

# Licensing and Appeals Sub Committee Hearing Panel

Date: Monday, 22 May 2023

Time: 10.10 am (or at the rise of the Licensing Sub-

Committee Hearing Panel)

Venue: Council Antechamber, Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

#### **Access to the Antechamber**

Public access to the Council Antechamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension.

There is no public access from any other entrance.

### Membership of the Licensing and Appeals Sub Committee Hearing Panel

### **Agenda**

#### 1. Urgent Business

To consider any items which the Chair has agreed to have submitted as urgent.

#### 2. Appeals

To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.

#### 3. Interests

To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.

## 4. Renewal of Sex Establishment Licence - Clone Zone, 36-38 Sackville Street, Manchester, M1 3WA

The report of the Head of Planning, Building Control and Licensing is enclosed.

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#### Information about the Committee

The Licensing and Appeals Committee fulfils the functions of the Licensing Authority in relation to the licensing of taxi drivers.

A procedure has been agreed which governs how the Panel will consider such applications.

Decisions made by the Panel will be under delegated authority and will not require to be referred to the Council for approval. Meetings are controlled by the Chair, who is responsible for seeing that the business on the agenda is dealt with properly. Copies of the agenda are published on the Council's website. Some additional copies are available at the meeting from the Governance Support Officer.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

Smoking is not allowed in Council buildings.

Joanne Roney OBE Chief Executive Level 3, Town Hall Extension, Albert Square, Manchester, M60 2LA

### **Further Information**

For help, advice and information about this meeting please contact the Committee Officer:

Ian Smith

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Email: ian.hinton-smith@manchester.gov.uk

This agenda was issued on **Friday, 12 May 2023** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension, Manchester M60 2LA



## Manchester City Council Report for Resolution

**Report to:** Licensing & Appeals Subcommittee Hearing Panel – 22 May 2023

**Subject:** Clone Zone, 36-38 Sackville Street, Manchester, M1 3WA - (App ref:

Sex Establishment Licence - Renewal 286800)

**Report of:** Head of Planning, Building Control & Licensing

#### Summary

Application for the renewal of a sex establishment licence.

#### Recommendations

That the Panel determine whether a licence is required or not and determine the application accordingly.

Wards Affected: Piccadilly

#### Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

#### Financial Consequences - Revenue - None

#### Financial Consequences - Capital - None

#### **Contact Officers:**

Name: Fraser Swift

Position: Principal Licensing Officer

Telephone: 0161 234 1176

E-mail: f.swift@manchester.gov.uk

Name: Ashia Maqsood

Position: Technical Licensing Officer

Telephone: 0161 234 4139

E-mail: premises.licensing@manchester.gov.uk

#### **Background documents (available for public inspection):**

 Manchester City Council Sex Establishment Policy Document (Revised August 2013)

- Section 10 of Manchester City Council's Statement of Licensing Policy 2021–2026 [Interim Review 2021–2022 April 2021] (pertaining to adult entertainment)
- Any further documentary submissions by any party to the hearing

#### 1. **Introduction**

- 1.1 The Local Government (Miscellaneous Provisions) Act 1982 provides the legislative framework in relation to the licensing of sex establishments.
- 1.2 Schedule 3 of the Act provides local licensing authorities with adoptive licensing provisions for sex establishments, comprising the categories of sex shops and sex cinemas
- 1.3 A "sex shop" means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—
  - sex articles; or
  - other things intended for use in connection with, or for the purpose of stimulating or encouraging—
    - I. sexual activity; or
    - II. acts of force or restraint which are associated with sexual activity

#### 2. **Application**

- 2.1 On 30 March 2023, an application for the renewal of a sex shop licence was made in respect of Clone Zone, 36-38 Sackville Street, Manchester, M1 3WA in the Piccadilly ward of Manchester.
- 2.2 A copy of the application is provided at **Appendix 1**. However, personal and commercially sensitive information has been redacted. This information will be provided by way of a separate bundle (**bundle 1**) and may be considered by the Committee at the hearing under Part B.
- 2.3 A location map and photograph of the premises is attached at **Appendix 2**.
- 2.4 The current sex establishment licence is attached at **Appendix 3.**
- 2.5 A public consultation exercise was undertaken in accordance with Schedule 3 of the 1982 Act, requiring the publication of an advertisement in a local newspaper circulating in the appropriate authority's area, not later than 7 days after the date of the application, and the display of a notice for 21 days beginning with the date of the application, on or near the premises and in a place where the notice can conveniently be read by the public.
- 2.6 Any person objecting to an application for the grant, renewal, transfer or variation of a licence under Schedule 3 shall give notice in writing of his objection to the appropriate authority, stating in general terms the grounds of the objection, not later than 28 days after the date of the application.
- 2.7 All applications for the grant, renewal, transfer or variation of a sex establishment are determined by a delegated sub-committee of the Licensing and Appeals Committee, whether or not objections to the application have been received.

#### 3. Further documentation accompanying the application

- 3.1 The applicant has contended that a licence is not required, on the grounds that the sale of sex articles and other relevant items does not consist to a significant degree of the business of the shop.
- 3.2 The applicant has submitted documentation and a video in support of their argument that a Sex establishment licence is no longer necessary for the premises.
- 3.3 The documentation can be found at **Appendix 4.**
- An unredacted version of Appendix 4 has been made available to the panel (bundle 2).
- 3.5 The video submitted by the applicant has been made available to the panel.
- 3.6 The panel is asked to consider whether the shop falls under the definition of a 'sex shop' as defined in Schedule 3 4(1) of the 1982 Act, and whether a licence is required or not.

#### 4. Relevant Objections

- 4.1 Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 of Schedule 3 of the Act for refusing a licence, as set out in Section 4 of this report.
- 4.2 Objections should not be based on moral grounds/values and objections that are not relevant to the grounds set out in paragraph 12 should not be considered.
- 4.3 Although the council is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.
- 4.4 The council shall not without the consent of the person making the objection reveal their name or address to the applicant.
- 4.5 No objections have been received in respect of this application.

#### 5. Mandatory and Discretionary Grounds for Refusal of a Licence

5.1 Paragraph 12 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 sets out the grounds for refusing an application for the grant, renewal, transfer or variation of a licence. A decision to refuse a licence must be relevant to one or more of the below grounds.

#### **Mandatory Grounds**

5.2 A licence must not be granted:

- to a person under the age of 18;
- to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- to a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- to a body corporate which is not incorporated in an EEA state; or
- to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

#### **Discretionary Grounds**

- 5.3 A licence may be refused where:
  - the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
  - if the licence were to be granted, renewed, or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal, transfer or variation of such a licence if he made the application himself:
  - the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
  - that the grant or renewal of the licence would be inappropriate having regard
    - o to the character of the relevant locality; or
    - o to the use to which any premises in the vicinity are put; or
    - to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 5.4 Applications should only be refused where the Council considers it as necessary and proportionate to do so, and any decision shall be on a non-discriminatory basis.

#### **Human Rights Act**

- When determining a licence application Manchester City Council will have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights
- 5.6 Article 1 of Protocol 1 of the European Convention of Human Rights states:

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

- 5.7 A licence is a possession.
- 5.8 When considering matters relating to the grant, revocation, renewal or refusal of licences and the placing of conditions on licences, the Committee must consider whether the decision affects an individual, group or company's Human Rights as set out in the Convention and if it does, whether the interference with those rights is permissible by reason of the justifications set out in the Convention. In addition consideration must be given to whether the interference is proportionate to the general purpose.

#### 6. **Applicant Considerations**

- The Council needs to be satisfied that the applicants for a sex establishment licence are suitable to operate the business by ensuring:
  - that the operator is honest;
  - that the operator is qualified by experience to run the type of sex establishment in question;
  - that the operator understands the general conditions;
  - that the operator is proposing a management structure which will deliver compliance with operating conditions e.g. though:
    - o managerial competence;
    - o attendance at the premises:
    - o a credible management structure;
    - enforcement of rules internally, e.g. through training and monitoring
    - a viable business plan, e.g. sufficient to employ door staff and install CCTV;
    - o policies for the welfare of performers (SEV only).
  - that the operator can be relied upon to act in the best interests of the
    performers, e.g. in how they are remunerated, the facilities they enjoy,
    how they are protected and how and by whom their physical and
    psychological welfare is monitored (SEV only);
  - that the operator can be relied upon to protect the public, e.g. transparent charging, freedom from solicitation;
  - that the operator can show a track record of management of compliant premises, or that s/he will employ individuals who will have such a track record;
- 6.2 All applications will be considered but they are unlikely to be granted if the following apply:

- 6.2.1 the applicant has a criminal record. Offences that would be considered particularly relevant include:
  - convictions for dishonesty
  - violence
  - sexual offences
  - drugs
  - public order
  - people trafficking
- 6.2.2 the applicant has previously been involved in running an unlicensed sex establishment.
- 6.2.3 if the licence were to be granted, the business to which it relates would be managed by or run for the benefit of a person other than the applicant who would be refused the grant of such a licence if they made it themselves.
- 6.3 It is anticipated that these expectations would be demonstrated by the operator through their completed application form and any accompanying submissions as part of the application process. However, the Council may also take into account any oral submissions made at any hearing to determine the application.

#### 7. Location Considerations

- 7.1 A licence can be refused if either, at the time the application, it is determined that the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises.
- 7.2 Manchester City Council's Policy for Sex Establishments states that that areas located outside the City Centre, as defined by the Planning Department's definition of the City Centre, are not appropriate locations for sex establishments. Therefore, the policy is that the appropriate number for sex establishments outside of the City Centre is nil.
- 7.3 Within the City Centre, an appropriate number for sex establishments has not been set. Applications will be determined as they arise.
- 7.4 Sex establishments will not normally be licensed near to:
  - housing;
  - schools, play areas, nurseries or children's centres;
  - family shopping or leisure areas;
  - places of worship;
  - historic buildings or tourist attractions;
  - other places where relevant entertainment takes place;

• other sensitive uses that may be relevant e.g. women's hostel;

where the proximity to such uses is likely to be considered by the Council to be inappropriate in having regard to the character of the relevant locality and the use to which any premises in the vicinity are put.

- 7.5 The spatial distribution of licensed premises is very relevant particularly with consideration to their impact upon the character of the locality. The Council will have regard to the uses of all other premises in the area as well as any potential adverse impact upon:
  - regeneration;
  - tourism;
  - the retail or commercial attraction of the area;
  - social issues e.g. prostitution, anti-social behaviour.
- 7.6 Within the city centre no licences shall be granted for premises within the following locations:
  - a. parks or external areas/squares that attract large numbers of children such as, but not limited to, Castlefield Arena, Piccadilly Gardens, Albert Square, St Anne's Square, Exchange Square;
  - b. entertainment centres which have children/family focussed entertainment:
  - c. community buildings such as, but not limited to, places of worship, libraries, GPs surgeries;
  - d. the area (framed by Deansgate to the west; Peter Street, Mount Street and Lower Mosley Street to the north; Portland Street, Oxford Street and Lower Mosley Street to the east; and Whitworth Street West to the south) as set out in Appendix A of the Council's Policy for Sex Establishments:
  - e. where further sex oriented uses would change the character of an area;
  - f. where further sex oriented uses would deter people from using the area comfortably/at all;
  - g. where further sex oriented uses raises the fear of crime in the locality; or where such locations form part of the relevant locality.
- 7.7 The decision regarding what constitutes the 'relevant locality' is a matter for the Committee. However, such questions must be decided on the facts of the individual application.
- 7.8 The Council may also have regard to the following factors:
  - access routes to schools, play areas, nurseries or children's centres or other uses normally attended by children;
  - any existing licensing permissions for the premises;
  - the proximity of other licensed premises in the surrounding area and the terms of those licences;
  - the Planning permission for the premises and surrounding uses;
  - any existing Planning or Regeneration policy/plan/strategy relevant to the area:
  - history of complaints relevant to the premises;

- the nature of the daytime and night-time economies in the surrounding area.
- 7.9 This premises is located within the City Centre (see 6.3).
- 7.10 This premises is not located within the area set out in 6.6(d) above.

#### 8. <u>Licence Conditions</u>

- 8.1 The Council has adopted standard conditions in respect of sexual entertainment venues, which will apply to all respective licences granted, unless such conditions have been expressly excluded or varied. These proposed standard conditions will be provided separately to the report.
- 8.2 However, following a hearing, the Licensing and Appeals Committee may attach such further conditions to a licence as are considered necessary and proportionate in the public interest including, but not limited to, the interest of public policy, public security, public health or the protection of the environment. This could include conditions restricting the opening and closing times of the premises.
- 8.3 The applicant has not requested any variations to the standard conditions.

#### 9. **Conclusion**

- 9.1 In determining an application for a sex establishment licence, any decision to refuse an application may only made be in accordance with the mandatory and discretionary grounds for refusal as set out in Section 4 of the report.
- 9.2 None of the mandatory grounds for refusal are met in respect of this application.
- 9.3 The discretionary grounds are set out in full at 4.3.
- 9.4 The decision regarding what constitutes the 'relevant locality' is a matter for the Committee. However, such questions must be decided on the facts of the individual application.
- 9.5 When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, while a local authority is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition. Nevertheless a local authority's view of what constitutes a locality could be open to challenge if they took a completely unreasonable view of the area covered. Case law also indicates that a relevant locality cannot be an entire local authority area or an entire town or city.

- 9.6 Once the Committee has determined the relevant locality, it should seek to make an assessment of the 'character' of the relevant locality and whether it considers any sex establishments, or sex establishment of a particular kind, are appropriate for that relevant locality.
- 9.7 When considering the application, the Committee must have regard to:
  - the Council's Policy for Sex Establishments;
  - information submitted as part of the application;
  - any observations submitted to it by the chief officer of police;
  - any objections received from anyone else within 28 days of the application
- 9.8 Members may also take into account any oral submissions made at any hearing to determine the application. Additionally, the Committee may have regard to any objections received after 28 days of the application.
- 9.9 Applications should only be refused where the Council considers it as necessary and proportionate to do so, and any decision shall be on a non-discriminatory basis.
- 9.10 Where the Committee has decided to grant a licence, it may impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 or standard conditions made by the Council under paragraph 13 of Schedule 3.
- 9.11 The Council has adopted Standard Conditions applicable to Sexual Entertainment Venues.
- 9.12 Any licence granted shall be subject to those Standard Conditions, save for where they have been expressly excluded or varied by the Committee.

Matthew Callaghan
Premises Licensing Team
Level 1 Town Hall Extension
Albert Square
P.O. Box 532
Manchester
M60 2LA



Date 27/3/23

Renewal of Sex Establishment license no 274532 ending 22/04/23 Clone Zone 36-38 Sackville Street, Manchester, M1 3WA.

Dear Matthew.

Please find enclosed the renewal application re the above. As in previous years I haven't submitted the plans/front elevation or floor plans as you have these on file from previous applications.

I have included a copy of the letter to the Police. The poster is being displayed in the shop window for 21 days. I will forward this to you along with the newspaper advert and the statutory declarations in due course.

Yours faithfully,



Chief Constable, Manchester Police Headquarters Licensing Team P.O. Box 22 8th Floor Chester House Boyer Street Manchester M16 ORE

Date 27/3/23

Clone Zone 36-38 Sackville Street, Manchester, M1 3WA Renewal of Sex Establishment License on 27/3/23

Dear Sirs,

I have been asked by Manchester City Council Licensing Team to send you a copy of our renewal application.

Yours faithfully,



FORM SE/1

#### CITY OF MANCHESTER

# REGULATORY AND ENFORCEMENT SERVICES GROUP LICENSING UNIT

## APPLICATION FOR A SEX ESTABLISHMENT LICENCE

# LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 PART II, SCHEDULE 3

All applicants are required to send with this application (a) two plans showing the area to be licensed, (b) statutory declarations in the form shown in the attached document in respect of (i) the applicant, (ii) directors of any company applying for a licence, (iii) any other person who will be responsible for the management of the licensed premises, (iv) persons for whose benefit the business is carried on and (c) the fee (see Paragraph 13 - Notes for Applicants).

if the application is made by a body corporate or an unincorporated body, all parts except 2 to 4 inclusive must be answered. The fullest possible information must be given in answer to each question.

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1.	White	Canon to hercuy made (	don which c	the object	6).		
	(a)	For a Sex Cinema	Tick	(b)	For a Sex Shop	Tick	
	* *	New Licence			New Licence		
		Transfer of Licence			Transfer of Licence		
		Renewal of Licence			Renewal of Licence		
2.	Full Name of Applicant:		LIBERTYBE LLE UK HIGH THE CLONE ZONE				
	Date of Birth:		N(A.				
	Occupation: (during preceding 6 months)		LIMITE	D Co	MPANY.		
3.	Applicant's permanent Address:		REG OFFICE 36-38 SACKVILLE STREET.				
	*		MANCHETER MI				
	Posto	code:	W130	UA.	Telephone No.		

	the Later Chairman	YES.
4	Has the applicant been resident in the United Kingdom throughout the 6 months preceding the date of this application?	-
5	Name, description and location of premises to which this application relates.	CLAINE ZONE, 36-38 SACKVILLE STREET, MANCHESTER MI 3 WA.
	Telephone No.	
6	Address(es) at which the applicant has been resident during the 5 years preceding the date of this application.	SAME AS S.
7	Name of applicant body, please state whether a corporate or uncorporated body.	LIBERTYBELLE UK LIN. CORPORATE BODY.
В	Address of Registered or Principal Officer.	SAME AS S.
9	Full names, ages and private addresses of all directors and other persons responsible for the management of the body, including, if applicable, names of managers, company secretary and similar officers, and manager of the establishment.	SEE APENDIX.
	Have the persons so named been resident in the United Kingdom for at least the past 6 months?	YES.
10	Full names, ages and private addresses of all person(s) for whose benefit and business at the sex establishment is proposed to be conducted i.e.; if applicant is a body corporate, give names and addresses of members of the body. If the applicant is an uncorporated body or individual, give names and addresses of person(s) who will receive the proceeds of the business.	SEE APENDIX.
	Have the person(s) so named been resident in the United Kingdom for at least the past 6 months?	YB.
11	the state and one of any other	SEE APENDIX

12	If the premises are not open bathern Permand 4pm, state name, address and telephone number of person(s) responsible for large to the premises.	STOLE OPEN DAILS
13	If only part of the building is to be licerand, give dottiles.	BRAIND FIGUR & BASEMEN
	What hours and days do you require source to over? (see notes of guideness)	Promilied To 23.00 7 Days
14	Please indicate opposite the maximum number of persons you expect to use the premiser at any one time for the purposes mentioned	50
15	Will any part of the premises be used to the achibition of moving plasmes?	_ Ma
16	li trus application relates to a vehicle, vessel or stall, clube where it is to be used as a sex establishment.	ot/a.
17	Are the premises or the vehicle, value or stall to be used as a sax shop or a sex cintents or both?	SEX SHOE
18	Ooss the applicant presently use the promises or yehide, vessel or stall as a ses establishment?	PREMISES MODES A CLUB CENT LIEFREE
	W mot, whose is the present use?	N/A
19	If the premises, vehicle, vassel or shall was used as a sea establishment on 22 December 1961, has any person other than the applicant(s) run the premises, vehicle, vessel or shall as our establishment since that date?	NH
	If so, give name and address of such promises?	MA
-31	If it is praintees or the ventale, wassel or spell are presently used as a sea establishment, when did the use commence?	23 APA12 3001

21	Give full details of ownership of the premises (or the vehicle, vessel or stall) including details of leases, tenancies; mortgages, licences and any other interests.					
22	Give full details of the type of business to be conducted at the establishment. If it is to be a sex	FASHION				
	shop, what types of goods are to be sold? It it is to be a sax to be a sex cinema, what types of moving picture are to be exhibited?	SEX TOYS.				
23	Full names and private addresses of registered	TOO MANY TO LIST &				
	offices of major suppliers of goods that are to be sold, displayed or exhibited at the Sex Establishment.	CHANGE CONSTANTLY.				
24	Do any persons or companies who supply articles for sale at the premises to which this application	No				
	refers, have any interest in the ownership or management of the business for which a licence is sought?					
25	Give date and name of the newspaper in which public notice of this application is to be made.	MANCHESTER EVENING				
	public hotioc of and approaches to to be made.	NEWS.				
Cou	e enclose the required fee $\varepsilon 348 \cdot 77$ (cheque noil).					
publi this a with	e confirm that notice of this application in the form pre shed in a local newspaper circulating in Manchester n application and that such notice will be displayed for the the date of this application or near the premises and in ead by the public.	of later that 7 (seven) days after the date of se period of 21 (twenty one) days hedinging				
I / W	e confirm that a copy of this application will be sent to e, not later than seven days after the date of this appl	the Chief Constable, Greater Manchester ication.				
i / W	e understand that if any of the information given above uilty of an offence for which IAMs may be liable to a fin	e is false in any material respect, 1 / We may e of up to £20,000.				
	cant's Signat	Date: 27/3/23.				
	bergammer at althousement against					

Statutory Declaration in respect of the persons named.

Clone Zone 36-38 Sackville Street, Manchester, M1 3WA Premises Licensing Manchester City Council

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PREMISE NAME: Clone Zone

PREMISE ADDRESS: 36-38 Sackville Street, Manchester, M1 3WA

WARD: Piccadilly

HEARING DATE: 22/05/2023





# LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, PART II, SCHEDULE 3

#### SEX ESTABLISHMENT LICENCE

Licence number	274532
Effective Date	23 April 2022
Expiry Date	22 April 2023

#### Part 1 - Premises details

Name and address of premises							
Clone Zone							
36-38 Sackville Street							
Post town	Post code	Telephone number					
Manchester	M1 3WA	0161 273 5246					

#### Activities authorised by the licence

1 Operation as a sex shop -

a The sale, hire, exchange, lending, display or demonstration of -

i sex articles; or

ii other things intended for use in connection with, or for the purpose of stimulating or encouraging –

1. sexual activity; or

2. acts of force or restraint which are associated with sexual activity.

Hours premises are open to the public								
Standard timings								
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun	
Start	1100	1100	1100	1100	1100	1100	1100	
Finish	2300	2300	2300	2300	2300	2300	2300	
Seasonal variations and Non standard Timings:								
None	None							

#### Part 2

Name and (registered) address of holder of licence
Libertybelle UK Ltd T/A Clone Zone
36-38 Sackville Street, Manchester, M1 3WA

Registered number of holder, for example company number, charity number (where
applicable)
06780079

#### Annex 1 - Licence conditions

- 1. Premises licensed as a Sex Shop under the provisions of Schedule III of the Local Government (Miscellaneous Provisions) Act, 1982, shall be used only for the purposes of a Sex Shop as defined in Paragraph 4 of said Schedule III and shall not be used, wholly or in part, for any other purposes during the period the premises are licensed as a Sex Shop.
- 2. Over each entrance to the premises, in a position approved by the City Council, the Licensee shall affix and maintain in a permanent form a clear notice stating that the premises are licensed as a Sex Shop under the provisions of the Local Government (Miscellaneous Provisions) Act, 1982.
- 3. At each entrance there shall be prominently displayed so as to be visible at all times to persons approaching the premises a notice prohibiting entry to all persons under 18 years of age. There shall also be a clear notice displayed prominently stating that any person suspected of being under 21 years of age shall be required to produce valid photographic identification that they are over 18 years of age.
- 4. The Licensee of every premises licensed as a Sex Shop shall ensure that all persons employed on the premises are aware of the age restriction on clients and that they exclude or remove from the premises any person attempting to evade the restriction.
- 5. The Licensee shall not display outside, near to, or within the premises any advertising material, sign or pictorial display referring to the licensed premises or the goods, articles or services provided at the premises, in such a position or manner that it is visible to any person using adjacent highways, streets, foot plates or forecourts except any notice displaying the name or trading title of the Licensee, any notice indicating the times of opening of the premises for business, any notice required by any statute, regulation or bylaw applicable to the premises or business carried thereon or any notice prescribed by these conditions.
- 6. The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises and the displays of articles sold at the premises shall not be visible to persons outside the building.
- 7. No moving picture or display or recorded sound of any description or however provided shall be permitted on the licensed premises except for a period necessary to check a recording for fault by the licensee or for a period of not more than one minute for the sole purpose of demonstrating it to a prospective purchaser or hirer of the article in question and such display shall be in a booth to which there shall only be permitted the prospective purchaser or hirer and any one person employed by the Licensee to sell or hire such articles. The Licensee shall not make any charge or permit any charge to be made for such a display as mentioned in this condition.
- 8. All refuse produced on the premises and materials, goods or articles discarded for any reason shall be securely stored within the premises and delivered in sealed containers to the refuse collection service.
- 9. The Licensee shall make such provision for the reception of goods and articles for sale, hire or display on the premises so that they are received directly into the premises and not subject to storage for any period of time on any pavement, footpath, forecourt or yard.
- 10. The Licensee or some responsible person nominated by him in writing for the purpose shall be in charge of and upon the licensed premises during the whole time they are open to the public. Such written nominations shall be continuously available for inspection by authorised officers of the Council or the Police.
- 11. Where the Licensee is a body corporate or an unincorporated body-, any change of Director, Company Secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days and such written details as the Council may require in respect of any new Director, Secretary and Manager are to be furnished within 14 days of a request in writing from the Council.
- 12. A copy of the licence shall be kept on the premises and be immediately available for inspection upon request by the Police or an authorised officers of the Council.
- 13. External doors shall be closed at all times except when persons are entering or leaving the premises. External doors shall be fitted with a device to provide their automatic closure and such devices shall be kept in good working order.
- 14. There shall be a CCTV system installed at the premises to the satisfaction of the Council.

Annex	2 –	P	lar	าร
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See attached.

Clone Zone Sackville Street, Sex Establishment License Renewal 2023.

#### Back ground.

Clone Zone's Manchester store opened in January 1984 and traded without a Sex Establishment License, selling clothing, top shelf Gay magazines, sex toys etc.

In 2001 Gay R18 videos became available for the first time, in order to sell R18 videos, we needed to apply for a S.E.L. which we did successfully.

In 2018 because of internet streaming new titles of Gay R18 DVD became unavailable due to falling retail sales. After selling through our stock we stopped selling them. Gay magazines had also stopped being printed for the same reason.

We are no longer able to sell any form of pornography as internet streaming has taken over.

#### Delicensing.

We now wish to delicense because,

1/ we no longer believe we need a license as the reason for holding one has gone. Westminster and Birmingham have already agreed we no longer need to be licensed that's two of our four stores.

2/ the Ann Summer's chain of 80 stores and does not need a Sex Establishment License, please see the video of the Market Street store. Please see link to video below.

As you can see in the video they display, demonstrate and sell substantial amounts clothing and sex toys the same as we do, albeit to a different market. Our business model is now very similar to that of Ann Summers. Please see attached pictures of Ann Summers internal signage.

3/ as physical pornography disappears the number of licensed stores has fallen quickly, the Private chain of stores closed down last year, at its height it had 120 stores. We are the last licensed store in Manchester.

4/ enforcement can no longer be carried out as enforceable sex items are no longer available for retail sale.

5/ since the pandemic our sales of sex toys/items in the store has dropped as customers got used to shopping online and of course it's embarrassment free.

In the Manchester store the sale of sex items are down from over 70% of sales in 2010 to 13.9% in 2022 and is no longer a significant amount. Please see audited figures from our accountants attached.

6/ we want to maintain a safe shopping environment for our customers. The majority of our in store sales are now clothing, we want lose the stigma of being a "sex shop". We now identify as a life style store not as a sex shop.

#### The future.

We are already complying with the "Indecent Displays (control) Act 1981" with the correct signage already in place. This means we will continue not to allow under 18s to enter the store.

We don't intend to change the layout of the store. We opened the basement in 2018 and moved the sex toys downstairs. The ground floor is purely clothing.

It's now clear the business no longer needs a Sex Establishment License because the reason for holding one has gone.

# LBUK Manchester.pdf



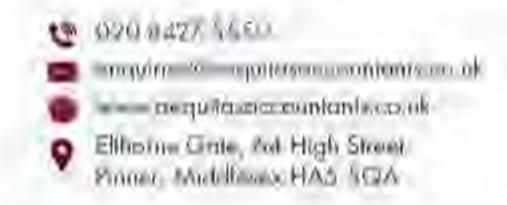


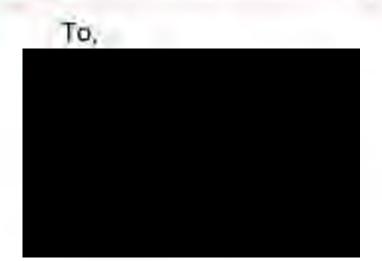












12/12/2022

Our Ref: LBUK/2022/AP14

Manchester - 36 Sackville Street, Manchester, MI 3WA ('Manchester')

This is to certify that we have verified the sales figures for Manchester store with the underlying records and invoices for the period 01 January 2022 to 08 December 2022. These sales figures were broadly classified into Toys and other (non-toys) categories.

Toys category sales amounted to £115,727 (13.90%) of the total sales. Other categories sales amounted to £716,629 (86.10%) of total sales. Total sales for the reporting period was £832,356.

Yours faithfully,

Aequitas

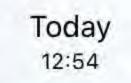
Aequitas Chartered Accountants









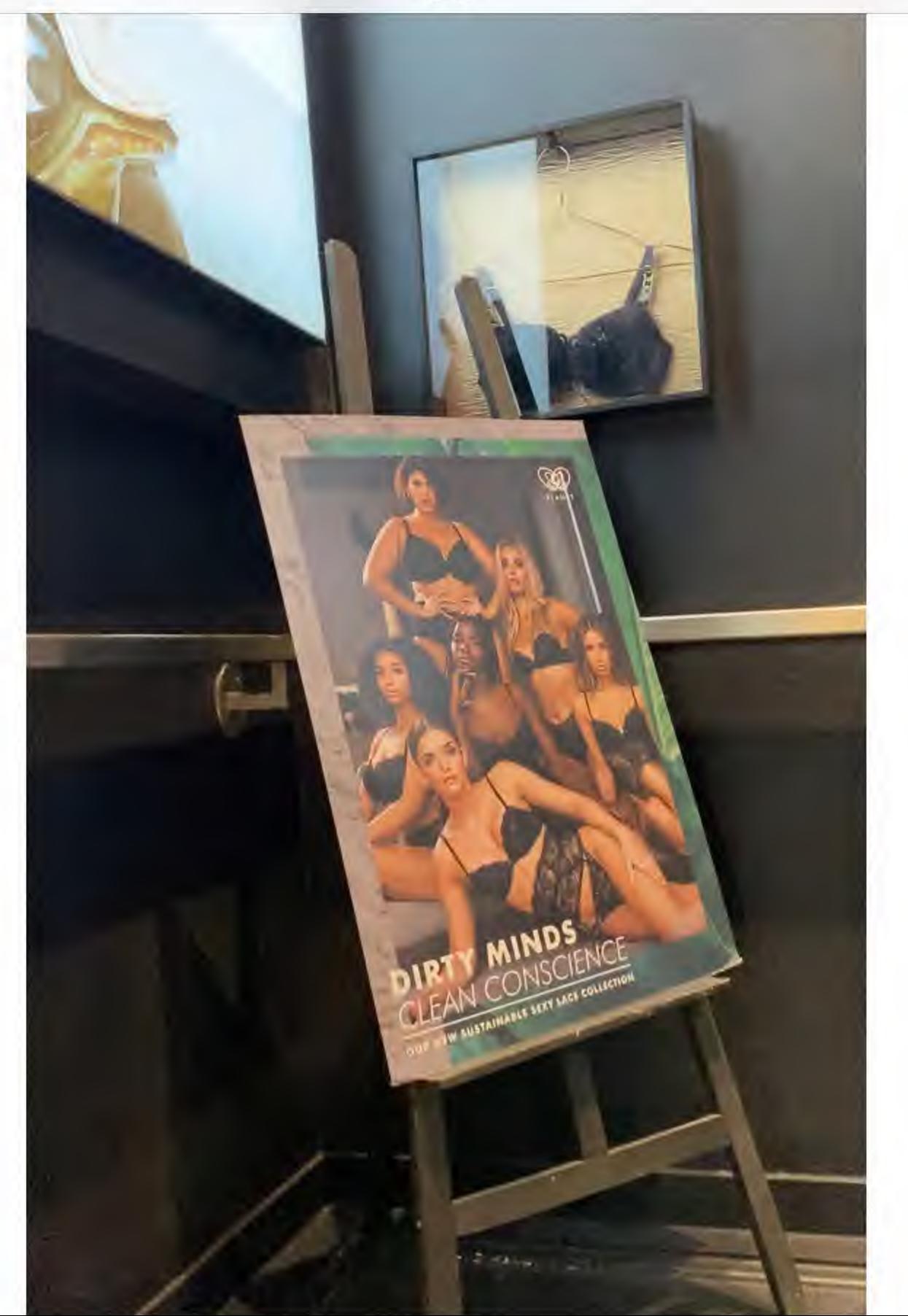






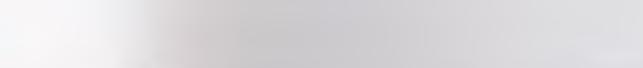












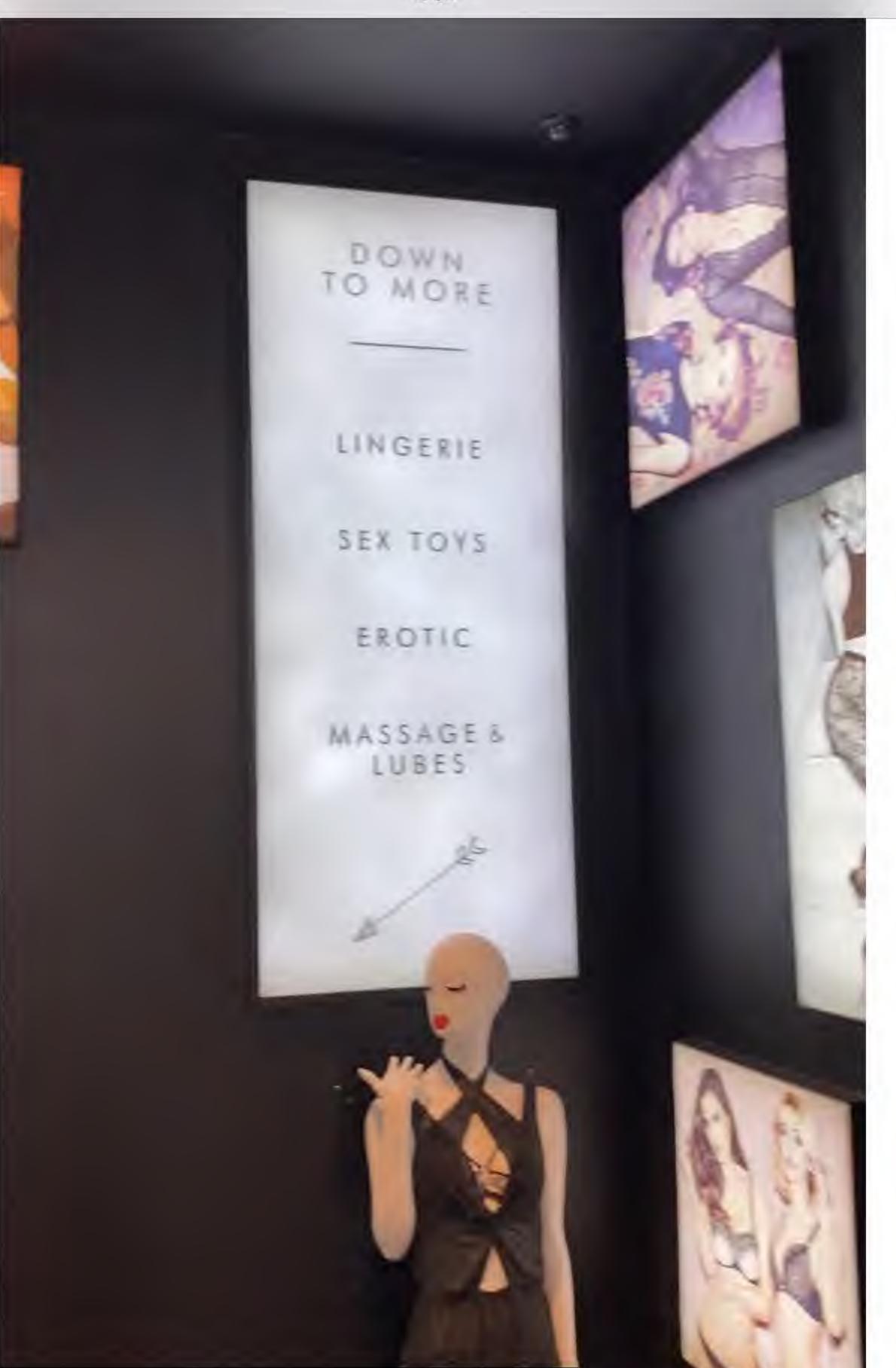








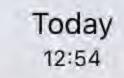










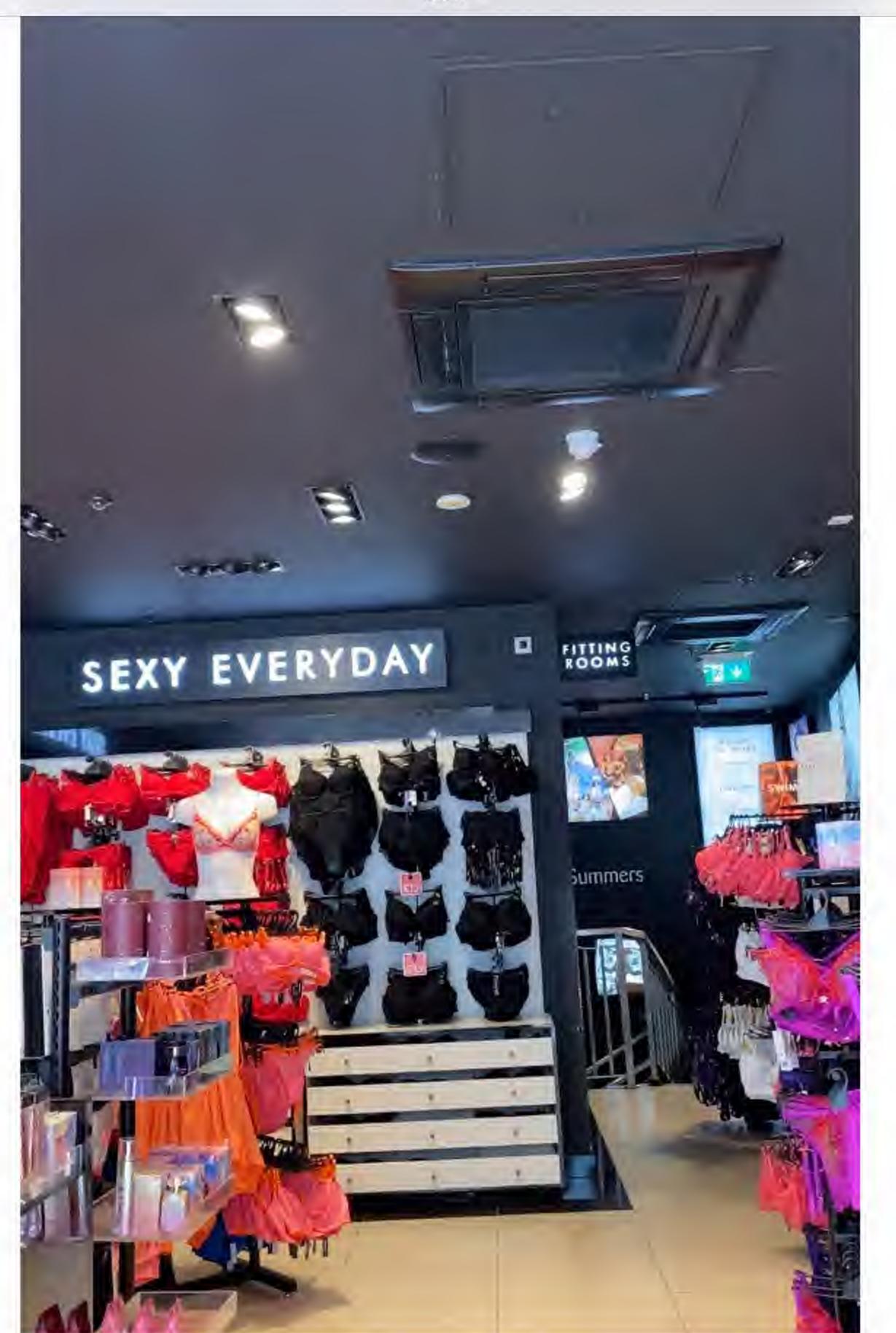












From: Sent: 11 May 2023 11:27

**To:** Fraser Swift

Cc:

**Subject:** Re: Clone Zone S.E.L renewal

Hi Fraser,

I don't know if you have looked at the video of Ann Summers on Market Street, Manchester?



Here's the link again.

I do want this video to be viewed by the committee members during any hearing.

As you can see from the video they are displaying/selling a substantial amount of clothing, sex item/toys without a license on the City's main shopping street. All I am asking is to be treated the same as Ann Summers.

The size of our display is really a moot point.

Westminster and Birmingham accepted the fact that our store sales have fallen to below 20% of total store sales (our accountants have audited the numbers and I have given you Manchester stores figures) and therefore not a significant amount. They were not bothered about our display size because you get bogged down as to what is a sex toy/item or not and also the display will vary depending on stock levels. They take sales over display size as the most important. Manchester's sex toy sales are the lowest in the company at 13.9% of total store sales.

This is the logical way to look at "significant amount" because if you don't make the sales you don't have a business no matter the size of the display. When we sold R18 DVD it took up 10% of the floor space but was 50% of the sales.

So which is the most significant?

I look forward to hearing from you.

Regards,

From: Fraser Swift
Sent: 11 May 2023 10:28
To:

Cc:

**Subject:** RE: Clone Zone S.E.L renewal

Hi

I'm glad to see GMP now have a suspect in custody in respect of the attacks.

As in my previous correspondence, the intention is for the committee to consider the 'significant degree' matter as part of their consideration of your renewal application. Of course, if you no longer wish to be licensed, you are able to withdraw the application.

It ay be helpful if you could provide details of the confirmation from Birmingham and Westminster and comparisons with those stores and your Manchester one, although it's a matter for you what information you wish to rely on.

Regards Fraser

----Original Message-----

From:

Sent: 26 April 2023 18:53

To: Fraser Swift <

Cc:

Subject: Clone Zone S.E.L renewal

Hi Fraser

Here's the latest article in MEN.

We are now getting national press interest.

I hope you can help us in getting ride of "adult license"?

We are being targeted because of it.

Can you please call me tomorrow to discuss the situation?



From: Licensing < licensing@birmingham.gov.uk>

Date: 20 December 2022 at 16:55:04 CET

To:

Cc:

Subject: RE: Renewal of S.E.L. Clone Zone 86 Hurst Street Birmingham B5 4TD.

Dear

I acknowledge receipt of your request to withdraw the Sex Shop Renewal Application you submitted in respect of the above premises.

I can confirm that as per your request the application has been withdrawn and is therefore no longer under consideration.

I can also confirm that as a result of the application being withdrawn there is no longer a Sex Shop licence in force for the above premises.

#### Regards

Mr. Shaid Yasser | Senior Licensing Officer | Licensing Section | Regulation & Enforcement | City Operations Directorate

Email: <u>licensing@birmingham.gov.uk</u>

Web address: www.birmingham.gov.uk/licensing | Twitter: @BCCLicensing

"Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair

trading city for residents, business and visitors"

From:

**Sent:** 13 December 2022 14:52

To: Licensing < licensing@birmingham.gov.uk>

Cc:

Subject: Renewal of S.E.L. Clone Zone 86 Hurst Street Birmingham B5 4TD.

Dear Shahid,

Thanks for your email of 28/11/22

Please see the certificate below from our accountants that shows our sales of sex toys are at an all time low of 16.7% of total store sales from a high of over 70% in the early 2000s.

We have seen a change in the sales paten with the COVID Pandemic of the last two years. Customers were forced to shop online for sex toys and haven't returned to the store in the numbers we had hoped for. As you are aware pornographic magazines and R18 DVDs have been replaced by streaming and we haven't sold these items for over 5 years. It now looks like sex toys sales are going the same way.

As our sex toy sales are no longer a significant amount of our total shop sales we believe we no longer require a sex establishment license. I understand that Ann Summers used a ratio of 25%. We therefore wish to withdraw our renewal application for 2022/2023.

Going forward we are prepared to trade under the Indecent Displays (control) Act 1981 and I will arrange for the correct signage to be displayed asap.

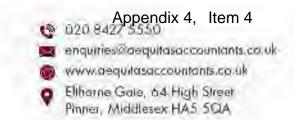
I would appreciate a speedy response as we have a board meeting planned for Monday 19/12/22.

I look forward to hearing from you.

Kind regards,

Director, Libertybelle U.K. ltd.







12/12/2022

Our Ref: LBUK/2022/AP14

#### Birmingham – 84 Hurst Street, Birmingham B5 4TD ('Birmingham')

This is to certify that we have verified the sales figures for Birmingham store with the underlying records and invoices for the period 01 January 2022 to 08 December 2022. These sales figures were broadly classified into Toys and other (non-toys) categories.

Toys category sales amounted to £50,887 (16.69%) of the total sales. Other categories sales amounted to £254,032 (83.31%) of total sales. Total sales for the reporting period was £304,909.

Yours faithfully,

Aequitas

Aequitas
Chartered Accountants

From:

**Sent:** 11 May 2023 15:03

To: Premises Licensing < Premises.Licensing@manchester.gov.uk>

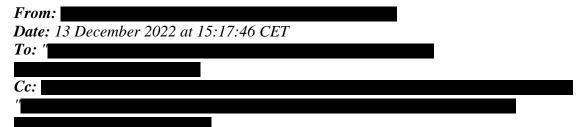
Subject: Fwd: 21/12055/LISEXR & 22/08304/LISEXR Clone Zone 35 Old Compton

Street, London W1D 5JX.

Hi Ashia,

Here's the email I sent to Westminster it's a long the same lines as to Birmingham. Confirmation was given verbally that we no longer need a license.

Please note that in both cases the licensing dept made the decision and it was not necessary to go to committee.



Subject: Re:21/12055/LISEXR & 22/08304/LISEXR Clone Zone 35 Old Compton Street, London W1D 5JX.

Dear

Please see the certificate below from our accountants that shows our sales of sex toys are at an all time low of 16.3% of total store sales from a high of over 70% in the early 2000s.

As I mentioned in my email of 25/11/22 the COVID Pandemic, of the last two years, has had effect on sex toy sales as customers switched to online shopping and haven't returned to the stores in the numbers we hoped for. As you are aware phonographic magazines and R18 DVD have been replaced by online streaming and we haven't sold these items for over 5 years. Now it looks like sex toy sales are going the same way.

As our sex toy sales are no longer a significant amount of our total shop sales we believe we no longer require a sex establishment license. I understand the ratio that Ann Summers used was 25%.

Going forward we are prepared to trade under the Indecent Displays (control) Act 1981 and I will arrange for the correct signage to be displayed asap.

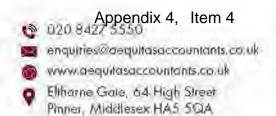
I would appreciate a speedy response as we have a board meeting planned for Monday 19/12/22.

Looking forward to hearing from you.

Kind regards,

Director,
Libertybelle U.K. ltd.







12/12/2022

Our Ref: LBUK/2022/AP14

Soho - 35 Old Street London W1D 5JX ('Soho')

This is to certify that we have verified the sales figures for Soho store with the underlying records and invoices for the period 01 January 2022 to 08 December 2022. These sales figures were broadly classified into Toys and other (non-toys) categories.

Toys category sales amounted to £108,520 (16.3%) of the total sales. Other categories sales amounted to £557,294 (83.7%) of total sales. Total sales for the reporting period was £665,814.

Yours faithfully,

Aequitas

Aequitas
Chartered Accountants

From:

Sent: Thursday, May 11, 2023 16:23 PM

To: Premises Licensing < Premises.Licensing@manchester.gov.uk>

Cc: Fraser Swift <

**Subject:** Sex Shops in London | London's 14 best adult stores

Hi Ashia,

Please add this link to the pack for the committee members.

Please note none of these top London adult stores have a sex establishment license as none of them sell pornography.

The only licensed shops I can find sell pornography.

 $\frac{https://eur03.safelinks.protection.outlook.com/?url=https\%3A\%2F\%2Fwww.timeout.com\%2Flondon\%2Fshopping\%2Flondons-best-sex-$ 

<u>shops&data=05%7C01%7Cpremises.licensing%40manchester.gov.uk%7Cfe1cb9e8ae2f4f99b67d08db52341544%7Cb0ce7d5e81cd47fb94f7276c626b7b09%7C0%7C0%7C63819415587111695%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=r%2F8fha2RZwEH3geiubHHmWt18xMyBlKoNgmNm8yJzI%3D&reserved=0</u>



From:

**Sent:** 11 May 2023 16:30

To: Premises Licensing < Premises. Licensing@manchester.gov.uk >

Cc: Fraser Swift

**Subject:** Re: Sex Shops in London | London's 14 best adult stores

Hi Ashia,

Correction Prowler do have a license but they sell pornography, the rest don't.

Kind regards,



Photograph: Shutterstock

# **London's best sex shops**

From fetishwear to sex toys, latex to erotica, find it all at the city's best sex shops

Written by Sophie Tighe Wednesday 31 August 2022











**ADVERTISING** 

London sex shops aren't what they used to be. Gone are the days of furtively peeling back a dusty old velvet curtain or sneaking off into some grotty basement to browse through a dusty DVD collection.

These days, the capital's adult stores are often loud, proud and actually quite a pleasurable experience to, erm, be inside of. Not to mention way more diverse, with loads more places for women and queer people to get their kicks.

Page 39

Whether you're after a discrete little vibrator or a full-on latex maid's costume, you'll find it all in here, from saucy lingerie to sex toys, nipple clamps to ball gags. Go forth and let your freak flag fly, London!

**RECOMMENDED:** The not-so-secret new wave of London's sex-positive parties

## **Sex shops in London**



© Alys Tomlinson

## 1. Agent Provocateur

#### **Shopping** Soho

Agent Provocateur's trademark baby pink boxes are to undies what a turquoise Tiffany package is to jewellery. Expect hyperventilation: from her, when she receives it; from you, when she puts it on. Originally founded by Vivienne Westwood's son Joseph Corré and his then wife, in addition to bras, knickers and sizzling scraps of saucy silk, Agent Provocateur sell cutting-edge swimwear in distinctive strappy styles that tend to give rise to distinctive, strappy tan lines to match, yet still have lines of ladies queuing to buy them because they look hotter than the equatorial sun.

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### 2. Atsuko Kudo

**Shopping Womenswear Holloway Road** 

Rihanna to Miley, Kim K to Kate Moss, Billie Eilish to Lady Gaga (who wore her red rubber outfit to meet Her Madge The Queen): the list of celebrities who've been pictured in Atsuko Kudo's multi award-winning couture latex is longer than Rapunzel's crowning glory. The rubber clothing specialists are known for their fine filigree details, custom leopard and lace prints, striking colourways, and their perfect tailoring. Vacuum-pack yourself in AK, don one of their signature cat ear hairbands and you're guarantees to be feline sexy.

**Read more** 

## 3. Breathless

**Shopping Womenswear Euston** 

Join the rubber band at latex fashion specialists Breathless, where owner and designer Dolenta Debarna (who used to work with Katherine Hamnett) offers top quality made-to-measure and fitting services, ensuring every item hugs you in a perfect racy embrace, while also directing customers to the best parties in town to show off their highly polished purchases. Breathless collections include military-style costumes and caps; retro-influenced cute, flared babydoll dresses; tailored jackets and waistcoats; leopard-print catsuits; and truly magnificent corseted gowns.

Photograph: Clonezone

### 4. Clonezone

Traditionally for cisgender gay men and still doing a roaring trade in jockstraps, cock rings and prostate massagers, Clonezone now also stocks vaginal and clitoral toys, as well as revolutionary trans masturbator The Buck Off. Staffed by queer people and always supporting LGBTQ+ charities and events, it's part of the new wave of conscious and inclusive sex shops.

### 5. Coco de Mer

**Shopping Home decor Seven Dials** 

Just as deluxe chocolates often boast that they contain a high percentage of cocoa, deluxe sex lives may boast that they incorporate an indulgent amount of Coco de Mer. Names after the enormous, bum-shaped seeds of rare variety of exotic palm tree, this is London's most glamorous, upmarket erotic emporium. Browse toys, accessories, jewellery and lingerie made from the finest materials: stunning sterling silver nipple shields and gold-gilded clamps; beautiful, subtly sexual rings that double as massage aids; leather reins and harnesses to transform your partner into the dressiest of dressage ponies; and love eggs made from rose quartz and jade.

### 6. Fetish Freak

#### **Shopping Kennington**

Fetish Freak are specialists in men's made-to-measure latex and leather. Their prices are fair, even if their breeches, chaps, harnesses and body bags (yup, leather body bags, for those who like to completely hide inside hide) are as indecent as they get; custom-crafted items can cost less than some other places charge for off-the-peg stock. They also carry a whole host of accessories and sex toys, from inflatable dildos to horse bit gags to nipple clamps to ball stretchers. Everything you need to get your freak on.

**ADVERTISING** 

## 7. Honour

**Shopping Shoes Waterloo** 

Traditional marriage vows require that partners swear to love, honour and obey each other; and if either of you have been to Honour, someone's definitely going to end up obeying. And loving it.

Honour stock a wide range of kinky clothing, toys and equipment designed to suit all budgets and tastes, including an abundance of very affordable yet gloriously deplorable goodies. Refreshingly for a store not exclusively aimed at gay guys, there's plenty of fetish-wear for men (on the upstairs floor) as well as women, and a great range of plus-size items too. There are catsuits, costumes, wigs, uniforms, lingerie... a veritable cornucopia of sexy accessories.

Read more

### 8. House of Harlot

Shopping Womenswear Spitalfields

Handmade latex mastery for Masters, Mistresses, fetishistas, fashionistas, kinksters, and hijinxsters. Designer Robin Archer and his team are famous worldwide for their brilliantly made, imaginatively conceived haute-couture rubber clothing, and have increasingly collaborated with high fashion houses in recent years; Giles Deacon called upon them to create a series of tie dye latex dresses, for example, and they also worked with Loewe to transfer archive silk scarf patterns onto stunning rubber shirts. Hot and haute.

Read more

### 9. Liberation

**Shopping Womenswear Covent Garden** 

Liberation carries a wide range of off-the-peg clothing for women and men that's ready to wear if you're ready to dare, or commission something custom-made after trying on items to see what flatters and flaunts. Celebrity customers include Julian Clary and Lady Gaga, and Libidex have also worked with fashion houses including Vivienne Westwood, Dolce & Gabbana and the late Alexander McQueen, although they greet everyone who walks through their doors with open arms and a welcome warmer than the inside of a freshly grilled cheese toastie.

## 10. Le Boutique Bazaar

#### **Shopping** Shoreditch

Le Boutique Bazaar is a regular pop-up shopping and social afternoon, co-produced by world-famous fetish club Torture Garden, along with the team behind the popular Wasted Chic fashion sales. Each event gathers together a changing roster of more than 40 of London's most intriguing unusual, underground and erotic clothing and accessory designers, all in one place (usually swanky lounge bar McQueen, in Shoreditch). There are deals on cocktails so you can sip tipples while choosing one-off diamante covers for your nipples, and DJs encouraging you to have a bop after investing in a rubber top...or bottom.

**Read more** 

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The best restaurants in Clapham

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### 11. London Alternative Market

#### **Shopping** City of London

London Alternative Market is a monthly fetish shopping and kinky community event. Whatever your particular peccadillo - be it adult baby scenarios, bondage, medical play, cross dressing, or if you're simply a curious newbie working out which way you're wired – at LAM, you'll never feel like the black sheep of the family. An extremely friendly, down-to-earth affair, every outing of LAM features a variety of exhibitors – often small businesses run by kinsters who've identified a gap in the marvelously mucky fetish market and developed an innovative product or line to fill it.

## 12. Prowler Soho

#### Shopping Soho

The flagship outlet of the UK's largest gay lifestyle superstore, Prowler Soho stocks all the good-time goodies you'd expect, in fantastic abundance: there's a veritable apothecary of poppers; a vast collection of male sex toys, many with an appealingly manly aesthetic, including inflatable anal dongs and robust cock rings that look like one of the Mario Bros' pipes; plus a huge array of jockstraps, super-snug boxers and more banana hammocks than you'd find at a fruit-themed beach resort.

**Read more** 

## 13. Regulation

Shopping Womenswear Islington

If Warren G and friends shop at Regulation, we can only wonder what exactly they're mounting, as the fetish and gay lifestyle store stocks the UK's widest range of Square Peg silicone ass toys. They specialise in tailored latex and leather clothing handmade in London, plus a seemingly infinite variety of innovative and darkly imaginative sex equipment, carrying a tonne of brands well known to the discriminating pervert. Staff are friendly and well informed, and they even offer a 15% student discount.

Read more

### 14. Sh!

**Shopping Electronics Hoxton** 

Sh! is a sex shop truly worth shouting about. When it opened in 1992, it was the first ever 'women only' erotic boutique, designed to give ladies a welcoming, safe place to shop for intimate items and get sound sexual advice. Thirty years later, Sh! might have had to shut up shop during the pandemic, but it's still pushing boundaries and championing female pleasure. Look out for its regular events around the city, from erotic book readings and tutorials to pop-ups and launch parties.

#### Show more

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