate material becoming available to persons under 18 years of age;
- To prevent sex shops having a detrimental effect on incompatible adjoining buildings, particularly dwellings, schools, libraries, places of worship and other community buildings;
- To ensure that sex shops, because of their external appearance, do not detract from the image of the city or reduce the potential for successful regeneration.

To achieve these aims the following policy is proposed:

- a) A maximum of three sex shops will be licensed in the city centre, defined by the area within the inner ring road;
- b) No sex shops will be allowed outside the city centre;
- c) Principal shopping streets within the city centre and district shopping areas will not be considered appropriate locations because of the impact of the external appearance of sex shops on adjoining shopping areas;
- d) Applications for renewal of sex shop licences will be considered annually to determine whether they meet the policy and its aims;
- e) The suitability of applicants for sex shop licences will be assessed taking into account relevant criminal convictions;
- f) Buildings to be licensed as sex shops must be capable of meeting the City Council's standard conditions for sex shop licences.

The key outcomes of the focus groups were:

- There was a remarkable consistency of views on most issues regardless of age, sex, ethnicity and sexual orientation.
- The objectives of the proposed revised policy were clearly supported.
- The aim of completely **preventing** offence being caused to members of the public who inadvertently came into contact with goods or customers of a sex shops was considered unachievable and therefore the objective should be to **minimise** offence.
- There was an acceptance that there should not be too many sex shops and that those licensed should fit unobtrusively into the urban environment. At the present time, up to 6 sex shops were considered about the right number.
- There was also a suggestion that sex shops should not be driven down side streets or run down areas. Women in particular felt they should be able to visit sex shops in the main shopping streets. (However, it was recognised that certain areas of the City where the Asian community carried out community activities would be unsuitable.) For both these reasons the Council's proposal that there should be no sex shops outside the City Centre was also supported.

1.2.2 Trade Consultation

Letters from the existing licence holders and existing applicants are appended in Appendix 4.

1.3 Revision to Proposed Policy

1.3.1 Location on Principal Shopping Streets

In the light of the public consultation the following revision has been made to the proposed policy:

- c) Principal shopping streets within the city centre will be considered appropriate locations and the City Council will work with licensees to ensure that the external appearance of the shop does not adversely affect adjoining shops or the potential for regeneration;

1.3.2 Numbers of Licences

The focus groups suggested that a more flexible approach could be taken to the number of licences issued, perhaps to as many as six. This has not been reflected in the proposed policy.

1.4 Implementation Programme

The proposed implementation programme is shown in Appendix 2.

1.5 Other Issues

The following issues, highlighted by the focus groups, do not directly impinge on the licensing policy. Members may wish to comment on them at this stage as they may be relevant to a subsequent review of conditions of licence.

1.5.1 Hours of Opening

The current conditions of licence for sex shops require closure of the premises by 17:30 hours. Participants in the focus groups suggested that consideration could be given to allowing evening opening. The perceived benefits of this would be to allow couples to visit the shop together and to move business to a time when children are less likely to be around.

1.5.2 Sex Education

The focus groups suggested that sex shops could provide an opportunity for sex education and sexual health. Whilst this may well be true, it would be impractical to build this into the conditions of licence or to expect licensees to be qualified to provide this. There is already a condition of licence which requires the display of literature on sex education and health specified by the City Council.

2. Financial Implications

The fees charged for sex shop licences have been fixed to cover the cost of administering the licensing regime. The current licence fee for a sex shop is £4387.00 for initial grant and £1864.00 for renewals.

The estimated cost of consultation is less than £5,000 and will be met from existing budgets.

3. Legal Implications

Although there is no right of appeal against the refusal of a sex shop licence under Grounds c) and d) of Paragraph 12(3) of Schedule 3 to The Local Government (Miscellaneous Provisions) Act 1982, the City Council's policy could still be challenged by means of judicial review if it was held to be acting unreasonably.

The Human Rights Act principles would apply to the determination of the grant of a sex shop licence.

4. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph References Within Supporting information
Equal Opportunities	Yes	1.2, Appendix 3
Policy	Yes	Throughout
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	Yes	3
Elderly/People on Low Income	No	

5. Background Papers – Local Government Act 1972

Licensing of Sex Shops - Report of the City Attorney to Environmental Health and Public Control Committee - 11 May 1988

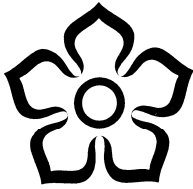
Public Consultation on Sex Shop Policy – Report by Social Research Associates – November 2002

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Policy on Licensing of Sex Shops

Aims of the proposed policy:

- To prevent offence being caused to members of the public who may inadvertently come into contact with goods or customers of a sex shop;
- To prevent inappropriate material becoming available to persons under 18 years of age;
- To prevent sex shops having a detrimental effect on incompatible adjoining buildings, particularly dwellings, schools, libraries, places of worship and other community buildings;
- To ensure that sex shops, because of their external appearance, do not detract from the image of the city or reduce the potential for successful regeneration.

To achieve these aims the following policy is proposed:

- a) A maximum of three sex shops will be licensed in the city centre, defined by the area within the centre line of the inner ring road (as of 27 January 2003);
- b) No sex shops will be allowed outside the city centre;
- c) Principal shopping streets within the city centre will be considered appropriate locations and the City Council will work with licensees to ensure that the external appearance of the shop does not adversely affect adjoining shops or the potential for regeneration;
- d) Applications for renewal of sex shop licences will be considered annually to determine whether they meet the policy and its aims;
- e) The suitability of applicants for sex shop licences will be assessed taking into account relevant criminal convictions;
- f) Buildings to be licensed as sex shops must be capable of meeting the City Council's standard conditions for sex shop licences.

Approved by Cabinet - 27 January 2003

Policy on Licensing of Sex Shops – Implementation Programme

The Policy on Licensing of Sex Shops adopted by the City Council on 27 January 2003, is for no more than three shops to be licensed all within the City Centre. However the present position is that there are three shops licensed, two of which are outside the City Centre. This programme specifies how the policy will be implemented to take account of this position.

1. The total number of licences issued at any one time, including those outside the city centre) will not be allowed to be above three.
2. The existing licences will be renewed when the annual renewal date occurs up until 31 January 2008.
3. The existing licence holders will be allowed to transfer their licences to new premises within the City Centre, without paying an additional fee, (defined as the area within the centre line of the inner ring road as of 27 January 2003) up until 31 January 2008.
4. After the 31 January 2008, application for renewal of the existing licences would be considered under the terms of the policy in existence at that time.
6. If existing licences are not renewed, for whatever reason, applications for new licences will be considered.
7. Applications for new licences and transfer of existing licences under 3 above will be determined by Licensing Sub-Committee.
6. This implementation programme relates to the question of location only. The City Council may consider other the aspects of its policy separately.

Approved by Cabinet - 27 January 2003

**PUBLIC CONSULTATION ON SEX SHOP POLICY
REPORT OF SOCIAL RESEARCH ASSOCIATES
NOVEMBER 2002**

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PUBLIC CONSULTATION ON SEX SHOP POLICY FOR LEICESTER CITY COUNCIL EXECUTIVE SUMMARY

Introduction

Since 1988 Leicester City Council have regulated sex shops. Until 2002 only two applications for licences had been made and both were granted. However, since May 2002 three further applications have been made, one of which has been granted. In the light of this increase, the City Council reviewed its policy and issued draft new guidelines.

As part of this review, research into public attitudes to the draft guidelines was commissioned and this work was carried out by Social Research Associates during October/November 2002. Three discussion groups were held, in total representing a broad cross section of ages, sex, ethnicity and sexual orientation. Participants were in part recruited from the Citizens Panel with additions to ensure representativeness.

The Findings

There was a remarkable consistency of views on most issues regardless of age, sex, ethnicity and sexual orientation.

The objectives of the proposed revised policy are clearly supported. There is a marked tolerance of sex shops as a way of meeting legitimate needs and preferences among the population.

Thus the aims of the proposed revised policy should stand, but the wording of the first item should be modified to avoid the impression that it is seeking to achieve the unachievable.

Current wording	Suggested wording
To prevent offence being caused to members of the public who may inadvertently come into contact with goods or customers of a sex shop.	To minimise offence that might be caused to members of the public who are unaware of the purpose and contents of a sex shop.

Nevertheless, there is also an acceptance that there should not be too many sex shops and that those licensed should fit unobtrusively into the urban environment. At the present time, up to 6 sex shops were considered about the right number.

There was also a suggestion that sex shops should not be driven down side streets or run down areas. Women in particular felt they should be able to visit sex shops in the main shopping streets. (However, it was recognised that certain areas of the City where the Asian community carried out community activities would be unsuitable.) For both these reasons the Council's proposal that there should be no sex shops outside the City Centre was also supported.

Appendix 3

In addition there was support for using sex shops to advance a better understanding of sexual matters in general, including sex education and health. This was allied with a view that sex shops should do more to remove the predominantly male-orientated character of their premises and products. Both these ideas would involve the Council in taking a rather more pro-active approach towards the granting of licences or the renewal of existing ones.

Finally it was recommended that the policy should be monitored and reviewed again after one-two years.

1. Background to the study

1.1 In 1988, Leicester City Council adopted powers available to it under the Local Government (Miscellaneous Provisions) Act 1982 to regulate sex establishments, including sex shops. At the same time, it adopted a policy that three was the appropriate number of sex shops for the city centre, and that elsewhere each case would be determined on its merits.

1.2 Until this year, only two applications for licences had been made and both were granted; the premises concerned are on Granby Street and London Road. In May 2002 however, a further licence was granted for a sex shop on Narborough Road. Two more applications have recently been made, for a second shop on London Road and for one on Highcross Street, outside the central ring road. It is thought that the demand for new licences may be connected with a relaxation, in July 2000, of the guidelines issued by the British Board of Film Classification (BBFC) covering explicit sex videos.

1.3 In light of these developments, the City Council decided that it would be right to conduct a review of its long-standing policy, and a proposed revised policy has been drafted. A copy of this is at Appendix I to this Report. In view of the public controversy that might arise, it was necessary for any modification of policy to be carried out in a way which could be demonstrated as broadly consistent with the wishes of the community. It was not however thought appropriate to commission a large scale research survey of public opinion on a potentially sensitive topic; and in any case time and resources did not make this a realistic option.

1.4 The preferred methodology was to use discussion groups ('focus groups'), as a sounding board. These were recruited chiefly from individuals who had already expressed an interest in participating in Leicester's "People's Panel". Social Research Associates (SRA) was appointed in September 2002 to organise and conduct the discussion groups. The Terms of Reference for the study were set out in a letter from Mike Broster dated 23rd September 2002 and can be summarised under three principal headings:

- to assess the degree of public support for the aims of the revised policy;
- to assess the degree of public support for its constituent elements; and
- to assess the likely working of the policy overall.

1.5 Over recent years there has been an increasing relaxation on the dissemination of sexually explicit materials, in both publishing and broadcasting. They have become widely available also through the Internet. Cheap foreign travel has increased awareness of how other societies treat the availability of sexually explicit materials, as well as the range of materials themselves. On the other hand, there is nowadays a better awareness of ethnic diversity and the need to respect different cultural traditions in the UK. There is also a widespread concern for the adequate protection of children from undesirable influences of various kinds. From the point of view of the regeneration of the city, and the general amenity of its centre, the location of sex shops also needs to be treated with considerable care.

2. Conduct of the Study, its Objectives and Methods

2.1 Although the proposed revised policy places heavy emphasis on allowing sex shops only in the city centre, consultation clearly needed to be on a wider basis. The centre is, almost by definition, a place which many people from other areas visit regularly (as well as non-residents of Leicester), and they could be expected to have views on the presence or otherwise of sex shops. Conversely, the city centre is not an area with a high residential population compared to many other districts, so it would be inappropriate to focus solely on the views of residents living there.

2.2 The advantage of the Leicester People's Panel, as a base from which to draw a sample who would take part in discussion groups, was that it consists of about fifty names of local people who live in a selection of the principal neighbourhoods across the city. Moreover, they had already volunteered to be available for consultation from time to time on a variety of topics. Details of their names, addresses and approximate ages could be readily provided by the client, so saving time and cost. Ethnic and minority groups are represented on the Panel to some degree; women and younger age groups are somewhat under-represented in relation to the City population as a whole, and the geographical coverage is inclined to be patchy.

2.3 The Panel therefore formed the initial basis for recruitment of the discussion groups, but some difficulty was experienced in finding sufficient people who could be available to join the groups at a mutually convenient time. Additional participants were therefore drawn from a database held by SRA, with the aim of 'balancing up' the age, sex and ethnic composition of the groups. Recruitment to each group was by personal invitation to participants: no substitutes were allowed without prior agreement. A small honorarium to participants (£25 per head) was provided as an incentive to take part.

2.4 On the basis of preliminary enquiries, it was decided to convene three discussion groups, each recruited on a different basis. As an initial hypothesis, it seemed that people in younger age groups might well have a different spectrum of views about the policy towards sex shop licensing, as compared to older people. Therefore the recruitment ensured that a range of age groups were represented. One group was drawn from the 18 – 40 age range, while a second group was composed of people aged over 40. It was also suspected that some men and women participants might feel inhibited in discussing the topic in a mixed group. To control for this possibility, the first and third groups were composed of all male and female members respectively. In the event, the differences in opinions among the groups were not as pronounced as might have been expected.

2.5 Each group consisted of an average of eight people, who discussed the issues for up to two hours, with the help of a senior member of SRA staff acting as facilitator. The setting was informal, with light refreshments provided. The discussion was opened with a short account of the purpose of the exercise, including the powers and duties of the local authority with respect to sex shop licensing, and the key elements of the proposed revised policy. A large display map of central Leicester was used in introducing and discussing some of the locational issues.

2.6 The points made in discussion were recorded manually on a non-attributable basis, and the reports of the individual discussions are at Appendix II. It will be noted that the natural flow of the discussion did not always follow the precise framework implied by the order of items in the proposed policy. Nevertheless, it was the role of the facilitator to ensure that all aspects of the

policy were adequately covered in each discussion. Using the reports, a textual analysis was carried out to reveal the level of support for each element of the policy, for its specific aims, and for the policy overall.

2.7 The work was carried out in accordance with the Council's environmental policy, and with all due regard to the legislation on equal opportunities.

2.8 It should be noted that a study of this type makes it possible to tap a wide spectrum of opinion, and to throw up ideas and insights. But the small numbers involved in the research do not provide a sound basis for treating the opinions expressed as in any sense statistically representative of Leicester residents as a whole. The main value of the study was therefore in taking a rapid and discreet sounding of the public's views, which could be fed into decision making by the City Council.

3. Principal Findings

General

3.1 Although at the outset it appeared that the findings from the discussion groups might vary substantially according to their composition, a remarkable consistency of views emerged on most issues across all three groups. In the account which follows, findings can thus be taken to apply across the board except where this is indicated otherwise.

3.2 In line with the brief for the study, SRA has sought to assess the degree of support for the aims of policy and its constituent elements, although the group discussion approach did not make it possible to do this in any quantitative way. Instead, the research team assigned a broad rating of support for each policy aim, on a three-point scale (high-medium-low), based on what each group said. The result is shown in Table 1. It should be noted that group participants did not regard themselves in any sense as ‘voting’ on the policy aims, and were very interested in exploring both the ramifications of the policy and effective ways of implementing it. Many helpful suggestions were made which are discussed later in this section.

Aims of the policy

To prevent offence being caused to members of the public who may inadvertently come into contact with goods or customers of a sex shop

3.3 Participants in the group discussions strongly supported the intention behind this aim; but they thought that, as currently expressed, it would be impracticable to fulfil in its entirety.

3.4 While various measures could be taken to reduce the risk of members of the public inadvertently coming into contact with goods or customers of a sex shop, it was scarcely possible to prevent this completely. The customers of a sex shop are indistinguishable from the generality of the population, and seldom advertise the fact to others who may be out and about in public places. Also, once members of the public (however inadvertently) come into contact with sexually explicit materials, it is impossible to predict their reaction: some may be offended, others may not. The propensity to be offended, in other words, is an attribute of the person, and is not necessarily an inherent characteristic of goods available in sex shops.

3.5 Nevertheless, the intention of the policy was sufficiently clear and uncontentious that all three groups went on to consider how it might be facilitated. They suggested that the internal layout (as well as the external appearance – see below) could help to prevent inadvertent contact between people who might be offended and sexually explicit materials. The area of a shop nearest the entrance should be used for display of mildly erotic items, such as scanty lingerie and soft-core magazines. ‘Harder’ materials should be kept at the rear of the shop, preferably behind a screen clearly marked with a notice, and supervised by a member of staff.

3.6 This arrangement would also give an additional opportunity for staff to intercept people who appeared to be under the age of 18, and to point out to those who seemed to be in some doubt that they could potentially find the screened off area distasteful.

3.7 The layout of individual shops is clearly a matter for the owners and managers of the premises, so long as they comply with health, safety and other statutory requirements. But participants in the discussions did also suggest that it might be possible to develop a code of practice among sex shop proprietors, dealing with presentational issues, layout etc. This could well be in their own interest, in terms of easing public acceptability, as well as helping to achieve the Council's policy.

To prevent inappropriate material becoming available to persons under 18 years of age

3.8 All groups strongly supported this policy aim, but they saw it as principally a problem of enforcement, so far as sex shops are concerned. They could not see any 100% effective way in which persons under 18 could be protected from accessing sexually explicit materials by other means, such as over the Internet, or by mail order, and in any case this was not part of the brief. They also noted that an increasing array of sexually explicit materials, including videos, is on sale through ordinary newsagents. This was regrettable, and increased the risk among children and young people, as well as among adults who might be offended, of coming into contact with such materials. It would be better for newsagents to curb this tendency and for sexually explicitly materials to be confined to sex shops.

3.9 Clear warning notices, perhaps with a standard size and wording, should be displayed at the entrance to all sex shops. The suggestions about layout made above would help to prevent under-age customers coming into contact with inappropriate material.

3.10 Participants believed that, on the whole, staff in sex shops generally had a strong incentive to ensure that their customers were of an appropriate age or else (like a pub landlord) they risked having their licence withdrawn. But there was also a need for regular spot checks on shops, to ensure compliance.

To prevent sex shops having a detrimental effect on incompatible adjoining buildings, particularly dwellings, schools, libraries, places of worship and other community buildings

3.11 All groups spent a good deal of time examining the various aspects of this issue, and saw it as one of the most important on their agenda. Participants were strongly in favour of this policy aim, and suggested several measures that could help to achieve it. Apart from their strong support in principle for this aim, they made two important points:

1) City centre locations are clearly preferable as the places where sex shops should be located, and this in itself helps to reduce the potential for proximity to dwellings and schools at least. There was no support for suburban locations, as generally being predominantly residential, nor for industrial or business parks unless other firms nearby raised no objection. (Note that some local authorities, facing complaints about soliciting by prostitutes, have examined the idea of encouraging them to move from city centre streets to industrial estates where there may be little other activity at night, and they are less visible except to clients who will know where to find them.)

2) Another way of reducing the risk of sex shops affecting surrounding properties or unrelated activities, could be to review their opening hours. At present, sex shops in Leicester are obliged to close at 5.30pm, but a later closing time would enable customers to go there when fewer children are about, and would also make it easier for couples to visit a shop

together. This was seen as incidentally beneficial in making sex shops seem less of a male preserve, with corresponding influence – it was hoped – on their presentation and general atmosphere.

To ensure that sex shops, because of their external appearance, do not detract from the image of the city or reduce the potential for successful regeneration

3.12 This aim received full support from all groups. They hoped very much that sex shops could be encouraged to use window displays which were inoffensive and not just ‘blacked out’; the displays at the Ann Summers shop in Leicester (although this is not a licensed sex shop) were quoted as an example of the kind of thing which was acceptable. Participants had further points to make about the impact on regeneration which emerged in the discussion of policy measures (see below).

3.13 A comparison was drawn with the outward presentation of betting shops and amusement arcades: originally, these also had had a rather disreputable or anonymous image, but it had gradually changed over recent years to include window displays with colourful scenes of horse racing, or prizes that could be won.

3.14 Participants did, however, recognise that like the internal layout of shops, the type of window display was partly a matter for the owner or manager. Although the Council had no power to dictate the nature of window displays, it might be able to achieve some improvement through voluntary action or negotiation, or perhaps as a condition of licence renewal. The example of Westminster City Council is also instructive, in the way it has used the planning system to impose conditions on the Macdonald’s fast food chain. The rather garish red and yellow displays typically used outside Macdonald’s restaurants have had to be modified in order to fit in with conservation area policies in the West End of London.

Achieving the policy aims

3.15 The groups considered all the measures listed in the draft revised policy on sex shop licensing, and discussion ranged widely over a number of other possible ideas that could help the City Council to fulfil its aims.

A maximum of three sex shops will be licensed in the city centre, defined by the area within the inner ring road

3.16 Although Leicester has maintained a limit of three shops for many years, and currently proposes to maintain this limit in the revised policy, few participants felt there was anything sacrosanct about this number. They favoured consideration of new applications on their merits. When the point was pressed in discussion, the feeling emerged that perhaps an increase of two or three in the total limit would be acceptable. But much depended on the Council holding a detailed discussion (if this was not already done) with the applicants so as to cover such issues as the exact location, internal layout and external appearance.

3.17 Participants generally supported the idea of using the inner ring road as a boundary for licensing.

No sex shops will be allowed outside the city centre

3.18 Again, participants agreed this was the right approach.

Principal shopping streets within the city centre and district shopping areas will not be considered appropriate locations because of the impact of the external appearance of sex shops on adjoining shopping areas

3.19 On this issue, group members had divergent views from what the Council was proposing. They felt that the approach was too prescriptive, and that there were arguments for avoiding the tendency for sex shops to be confined to side streets and neighbourhoods that might be in need of regeneration. All groups disliked the 'seedy back-street' image that often characterised sex shops, and felt that if this could be minimised, many of the other objections to their location in and around city centre shopping streets would be reduced. An example was quoted of a sex shop in a London suburb which appeared outwardly more like a solicitor's or dentist's office.

3.20 Keeping sex shops away from 'back street' areas could also ease the problems of enforcement in various ways and discourage more undesirable activities from being attracted to take place around them.

Application for renewal of sex shop licences will be considered annually to determine whether they meet the policy and its aims

3.21 All groups agreed this was definitely the correct approach to take.

The suitability of applicants for sex shop licences will be assessed taking into account relevant criminal convictions

3.22 Again, all groups recognised this was a sensible precaution in ensuring that sex shops were responsibly managed. They thought however that assessing applicants was only part of the issue: the staff on duty in sex shops should also be of good character and without criminal convictions. It was also suggested that if a better balance of the sexes could be achieved among sex shop employees, this would help to moderate an undesirable 'male only' atmosphere.

3.23 It could be difficult in practice in 'screen' every person who works even part-time in a sex shop, but participants thought some effort should be made to obtain from applicants an assurance that they would employ only people of reputable character and without criminal convictions.

Buildings to be licensed as sex shops must be capable of meeting the City Council's standard conditions for sex shop licences

3.24 Group members thought it was fairly self-evident that the standard conditions ought to be met by all licence holders, and could not think of any obvious reasons why exceptions might be granted.

SUMMARY TABLE

TABLE 1 ASSESSED SUPPORT FOR POLICY AIMS AND MEASURES

<i>Policy aim</i>	<i>Rating</i>		
	Gp1	Gp2	Gp3
Prevent offence to those who may inadvertently come into contact with goods or customers of a sex shop	H	H	H
Prevent inappropriate material becoming available to persons under 18 years of age	H	H	H
Prevent detrimental effect on dwellings, schools, libraries, places of worship, etc.	H	H	H
Ensure sex shops appearance, does not detract from image of the city or reduce potential regeneration.	H	H	H
<i>Policy measures</i>			
Maximum 3 licensed shops in city centre	L	M/L	M/L
No sex shops allowed outside the city centre (defined by the area within the inner ring road)	H	H	H
Principal shopping streets not appropriate locations because of impact on adjoining shopping areas	L	L	L
Application for renewal of licences to be considered annually to determine whether if meet the policy and its aims	H	H	H
Suitability of applicants for licences to be assessed taking into account relevant criminal convictions	H	H	H
Sex shop buildings to be capable of meeting City Council standard conditions for sex shop licences.	H	H	H

H = High, M = Medium, L = Low

4. Discussion and Conclusions

4.1 In considering these findings, it needs to be borne in mind that those members of the Leicester Citizens Panel and others who agreed to take part in the discussion groups were likely to be people who feel relatively uninhibited in talking about sexual matters. A number of Panellists declined to take part, and it is not certain – on the basis of this research – whether their views might have been more or less liberal than those who actually attended. In other words, it is difficult to say how representative the views expressed in the groups are of the population at large.

4.2 The main value of discussion group research is in testing opinion and developing ideas and insights. In the present exercise, there was no indication that the Council might be developing an inappropriate or unpopular policy, and there was strong support for all the policy aims. There was also a considerable range of ideas about how to make sex shops fit less obtrusively into the urban environment while catering for legitimate needs and preferences among the population.

4.3 The most important of these ideas was almost a philosophical one, namely that sex shops ought to have the potential to contribute to better understanding of sexual matters in general, including sex education and health. If that were so, they could be of benefit to a wider cross-section of the adult population and less likely to attract controversy. At the moment, this potential is clearly secondary to a more prurient sort of interest, catering for a predominantly male clientele. The discussion groups generally thought this was regrettable, but that imaginative policies might be tried in an effort to overcome it.

4.4 On grounds of equality too, there was a clear feeling among participants that sex shops should do more to remove the predominantly male-oriented character of their premises and products. For a similar reason, there was some feeling that the lack of any right of appeal against refusal of a licence was not entirely fair, although it is difficult to see how this could be remedied without erecting a machinery for arbitration which might be cumbersome and, in practice, little used.

4.5 It is for the City Council to determine, in the light of these views, whether it wishes to take a slightly more pro-active approach towards the granting of new licences or the renewal of existing ones. Such an approach would imply entering into negotiation with licensees about the appearance and management of sex shops, which is arguably going well beyond what the local authority is legally obliged to do, and was not directly the purpose of the present study. On the other hand, improving the image and acceptability of sex shops does have a bearing on the wider responsibilities of the City Council in seeking to regenerate inner areas and, not least, in responding constructively to the views of local citizens as expressed in a research study.

4.6 There is no doubt however that, on the evidence from the discussions SRA conducted, the present policy is not only approved of in most key respects but has also been a clear success in practice, evidently balancing well the (admittedly low) demand for licences with wider public interest considerations. In doing so, it reflects the wise advice contained in the report of the Williams Committee on the more limited topic of obscenity and film censorship (even though this was never formally adopted as government policy).

4.7 The main findings from the consultation based on group discussions are therefore that:

- (i) the objectives of the proposed revised policy are clearly supported; and
- (ii) the measures and approaches proposed to achieve the policy would receive support, but with the proviso that the policy would be helped by not specifically driving sex shops into side streets and possibly run-down areas away from main shopping streets. This would not help regeneration, nor the image of sex shops. It would discourage women customers and possibly couples, and might encourage other possibly undesirable activities or persons to congregate.

Recommendations

4.8 On the basis of these findings, SRA offers the following recommendations:

- 1) The aims of the proposed revised policy should stand, but the wording of the first item should be modified to avoid the impression that it is seeking to achieve the unachievable. This could be done by amending the wording of the first policy aim to read: 'To minimise offence that might be caused to members of the public who are unaware of the purpose and contents of a sex shop';
- 2) The approach proposed for implementing the policy is generally balanced and clear. But the prohibition on licences being given to shops on main shopping streets is too rigid: it could help the achievement of the objectives if this prohibition was moderated, provided it can be done in conjunction with recommendation 3) below.
- 3) The City Council is invited to consider the potential for encouraging a more constructive and less prurient role for sex shops. This could ease their acceptance as part of the normal town-scape, could improve their image and accessibility to both sexes and widen their value in promoting sex education and health. It may be appropriate for the City Council to examine this issue in association with health promotion agencies and other relevant interests, including the owners of the shops themselves.
- 4) The operation of the revised policy should be monitored and reviewed again after one-two years.

Appendix I: Proposed Policy on the Licensing of Sex Shops

The following are proposed as the aims of the policy:

- To prevent offence being caused to members of the public who may inadvertently come into contact with goods or customers of a sex shop;
- To prevent inappropriate material becoming available to persons under 18 years of age;
- To prevent sex shops having a detrimental effect on incompatible adjoining buildings, particularly dwellings, schools, libraries, places of worship and other community buildings;
- To ensure that sex shops, because of their external appearance, do not detract from the image of the city or reduce the potential for successful regeneration.

To achieve these aims the following policy is proposed:

- A maximum of three sex shops will be licensed in the city centre, defined by the area within the inner ring road;
- No sex shops will be allowed outside the city centre;
- Principal shopping streets within the city centre and district shopping areas will not be considered appropriate locations because of the impact of the external appearance of sex shops on adjoining shopping areas;
- Application for renewal of sex shop licences will be considered annually to determine whether they meet the policy and its aims;
- The suitability of applicants for sex shop licences will be assessed taking into account relevant criminal convictions;
- Buildings to be licensed as sex shops must be capable of meeting the City Council's standard conditions for sex shop licences.

Appendix II: Record of Discussion Group Sessions

SEX SHOP LICENSING POLICY Discussion Group 1

SRA Offices, Leicester. 24 October 2002, 6 - 8 pm.

- 10 people in the group, drawn from Citizens' Panel and elsewhere
- All male
- Age range 19 – 40
- Social classes B1/2 and C1
- Good ethnic mix: one Afro-Caribbean, three Asian, others White
- Group included both 'gay' and heterosexual participants
- Occupations included students, IT technician, health worker, engineer and textile worker.

1. Main findings

- A clear feeling that licensing of sex shops should be channelled towards the city centre, rather than suburbs, business/industrial parks, or out-of-town shopping centres.
- A concern also that the external appearance of sex shops could have a negative impact on the ambience of the centre – better to have a tasteful shop window on a main street than a furtive-looking, blacked out frontage up a back-street.
- A belief that there was not likely to be an unseemly rush if the City moderated its present policy on numbers of licences – competition would ensure that shops soon folded up if they did not meet a real need.
- Some support for more flexible opening hours.
- A view that, while unnecessary media interest and political factors could complicate decision-making, the issues around licensing were not in themselves of very great public importance compared to other City Council responsibilities.

Licensing Policy

The group recognised there was a substantial and continuing demand for access to sexually-orientated materials, and it was better to have a well thought-out licensing policy than to simply outlaw them all together. Within reasonable limits (undefined), freedom of choice and access to materials which could help to amuse, stimulate, or might even have some therapeutic value, was nowadays tantamount to a civil right. But as with many other areas of retailing, mail-order or the Internet were not seen as fully equivalent alternatives.

There was also an argument on grounds of equity: opportunities for gambling and consumption of alcohol were now increasingly widely available: why should policy towards sexually-orientated materials be more constrained? In fact, there could be some practical advantages, from the point of view of law enforcement, in allowing such 'adult' activities to be located near each other. This would also point to more flexible opening hours, so that sex shops could be open when children were less likely to be about.

It was recognised however that the local authorities faced some particular problematic decisions in determining licence applications for sex shops. Leicester, as a major city, was different from the circumstances in many rural authorities, and it should not seek to drive out sex shops to other places where there happened to be a more liberal regime. Nor should Leicester try to 'drive sex publications and products underground' because this would stimulate a black market with attendant difficulties of enforcement.

2. The urban setting

From this it was argued that sex shops should be in places like city centres which were widely accessible, and could be treated alongside shops catering for a variety of other retail demands. Hence the rules about disabled access, fire precautions, health & safety etc. should apply to them. Suburban residential locations were not suitable, nor out-of town shopping malls or places near to schools or youth facilities. Commercial and industrial parks were seen as a possibly acceptable location by one or two members of the group, but only if other firms did not object.

Since sex was a normal and universal human activity, sex shops did not have to be banished into side streets and run-down neighbourhoods. This might tend to emphasize any potentially sleazy image and possibly encourage other more undesirable activities, such as soliciting. The group did not like the blacked out external appearance of some sex shops (e.g. the Private chain, which had been styled by its owners, the Sullivan brothers, almost as a defiant gesture against censorship of sexually-explicit materials in the 1980s).

On the other hand, there was general support for a policy which discouraged lurid displays in sex shop windows - but without going to the opposite extreme - and which made it plain that the contents of the shop were for adults only. It was suggested that 'softer' items might be on view in the area immediately inside the door, but with a counter or displays containing 'harder' items, further towards the back of the shop.

In practice, it could be difficult for the City Council to prescribe such details and enforce them, but the idea of a voluntary code governing the external appearance and layout of sex shops was suggested as an adjunct to a more liberal licensing regime. The example of betting shops and amusement arcades was quoted as an instructive model. From their seedy image of 20 – 30 years ago, these types of premises now tended to project an impression of the excitement of racing as a spectator sport, or the value of prizes that might (conceivably) be won.

While the UK was well behind most other European countries in what was sold in sex shops (both in quality and range), the group believed there should be some limits on the content of sex shops although it was difficult to specify this in detail. After further thought, it was generally agreed that the current limitations imposed by the obscenity laws were probably adequate, but since the topic of censorship was peripheral to the main topic it was not pursued further.

Conclusion

Despite the diverse background of the members of the group, there was a wide measure of agreement on all elements of the policy, with the exception of the approach to city centre locations. Without making any claim to be representative, the group also thought that their opinions were likely to be typical of others in their age-group, social class, etc.

Appendix 3

It was hoped that a more mature attitude to sex shops would gradually prevail among the population. A modest relaxation of policy towards the number of sex shops in Leicester would be appropriate, and the figure of five to six in total for the city received general support. To some extent, it seemed that the demand for fresh licences might be self-regulating, in that competition would ensure that shops would soon fold up if they did not meet a real need.

While unnecessary media interest and political factors could complicate decision-making, it was emphasised that the issues around sex shop licensing were not in themselves of very great public importance compared to other City Council responsibilities.

SEX SHOP LICENSING POLICY Discussion Group 2

SRA Offices, Leicester. 25 October 2002, 6 - 8 pm.

- 7 people in the group, drawn from Citizens' Panel and elsewhere
- Four male, three female
- Age range 35 - 60
- Social classes B1/2 and C1
- All White
- Group included both bi-sexual and heterosexual participants
- Occupations included accountant, marketing executive, housewife, information officer, and retired.

3. Main findings

- A clear feeling that sex shops should be treated as 'normally' as possible, i.e. like any other shopping outlet, except that access should be confined to adults and suitable warning notices should be placed at the doorway.
- Hence city centre locations were acceptable, but avoiding the 'back street' image. Shop window displays should be discreet.
- It would be better to encourage the sale of sexually explicit materials through sex shops than to have them crowding the shelves of ordinary newsagents, where children or unsuspecting adults might come across them.
- Support for an easing of current policy on numbers of licences, and an awareness of the risks of taking a more restrictive line.
- A general emphasis on adopting a practical, enforceable and balanced policy.

Licensing Policy

The group believed that Leicester had operated quite a sensible approach to sex shop licensing up to now, but hoped that the local population could develop a more mature and less self-conscious attitude in sexual matters compared to other EU countries. In line with that, the number of licences could be slightly increased provided this was done in a way that did not reduce the prospects for enforcement or offend public decency.

There was a strong preference for main city centre streets to be the principal location for any sex shops. This was preferred to shopping malls, back streets, residential suburbs or areas near schools and parks. Concessions within existing shops, such as department stores, were not favoured. Out-of-town locations were less accessible and in some case hardly practicable. The rule of thumb should be 'Would a woman feel inhibited about entering such a place on her own?'

To some extent, the boundary between items available in a sex shop, as compared to elsewhere, was becoming blurred. Some nationally-known retail stores and boutiques, such as Debenhams and Knickerbox, now offered lingerie quite as raunchy as what could be found in sex shops; and many local newsagents stocked sexually-explicit magazines and videos.

Fetishism was almost a fashion for some people. Opinion was divided about this trend. Some thought that explicit magazines and videos should be confined to sex shops and kept out of newsagents. On the other hand, other members of the group thought it was very difficult, if not impossible, to prevent sexually-explicit material finding its way into the hands of children and young people if they were determined to get it. The issue was relevant to policy making, because new applications for licences might be contested by newsagents on the grounds that they already catered for a major segment of demand.

A location close to pubs and bars was thought to be suitable for a sex shop, as these were places frequented by adults in the evenings when fewer children were on the streets. This implied that sex shops should be allowed to open up till 8 or 9 pm, but not all night.

4. General

There was broad agreement that the present number of sex shop licences could probably be slightly increased without significant adverse public reaction, provided the matter was responsibly handled. A short factual announcement should be made in the local newspaper, prior to the issue of a licence, with an opportunity offered for anyone who wished to object to do so. Care should be taken to establish how representative of wider public feeling any objections actually were.

If people could be encouraged to regard sex shops as a normal part of the retail shopping scene (albeit probably catering for a minority interest), this would reduce controversy and undue media interest. The key to this was their location and outward appearance, which could have a depressing effect on the neighbourhood nearby. Offensive displays and 'blacked out' windows should be avoided.

Opinion was divided on whether sex shops should be allowed to open on Sundays. Most members of the group could see little objection to this, especially if clubs and bars nearby were open; others disagreed.

Concern was expressed that a more restrictive policy towards the grant of licences would lead to problems of enforcement and the proliferation of illicit trade. The legality of showing sex films on a TV monitor in a sex shop – either free or in return for payment - was queried, and the practice was anyway disapproved of. Again, the idea of a code of guidance was suggested, and this could cover locational criteria as well as appearance.

The group particularly valued the opportunity to give its views, and did not think the time or resources for the exercise had been wasted. They wished that more attention was paid to the views of ordinary members of the public in other areas of the City Council's activity, e.g. over planning matters. In Leicester, this was especially important because the diversity of cultures often made it difficult to know which policies could be adopted without offending one group or another.

SEX SHOP LICENSING POLICY Discussion Group 3

SRA Offices, Leicester. 26 October 2002, 5 - 7 pm.

- 7 people in the group, drawn from Citizens' Panel and elsewhere
- All female
- Age range 20 - 45
- Social classes B1/2 and C1
- Included both 'gay' and heterosexual participants
- 5 white, 1 Asian, 1 Chinese
- Occupations included: nurse, housewife, researcher, travel agent, cleaner, factory worker, retired

5. Main findings

- A clear feeling that sex shops have an unfortunate 'seedy' image and this is discouraging to women customers. Various suggestions as to how this could be done;
- Support for city centres as the most appropriate location for sex shops;
- Licences, to be annually renewable, should be backed up by regular enforcement checks;
- Concern that the potential value of sex shops in conveying information about sexual matters, including health, was under-rated;
- Provided these concerns could be at least partially met, there was no objection to a slight increase in numbers of licences issued.

Image and location

Discussion opened with the image of sex shops. Many participants agreed that the image and outward appearance were not very inviting to customers, especially women. The shops often looked 'seedy', with blacked out windows or no windows at all, which did not encourage women to feel safe going inside. Because there was a lot of misinformation and secrecy surrounding sex shops, people felt ashamed or embarrassed when going in or, perhaps more importantly, when leaving. This was unfortunate.

One way of improving the image of sex shops would be to make window displays more appropriate, for example, with sexy lingerie and possibly paintings. Locating sex shops in side streets and obscure places would only add to their illicit appeal among young people, despite the official age limit. The city centre was thought to be a good location for sex shops, where they were obviously in a public area, and high visibility would discourage inappropriate 'fringe' activities. They could also be officially monitored and policed more easily.

There was support for the idea that sex shops should consist of two parts, with a thoughtfully-designed frontage and name on the outside. Inside, the front part of the shop nearest the door could contain articles that catered for a broad range of interests that most adults would not be offended by; but in a separate part of the shop, perhaps behind a screen, the more hardcore items would be kept only for people who specifically wanted to see them. This arrangement would help to prevent customers being offended if they came into the shop under a

misapprehension and would give the opportunity to intercept young people who appeared under-age.

Age limits and the operation of sex shops

The general opinion was that 18 was a suitable minimum age for admission to a sex shop: it was argued that people of that age were somewhat more mature and responsible than younger teenagers, and should be treated in line with other adult activities, e.g. buying alcoholic drinks in a pub. However it was also argued that if teenagers under 18 wanted to view pornographic material, it was possible for them to do so on the Internet and defences against this were generally rather inadequate.

Some women felt that sex shops were mostly geared towards male interests and usually employed male staff. As a result, women felt uncomfortable visiting these shops, whereas there ought to be a willingness to cater equally for women as well as men. The potential educational value of sex shops, for example in providing information about contraception and disease – as well as the fulfilment of human desires - was under-played at present. Members of the group wondered whether the wider availability of sex shops could help to divert potential sex offenders from causing trouble, by helping to sublimate their urges; but on the whole, this seemed unlikely.

6. On the question of opening and closing times, 9am to 5:30pm did not seem very appropriate. If sex shops were open until late evening, it could help to reduce the embarrassment which some people felt by visiting them during the day, and would give couples more opportunity to visit them together, outside working hours. Later evening opening could also help to reduce the possibility of children and young teenagers being tempted to try and enter on their way home from school, libraries, etc

Considering the kinds of people who should run sex shops, there did not seem to be any preference as to age, but it would improve their acceptability to both sexes if women staff were employed as well as men. There should be police checks made on the people owning and/or working in sex shops, in order to eliminate individuals who might be unsuitable for the job (perhaps owing to a criminal record). Licences should be issued on an annual, renewable basis, with regular checks on compliance.

7. Future licensing policy

How many sex shops should be licensed by the City Council? The group agreed there was no need for one on every street corner, and numbers should be limited (no specific figure was mentioned, but probably more than the present three – six perhaps). Beyond that, if people wanted access to a wider range of services or products, they would probably be prepared to travel to other centres.

Opposition to licensing of sex shops might arise because of misunderstandings about what they contained. Some people appeared to think sex shops were vaguely like brothels or massage parlours, which they regarded as offensive. In practice however, the current regime for control of sex shops was acceptable, so long as they complied with the law. Supplementary guide-lines could be helpful in ensuring that they were not too brazen. Individuals were entitled to a degree of choice as to whether they wanted to visit such places.

The question was raised as to whether the Council should refuse licences in neighbourhoods which were known to have a high proportion of people who might object on religious grounds. The group thought this situation was unlikely to arise in practice because the applicants for a licence would probably anticipate an adverse community reaction and look for a site elsewhere.

It was noted that applicants for a sex shop licence had no right of appeal against a refusal by the City Council, and this seemed contrary to the principles of human rights legislation. The Council also seemed to charge a disproportionately high fee for licences, and some of the income raised ought to be passed on for improved sex education. The high charge for a licence might also affect the prices paid for certain products, not available in chemists shops, but which were needed by gay couples for example.

8. Conclusion

The general feeling of the group was that, if the City Council decided to issue more licences, or renew existing ones, there should be some effort to improve the presentation of sex shops to all groups who might want to visit them. It seemed possible to do this in a way that was not offensive to others, and could improve the potential for meeting human sexual needs. There was a strong case for reducing the 'seedy back-street' image of sex shops, but this should be coupled with a properly enforced regime over access by people of the right age, shop staff of appropriate calibre and products which did not transgress the obscenity laws.



Leicester City Council
Environment, Regeneration & Development
New Walk Centre
Welford Place
Leicester
LE1 6ZG
East Midlands

29th November 2002

Your Ref: EH/AR/MB

Dear Sir

**Review of Sex Shop Policy for Leicester
Re: 25 Narborough Road**

I am writing in response to your letter dated 26th November regarding the above.

I agree with all the policy proposals that you have sent to me for comment. My Company now owns 15 licensed premises and works with a number of councils and police forces.

I would like to make comments for the committee to consider and ask a few questions.

1. I feel that on application or renewal of a licence the applicant must submit audited accounts which will confirm that the business is being operated in a bone fide manner.
2. What will be the Council's policy with regard to sex cinemas or booths, run either as a separate business or in conjunction with a sex shop license, as is done in some areas?
3. If the Council is to limit the number of shops to 3 in the city centre, it should act with the police to close down any unlicensed shops which open and trade outside the licensing laws. This is a problem in a number of areas where councils can't or won't be bothered, due to the process of closure and the cost!!
4. Will the Council, in the future, be licensing an area of a video shop to allow them to sell R18 DVDs and videos as other councils have?
5. What will be the annual increase in the license fee? Will it be in line with costs or inflation figures, or the cost of closing down unlicensed shops if they open?
6. The Council and licensees should endeavour to have a good working relationship in all matters.



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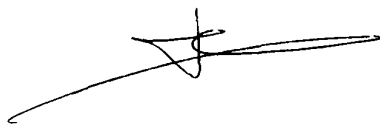
Leicester City Council – Page 2

I would like to thank the committee for giving me the opportunity to voice my comments and hope they are of some help.

If I can assist in any capacity, please do not hesitate to contact me.

I look forward to receiving the Council's new policy reforms.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Tim Hemming', with a long horizontal stroke extending to the right.

Tim Hemming
Partner

DARKER ENTERPRISES LIMITED

Mr. M. Broster,
Head of Public Safety
Leicester City Council
Environment, Regeneration
& Development
New Walk Centre,
Welford Place
Leicester
LE1 6ZG

Licensing Administration
Unit C, 1st Floor.
26 Thames Road
Barking
Essex
IG11 0JA
Tel: 020 8591 8517
Fax: 020 8507 8587

09 December 2002

Dear Sir

Sex Shop Policy

We refer to your letter of 26 November concerning the above and requesting comments within 14 days. In the short time given, we can only provide a summary reply. There is effectively only conclusions presented. The rationale behind this, and an opportunity to assess or criticise it, is lacking.

Before considering the detailed wording of the Proposed Policy, we would question the decision to have a policy. Given the requirement of the Act, there is a very real risk that the adoption of a rigid policy would fetter the discretion of the decision-making body contrary to the principles laid down in the Act. We would submit that the furthest a Local Authority could go is to adopt policy guidelines which could be breached in exceptional circumstances.

Further more, there appears to be a lack of consideration of alternatives to the way in which the aims of the policy could be achieved. The only proposals suggested are bans and there is no consideration of whether alternatives, such as appropriate conditions, are proportionate to any potential problems.

Aims of the Policy

It should be borne in mind that Parliament has decided that Sex Establishments are legal and that it is not for a Local Authority to gainsay that. When the legislation was passed, Parliament was aware that some members of the public were offended by the existence of, and the legal products sold from, sex shops.

The policy could well aim to *reduce* the likely offence to some members of the public but *prevent* would not seem to be feasible. In any event the inclusion of the word customers in this section is an insult to the thousand of citizens living in and around the City who visit and purchase from sex shops.

Director: R.G. DARKER

Registered in England No.: 2021360

VAT Registration No.: 437 9632 17

With regard to under-age persons, there is a plethora of legislation whose purpose is to achieve the objective stated in the policy across the country. It is not clear why this is included and how a tight restriction on numbers will achieve such an aim.

Policy Proposals

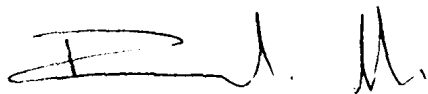
It is not clear whether the wording excludes premises actually on the ring road or those on the outside of the road alone. Such an absolute statement always runs the risk of producing anomalies. Additionally, there is no reason as to why three has been selected as the number.

A blanket ban outside the city centre should not be the conclusion without detailed consideration of District Shopping areas. The next part does not seem logical as having restricted shops to the city centre, it states that principal shopping streets within the city centre and district shopping areas will not be considered appropriate locations. Furthermore, there is no definition of a 'principal shopping street' so that it is impossible to judge the reasonableness of such a proposal or to see the possible effect of such a policy.

We also note that there is no reference to the requirement of the Court of Appeal to give due weight to the fact that a premises has been licenced for a number of years.

We would submit that this matter should be referred for a much more in-depth consideration and wider consultation before any adoption.

Yours faithfully
for and on behalf of
DARKER ENTERPRISES LIMITED



R.G. Darker
Managing Director

In Harmony
126 London Road
Leicester

Leicester City Council
Environment, Regeneration
& Development
New Walk Centre
Welford Place
Leicester LE1 6ZG

10 December 2002

Attn. Mr M BRUSTER

BY FAX + POST.

Dear Sirs

**RE: REVIEW OF SEX SHOP POLICY FOR LEICESTER
- 126 LONDON ROAD, LEICESTER**

I thank you for your letter of the 26th November and for the copy of your proposed policy on the licensing of Sex Shops. I am somewhat concerned with the short period of time allowed for consultation. I have however considered the council's proposed policy and would wish to make the following observations:-

I have held a lease of the above property for the past 16 years. To the best of my knowledge the shop has been used as a sex establishment for the last 25 years. I have held a Sex Establishment Licence since the requirements to hold a licence commenced.

Throughout the last 16 years I have sought to develop my business. In the last 6 months I have carried out a complete refurbishment of my premises and I have recently signed a new 15 year lease for these premises.

I consider that these premises are ideally suited for my customers. In London Road there are adequate parking facilities. My business is well established in this area. There have been no objections whatsoever from any of my neighbours or from any people using the facilities in the London Road area.

With the greatest of respect, I cannot see why any member of the public should be caused offence by coming into contact with either the goods or customers of my business or of a business of a similar nature. The substantial majority of goods supplied by my business are readily available at other outlets throughout the city centre. I would estimate that at least 50% of newsagents sell magazine and periodicals of a similar nature of those supplied by me. The type of clothing supplied at my shop can readily be obtained elsewhere at premises which are not licensed. Sex aids can be readily obtained from other outlets.

...../Cont

-2-

Cont/....

I believe, with respect that the Local Authority's view that sex establishments are in some way undesirable is thoroughly misguided.

Throughout the time that I have held a sex establishment licence I have always complied with the terms of that licence. In the same way that there are restrictions on the sale of alcohol and cigarettes I have done my best to ensure that products from my shop are not made available to underage persons

With respect I cannot understand the logic of any policy to have sex shops within the "inner ring road" area of the city of Leicester. To the best of my knowledge there are three established sex shops in Leicester which are it appears located in areas which are convenient to the clientele of the premises and which have presented no difficulties to the best of my knowledge to people who use the facilities in the area in which these sex shops are located. It is in my respectful view quite inappropriate to push sex establishments into "back streets" inferring that they are in somewhat "seedy" or part of a culture that should not be available to the general public. It is with respect a very naïve view for the council to take.

It is interesting to note that both in the city centre and in the suburbs of Leicester there are various premises involved in the sex industry which are not licensed and appear to be readily available to members of the public. With respect I cannot understand why the council fee that any special case should be made in respect of licensed sex establishments.

In my respectful submission there is clearly a public need for the provision of the type of goods supplied by my store and it is my respectful view that the provision of sex shops in the locations where they currently exist should be allowed to continue.

Yours faithfully

S A WARNER

A handwritten signature in black ink, appearing to read 'S A Warner', with a long horizontal flourish extending to the right.

FROM: KONICA FAX

TO:

2543773

2002-12-12

11:51

F.02

Andrew Toomey
155b Colwick Rd
Sneinton
Nottingham
NG2 4AP
Tel: 0793 1167188

10th December 2002

To Whom It May Concern:

I currently have an application before Leicester City Council for a Sex Establishment Licence submitted on the 9th September 2002

Leicester City Council has written inviting me to comment on the Proposed Policy on Licensing of Sex Shops

I have a long history of being a customer of retail Adult Shops. I have lived and worked in other countries for several years where I have had experience as a customer and have worked in retail Adult Shop, and have some experience working for a wholesaler supplying retail shops across the UK.

I have read the Proposed Policy on Licensing of Sex Shops and make the following comments.

Proposed policy on Licensing of Sex Shops

Currently the Policy is:

3 Adult Shops to be licensed in Leicester City Centre with each new application outside the City Centre being considered. However at present there is only one licensed shop in the City Centre and there are two outside the Centre.

I am not aware of any significant complaints being made about the current Policy and therefore cannot understand why there is a need to amend the Policy to reduce the level of Shops.

Proposed Policy:

The proposal to not have any Shops outside the inner city ring road seems to be ignoring the fact that there is obviously a larger number of people moving about the city centre on a daily basis as opposed to the rest of the City. The location of my Application in fact assists the aims of the policy, as it is located in a discreet area of the City. This in fact would reduce the risk of any offence being caused to the members of the public.

It is located on the outer border of the inner city ring road. In the area surrounding several buildings all used as small industrial factories or warehouses. There are no shops, or residential properties of any magnitude. It is not a busy pedestrian area however the road does have a high volume of traffic passing by leading into the centre.

The aims of the Policy can only comply by keeping the location itself and away from passing pedestrians, Bus stops, Schools, Colleges, Churches (route), Play grounds, nurseries, and residential areas.

18 and over:

This is an adopted Policy that exists already and a very important one. I propose and comments on the steps that I would and have undertaken to prevent inappropriate material becoming available to persons under the age of 18 years of age. Again the location of my Application will minimise the risk, there are no youngsters loitering around the area. Signs will be on all entrance and internal doors asking for proof of ID for any one who looks underage. To gain access to material inside the shop you have to pass through 2 entrance doors at the front and back.

Inside a 24hr security surveillance will record and monitor the interior of the shop. Signs will be displayed and the monitor will be on view behind the counter. All recordings shall be kept and recorded on videotape, date and times. The City Council or Police, if required can obtain these. Other measures are being considered.

External appearance

I can comply with this and agree with the aims of the policy. The Adult shops that I have seen very in looks but I propose the frontage should be no different to any other high street shop. My aims are to have a glass frontage that will be capable of meeting the Councils standard conditions. Plans have been drawn for this and are available for comments.

The location of my Application is part of a Planned Regeneration Zone that will (I believe in time) bring the area within the City Boundaries. If this is so, could this taken into account and be considered as one of the 3 proposed Licensed shops.

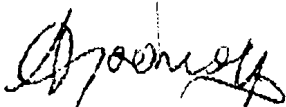
My Application meets the aims of the Proposed Policy however I cannot understand how the shop as a Licensed Adult Shop could reduce the potential for successful regeneration. It will take a number of years to regenerate and complete the proposed area. A Licence is only a valid Licence for a 1 year period, or if renewed, and the number of further renewals would be at the discretion of the City Council. Therefore this gives the Council the chance to police new shops and its occupiers over short periods.

I can see two primary objectives to granting a Licence with the above in mind.

- 1) If the Councils Licensing committee decide at any stage that a Adult Shop would not be an adequate business for a new regenerated area then, don't issue or renew the Application if granted on short term basis.
- 2) If my Application were granted a Licence it would obviously put me into business for now, but on the understanding that it could be for short term only (As the above indicates).
However would it not help the Council in making their decision, if a Licence were to be granted, on the understanding that the Applicant were not to be opposed to relocation with the guidance and understanding of both interests?

Finally on the matter of suitability of the applicant, I of course, have no criminal convictions and class myself as a hard working member of the community. I have been in business before and see this as a viable business opportunity. I am putting a lot of money and time into this business venture and only ask of you to communicate with me on all levels.

Yours Faithfully



Andrew Toomes