

Definitions and Glossary of Terms

SEX ESTABLISHMENT LICENSING

Character of the Relevant Locality:

Means the character or characteristics of the locality where the premises are situated which will be instrumental in determining whether or not the granting of a licence will be appropriate. This is a proper matter for the Council's Licensing Sub-Committee to consider based on local knowledge, factors and circumstances.

Inappropriate Proximity:

A distance of 400 metres in direct line of sight between the proposed establishment and any locations listed above, or 200 metres distance if there is no direct line of sight.

Licence Holder:

A person who is the holder of a sex establishment licence.

Licensed Premises:

Means any premises, vessel, vehicle or stall which is subject to a Sex Establishment licence. The premises will be in possession of all appropriate consents and permissions required to operate.

Licensing Authority:

Surrey Heath Borough Council.

Permitted Hour:

The hours that the licensed premise are permitted to be open to the public.

Policy Statement:

Means the Surrey Heath Sex Establishments Licensing Policy and Procedure.

Relevant Locality:

The Council has resolved that the relevant locality shall be the ward in which the premises, vehicle, vessel or stall for which the application is being made is situated, or such other area as the Sub-Committee considers appropriate as the relevant locality for the application which they are hearing.

Sex Article:

The legislation defines this as:

- (3) (a) anything made 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; and
- (b) anything to which sub-paragraph (4) below applies.
- (4) This sub-paragraph applies –
 - (a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
 - (b) to any recording vision or sound, which –
 - (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
 - (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

Sex Cinema:

The legislation defines as Sex Cinema as:

- (1) Any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which -
 - (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage –
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity; or
 - (b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions,

but does not include a dwelling-house to which the public is not admitted.

- (2) No premises shall be treated as a sex cinema by reason only -
 - (a) if they are licensed under Section 1 of the Cinemas Act 1985, of their use or purpose for which a licence under that section is required; or
 - (b) of their use for an exhibition to which Section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of Section 6(6) of that Act.

Sex Establishment Licence:

A licence granted pursuant to Schedule 3 of the Act.

Sex Shop:

The legislation defines a Sex Shop as:

- (1) Any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating –
 - (a) sex articles; or
 - (b) 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) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.

Sex Shops – Significant Degree and Sex Articles:

Licences for sex shops are required where 18R rated films are being sold, or where there is a “significant degree” of “sex articles”.

It should be noted that in respect of Mail Order premises the Video Recordings Act 1984 states at section 7 (b) & (c) that no video recording that may only be viewed by persons aged 18 or over is to be supplied other than in a licensed sex shop. Case law precludes the sale of 18R rated films by Mail Order premises which holds a Sex Shop licence because the supply of the film to a person aged 18 or over cannot be confirmed; such supply would fail to ensure that the age controls are properly enforced.

The phrase “sex articles” is defined in the 1982 Act, but the phrase “a significant degree” is not. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, we will consider:

- (1) the ratio of sex articles to other aspects of the business
- (2) the absolute quantity of sales
- (3) the character of the remainder of the business
- (4) the nature of the displays in the business
- (5) turnover
- (6) other factors which appear to be materially relevant.

Sex articles are defined as:

- (a) anything made 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; and
- (b) anything to which sub-paragraph below applies.

This sub-paragraph applies-

- (a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
- (b) to any recording of vision or sound, which -
 - (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity ; or
 - (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

Sexual Entertainment Venue:

The legislation defines a **Sexual Entertainment Venue** as:

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- (1) In this Schedule “sexual entertainment venue” means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.
 - (2) In this paragraph “relevant entertainment” means—
 - (a) any live performance; or
 - (b) any live display of nudity;which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
 - (3) The following are not sexual entertainment venues for the purposes of this Schedule—
 - (a) sex cinemas and sex shops;
 - (b) premises at which the provision of

relevant entertainment as mentioned in sub-paragraph (1) is such that, at the time in question and including any relevant entertainment which is being so provided at that time—

- (i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;
 - (ii) no such occasion has lasted for more than 24 hours; and
 - (iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in sub-paragraph (i));
- (c) premises specified or described in an order made by the relevant national authority.

(4) – (12) omitted as they refer to other matters

(13) For the purposes of this Schedule references to the use of any premises as a sexual entertainment venue are to be read as references to their use by the organiser.

(14) In this paragraph—

“audience” includes an audience of one;

“display of nudity” means—

- (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
- (b) in the case of a man, exposure of his pubic area, genitals or anus;

“the organiser”, in relation to the provision of

relevant entertainment at premises, means any person who is responsible for the organisation or management of—

- (a) the relevant entertainment; or
- (b) the premises;

“premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted;

and for the purposes of sub-paragraphs (1) and (2) it does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity.

Sexual Entertainment Venues – Nudity:

Section 27 of The Policing and Crime Act 2009 defines the “display of nudity” as:-

- (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
- (b) in the case of a man, exposure of his pubic area, genitals or anus.

Sexual Entertainment Venues – Relevant Entertainment:

Licences for sexual entertainment venues are required for “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”.

“Relevant entertainment” is defined in schedule 3 (as amended by section 27 of the Policing and Crime Act 2009) as “any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means).” An audience can consist of just one person, e.g. in a private booth.

In deciding whether entertainment is “relevant entertainment” the Licensing Authority will judge each case on its merits, but will generally apply to:

- (1) lap dancing
- (2) pole dancing
- (3) table dancing
- (4) strip shows
- (5) peep shows

(6) live sex shows

Adult entertainment not classed as “relevant entertainment” may still require regulation under the Licensing Act 2003.

The Act:

Means Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009).

The Council:

Means Surrey Heath Borough Council.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

**STANDARD SEX ESTABLISHMENT LICENCE CONDITIONS RESTRICTIONS
AND TERMS APPLICABLE TO SEXUAL ENTERTAINMENT VENUE
PREMISES**

INTRODUCTION

1. In these Conditions "The Council" shall mean the Surrey Heath Borough Council and all enquiries concerning this licence shall be directed to the Environmental Health Team.
2. These conditions are imposed by the Council, pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act, as terms, conditions and restrictions on a subject to which a licence is, in general, to be granted, renewed or transferred by the Council save, and insofar as, they do not conflict with the provisions of the Act itself.
3. These conditions are only applicable to a "Sexual Entertainment Venue" premises.

Management of the Premises

4. The Licensee, or a responsible person over the age of 18 having been nominated by him and approved in writing by the Council for the purpose of managing the sex establishment ("the manager"), shall have personal responsibility for and be present on the Premises at all times when the Premises are open to the public. A form will be provided for this purpose.
5. Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
6. A copy of the licence and any standard conditions attached shall, at all times, be displayed in a conspicuous position on the Premises so as to be available for inspection by the police, the fire authority, and authorised officers of the Council.
7. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be displayed in a conspicuous position within the Premises throughout the period during which he is responsible for the conduct of the Premises.

8. The Licensee shall retain control over all areas of the Premises and shall not let, licence or surrender possession of any area. The Council must be immediately notified in the event that any area of the Premises is affected by the termination of a lease or other event affecting the Licensee's control of the Premises.
9. The Licensee shall ensure that the public is not admitted to any part of the Premises that has not been licensed, other than toilet facilities where provided for customers.
10. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the locality (village, town or city) of the Premises.
11. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within thirty minutes of the Sex Establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Council.
12. The Licensee shall take all reasonable precautions for the safety of the public, employees and other persons working in the premises.
13. The Licensee must ensure that a suitable and sufficient number of trained staff are employed to supervise the interior of the Premises ("floor supervisors") to ensure that conditions of licence are complied with, in particular the no touching conditions, and to ensure the safety of performers.
14. No person under the age of 18 shall be admitted to the Premises.
15. The Licensee shall adopt a procedure to check the age of customers entering the premises who appear to be younger than 25 in order to ensure that they are not under the age of 18.
16. All persons working in the premises, including Performers, shall be aged not less than 18 years. The Licensee must maintain adequate records of the names, addresses and dates of birth of performers including adequate identity checks.
17. The Licensee must submit a set of "House Rules" to the Licensing Authority as part of the application process; these rules will form part of the licence, and must be complied with. Furthermore they must ensure that all performers are fully conversant with and sign an agreement to adhere to such House Rules.
18. In the event that an authorisation under the Licensing Act 2003 does not require the provision of a CCTV system, then the Licensee shall ensure a closed-circuit television system is installed internally

and externally to the satisfaction of the Council. Appropriate notices must be displayed in accordance with the Data Protection Act 1998, advising that CCTV is in operation. In addition the Licensee must ensure that the requirement under that Act regarding registration with the Data Protection Commissioner is complied with.

19. CCTV recordings will be made available for viewing by authorised officers of the licensing authority or the police. Copies of such recordings must be provided upon request.
20. CCTV must be capable of monitoring the whole of the premises, in particular any private booths or rooms to ensure the safety and security of performers and other persons within the premises. The CCTV system must be monitored by a dedicated member of staff or security personnel at all times that the premises are in operation.
21. The Licensee shall ensure that neither they nor any person promoting or providing entertainment on the Premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment or the Premises in any unlawful manner.
22. Where the Council have given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.
23. The Council may specify, in writing, the number of members of the public that shall be present on the Premises at any time whilst relevant entertainment takes place, on the grounds of public safety, public nuisance or crime and disorder. The Licensee shall ensure that the number specified is not exceeded at any time.
24. The Licensee shall provide upon request copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this Licence.
25. The Licensee shall provide adequate non-public changing rooms for performers.

Opening of the Premises

26. Relevant entertainment may only be provided during the hours permitted by an authorisation under the Licensing Act 2003 unless a specific condition on the Sex Establishment Licence permits otherwise.

Operation of the Premises

27. Approval from the Council is required for changes from:

- a sex shop (including a mail-order shop) to either a sex cinema or sexual entertainment venue
- sex cinema to either a sex shop or sexual entertainment venue
- a sexual entertainment venue to either a sex cinema or a sex shop.

This will require consideration of an appropriate application.

28. No sex articles or other items intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be used, displayed, sold, hired, exchanged, loaned or demonstrated in a sexual entertainment venue or a sex cinema.

External Appearance

29. A notice stating that no person under the age of 18 shall be admitted to the premises must be displayed on the outside of the Premises. The notice must also include a statement that proof of age may be requested.
30. The exterior design of the premises shall be such that the interior of the premises is not visible to passers-by.
31. The windows and openings of the Premises shall be of a material or covered with a material, which will ensure the interior of the Premises is not visible to passers-by. At no time shall performers or persons working in the premises be visible from outside of the Premises, with the exclusion of Door Supervisors.
32. The Licensee shall not permit the display outside of the Premises of photographs or other images which indicate or suggest that relevant entertainment takes place on the Premises.
33. External advertising of relevant entertainment shall not include any of the following:
- a) any depiction of full nudity
 - b) any depiction of partial nudity (including the display of breasts, buttocks or genitalia)
 - c) any depiction of overtly sexual or violent images or any other images which may give rise to concerns in respect of public decency or protection of children or vulnerable persons from harm.

34. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
- (i) The licensed name of the premises (as explained in paragraph 40 hereof) may be displayed, unless the Council determines that the name is of a profane or sexual nature or gives other cause for concern.
 - (ii) The form of warning notice required to be displayed by virtue of the provisions of Section 1(6) of the Indecent Displays (Control) Act 1981.
 - (iii) A notice stating the opening hours of the establishment.
35. The lettering used in respect of such permitted items: -
- In the case of the permitted items at paragraph 24 'i', 'ii' and 'iv' the lettering used shall not exceed 15 cm (approximately 6" inches) in height for each letter.
36. (a) No other words or signs, or any displays or advertisements, shall be displayed on the outside of the Premises or in the vicinity of the Premises, except those mentioned in conditions 27 and 33 or otherwise approved by the Council in writing;
- (b) No external loudspeakers may be installed.

State, Condition and Layout of the Premises

37. Notwithstanding the Licensee's duties under the Health and Safety at Work etc Act 1974 and related legislation and his obligations under any lease or other agreement for the use of the Premises, he shall maintain the Premises in good repair and condition.
38. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to ensure their automatic closure and such devices shall be maintained in good working order.
39. The Premises shall be fitted with an inner entrance door or screen so that no part of the interior of the Premises or any of the contents of the premises shall be visible when persons are entering or leaving the Premises. Such inner entrance door or screen shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
40. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.

41. Lighting shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
42. Alterations or additions, either internal or external, shall not be made to the Premises without prior written consent from the Council. A variation application will be required in order for consent to be considered.
43. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee be present in any such booth or cubicle at any time). Appropriate fastenings are permitted on toilet doors.

Provision of Relevant Entertainment

44. Performers shall only perform in specified designated areas, to seated customers or in such other areas of the licensed Premises as may be agreed in writing with the Council.
45. The Licensee is to implement a policy to ensure the safety of the Performers when they leave the Premises after a period of work.
46. Performers must remain clothed in public areas and all other areas except while performing in areas specified by the Council as being where relevant entertainment may be provided.
47. At the conclusion of performances all articles of clothing removed during that performance must be put back on. This does not prevent performers going to their non-public changing area to change their attire.
48. Performers may not accept any telephone number, email address, address or contact information from any customer.
49. Performers may not give any telephone number, email address, address, contact information or business card to any customer or in any way solicit themselves.
50. Performers must not perform a nude table dance unless in a supervised area or within five metres of a floor supervisor.
51. Performers are never to be in the company of a customer except in an area open to the public within the Premises (this excludes the toilets as performers must not use the public toilets whilst open to the public).
52. The Licensee must ensure that during the performance of a table or lap dance:

- (1) customers must be seated in an upright position against the back of the booth or seat with their hands by their sides before a dancer can start a table dance;
 - (2) customers must remain seated during the entire performance of the dance;
 - (3) for the purpose of restraint only, Performers may only touch a customer above the customer's chest (excluding the head) with their hands only;
 - (4) Performers must not sit on or straddle the customer;
 - (5) Performers must not place their feet on the seats.
53. The Licensee must ensure that during performances of relevant entertainment:
- (1) Performers may not perform any act that clearly simulates any sexual act;
 - (2) Performers must never intentionally touch the genitals, anus or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals, anus or breasts;
 - (3) Performers may not intentionally touch a customer any time during the performance unless absolutely accidentally or due to a third party;
 - (4) Performers may not use inappropriate, suggestive or sexually graphic language at any time;
 - (6) Performers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the Performer has no intention of carrying out the act;
 - (7) Performers must only perform nude or semi-nude dancing (of any description) within areas specified by the Council.
54. The Licensee must ensure that during performances of relevant entertainment:
- (1) Customers may not dance at any time except in areas specifically designated by the Council as being separate from areas for sexual entertainment.
 - (2) Customers must remain appropriately clothed at all times.
55. At all times there must be no physical contact between customers and employees, or other persons working within the premises, in any part of the premises save for the following: -

- The payment of an entry fee by customers to authorised members of staff.
 - The payment of a fee for relevant entertainment.
 - The purchasing of drinks by customers from authorised members of staff.
 - The placing of bank notes by the customer in a garter worn by females or an armband worn by males.
 - SIA door staff in the execution of their duties.
56. At all other times during the performance the performer will keep a minimum distance of at least 3 feet away from the customer.
57. Relevant entertainment will only take place in specified designated areas within the premises, as identified on the plan attached to the licence.
58. Notices outlining condition 55 will be clearly displayed at each entrance to the premises and in the specified designated areas. Notices must state that no touching relates to customers touching performers and other persons working within the premises and vice versa.
59. Performers will stop immediately and move away from any customer who is offensive or attempts to touch them, and shall report such behaviour and any other inappropriate behaviour or breach of house rules to the management. If after receiving a warning a customer continues behave inappropriately, the customer must be requested to leave the premises and should be escorted from the premises by appropriately authorised staff only (i.e. SIA registered door supervisors).

Licensed Name

60. (a) The Council at the time of granting the licence in respect of the premises shall appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such name shall have been provided on the application form.
- (b) An application in respect of a change of licence name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
STANDARD SEX ESTABLISHMENT LICENCE CONDITIONS RESTRICTIONS
AND TERMS APPLICABLE TO MAIL-ORDER PREMISES

INTRODUCTION

1. In these Conditions "The Council" shall mean the Surrey Heath Borough Council and all enquiries concerning this licence shall be directed to the Environmental Health Team.
2. These conditions are imposed by the Council, pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act, as terms, conditions and restrictions on a subject to which a licence is, in general, to be granted, renewed or transferred by the Council save, and insofar as, they do not conflict with the provisions of the Act itself.
3. These conditions are only applicable to a "Mail-Order Sex Shop" premises.

Management of the Premises

4. The Licensee, or a responsible person over the age of 18 having been nominated by him and approved in writing by the Council for the purpose of managing the sex establishment ("the manager"), shall have personal responsibility for and be present on the Premises at all times when the Premises are open to the public. A form will be provided for this purpose.
5. Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change. Such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
6. A copy of the licence and any standard conditions attached shall, at all times, be displayed in a conspicuous position on the Premises so as to be available for inspection by the police, the fire authority, and authorised officers of the Council.
7. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be displayed in a conspicuous position within the Premises throughout the period during which he is responsible for the conduct of the Premises.

8. The Licensee shall retain control over all areas of the Premises and shall not let, licence or surrender possession of any area. The Council must be immediately notified in the event that any area of the Premises is affected by the termination of a lease or other event affecting the Licensee's control of the Premises.
9. The Licensee shall ensure that the public is not admitted to any part of the Premises. No person under the age of 18 years will be admitted to the premises at any time, for whatever reason or purpose.
10. All persons working in the premises shall be aged not less than 18 years. The Licensee must maintain adequate records of the names, addresses and dates of birth of persons working in the premises including adequate identity checks.
11. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the locality (village, town or city) of the Premises.
12. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within thirty minutes of the Sex Establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Council.
13. The Licensee shall take all reasonable precautions for the safety of employees.
14. The Licensee shall provide upon request copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this Licence.

Operation of the Premises

15. Approval from the Council is required for changes from:
 - a sex shop (including a mail-order shop) to either a sex cinema or sexual entertainment venue
 - sex cinema to either a sex shop or sexual entertainment venue
 - a sexual entertainment venue to either a sex cinema or a sex shop.

This will require consideration of an appropriate application.

16. No sex articles or other items intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be

used, displayed, sold, hired, exchanged, loaned or demonstrated in a Mail order sex shop premises.

17. The sex establishment shall be used exclusively for 'mail-order' purposes only, selling sex articles and other articles that do not fall within the definition of sex articles in Schedule 3, paragraph 4(3) of the Local Government (Miscellaneous Provisions) Act 1982.
18. All advertisements, catalogues, sales documents used in connection with the business intended or likely to be seen by customers will clearly and prominently state "MAIL ORDER ONLY". All deliveries/despatches of parcels shall be in plain wrapping not identifying what is inside.

External Appearance

19. No external nameplate, advertisement board or any other written or pictorial or graphic display connected with the business shall be observable from outside the building, or from other units within the building or from the common parts of the building.
20. The exterior design of the premises shall be such that the interior of the premises is not visible to passers-by.
21. The windows and openings of the Premises shall be of a material or covered with a material, which will ensure the interior of the Premises is not visible to passers-by.
22. No items should be stored on the premises so that they can be viewed from any external window or door.

State, Condition and Layout of the Premises

23. Notwithstanding the Licensee's duties under the Health and Safety at Work etc Act 1974 and related legislation and his obligations under any lease or other agreement for the use of the Premises, he shall maintain the Premises in good repair and condition.
24. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to ensure their automatic closure and such devices shall be maintained in good working order.
25. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.
26. Alterations or additions, either internal or external, shall not be made to the Premises without prior written consent from the Council. A variation application will be required in order for consent to be considered.

Goods Available in Sex Establishments

27. No film, DVD, or video recording (or computer game, or other formats capable of storing readable/viewable material) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to the effect.
28. In accordance with section 7 (b) & (c) of the Video Recordings Act 1984 and case law no 18R rated films may be sold or supplied by Mail Order premises (even one which holds a Sex Shop licence).

Licensed Name

29. (a) The Council at the time of granting the licence in respect of the premises shall appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such name shall have been provided on the application form. Paragraph 16 of these conditions applies.
- (b) An application in respect of a change of licence name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
STANDARD SEX ESTABLISHMENT LICENCE CONDITIONS RESTRICTIONS
AND TERMS APPLICABLE TO SEX SHOPS AND SEX CINEMAS

Introduction

1. In these Conditions "The Council" shall mean the Surrey Heath Borough Council and all enquiries concerning this licence shall be directed to the Environmental Health Team.
2. These conditions are imposed by the Council, pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act, as terms, conditions and restrictions on a subject to which a licence is, in general, to be granted, renewed or transferred by the Council save, and insofar as, they do not conflict with the provisions of the Act itself.
3. These conditions are only applicable to "Sex Shop and Sex Cinema" premises.

Management of the Premises

4. The Licensee, or a responsible person over the age of 18 having been nominated by him and approved in writing by the Council for the purpose of managing the sex establishment ("the manager"), shall have personal responsibility for and be present on the Premises at all times when the Premises are open to the public. A form will be provided for this purpose.
5. Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
6. A copy of the licence and any standard conditions attached shall, at all times, be displayed in a conspicuous position on the Premises so as to be available for inspection by the police, the fire authority, and authorised officers of the Council.
7. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be displayed in a conspicuous position within the Premises throughout the period during which he is responsible for the conduct of the Premises.
8. The Licensee shall retain control over all areas of the Premises and shall not let, licence or surrender possession of any area. The Council

must be immediately notified in the event that any area of the Premises is affected by the termination of a lease or other event affecting the Licensee's control of the Premises.

9. The Licensee shall ensure that the public is not admitted to any part of the Premises that has not been licensed, other than toilet facilities where provided for customers.
10. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the locality (village, town or city) of the Premises.
11. The Licensee shall ensure that during the hours that the Premises are open for business every employee wears a badge of a type approved by the Council indicating their name and that they are an employee.
12. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within thirty minutes of the Sex Establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Council.
13. The Licensee shall take all reasonable precautions for the safety of the public, employees and other persons working in the premises.
14. No person under the age of 18 shall be admitted to the Premises.
15. The Licensee shall adopt a procedure to check the age of customers entering the shop who appear to be younger than 25 in order to ensure that they are not under the age of 18.
16. All persons working in the premises shall be aged not less than 18 years. The Licensee must maintain adequate records of the names, addresses and dates of birth of persons working in the premises including adequate identity checks.
17. The Licensee shall ensure that a closed-circuit television system is installed internally and externally to the satisfaction of the Council. Appropriate notices must be displayed in accordance with the Data Protection Act 1998, advising that CCTV is in operation. In addition the Licensee must ensure that the requirement under that Act regarding registration with the Data Protection Commissioner is complied with.
18. The Licensee shall provide upon request copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this Licence.

Opening of the Premises

19. The Premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted except during the following hours:

Monday – Saturday 9:30 am – 6:00 pm

20. The Premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted on Sundays, Christmas Day or Good Friday.

Operation of the Premises

21. Approval from the Council is required for changes from:

- a sex shop (including a mail-order shop) to either a sex cinema or sexual entertainment venue
- sex cinema to either a sex shop or sexual entertainment venue
- a sexual entertainment venue to either a sex cinema or a sex shop.

This will require consideration of an appropriate application.

22. No sex articles or other items intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be used, displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema or a sexual entertainment venue.
23. The primary use of a sex shop must be for the purpose of the sale of goods by retail.

External Appearance

24. A notice stating that no person under the age of 18 shall be admitted to the premises must be displayed on the outside of the Premises. The notice must also include a statement that proof of age may be requested.
25. The exterior design of the premises shall be such that the interior of the premises is not visible to passers-by.
26. The windows and openings of the Premises shall be of a material or covered with a material, which will ensure the interior of the Premises is not visible to passers-by.
27. No items should be stored on the premises so that they can be viewed from any external window or door.

28. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
- (i) The licensed name of the premises (as explained in paragraph 40 hereof) may be displayed, unless the Council determines that the name is of a profane or sexual nature or gives other cause for concern.
 - (ii) The form of warning notice required to be displayed by virtue of the provisions of Section 1(6) of the Indecent Displays (Control) Act 1981.
 - (iii) A notice stating the opening hours of the establishment.
 - (iv) The wording "PRIVATE SHOP" or "ADULT SHOP" but no other indication as to the nature of the business carried on at the licensed premises.
29. The lettering used in respect of such permitted items: -
- In the case of the permitted items at paragraph 24 'i', 'ii' and 'iv' the lettering used shall not exceed 15 cm (approximately 6" inches) in height for each letter.
30. (a) No other words or signs, or any displays or advertisements, shall be displayed on the outside of the Premises or in the vicinity of the Premises, except those mentioned in conditions 22 and 25 or otherwise approved by the Council in writing;
- (b) No external loudspeakers may be installed.

State, Condition and Layout of the Premises

31. Notwithstanding the Licensee's duties under the Health and Safety at Work etc Act 1974 and related legislation and his obligations under any lease or other agreement for the use of the Premises, he shall maintain the Premises in good repair and condition.
32. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to ensure their automatic closure and such devices shall be maintained in good working order.
33. The Premises shall be fitted with an inner entrance door or screen so that no part of the interior of the Premises or any of the contents of the premises shall be visible when persons are entering or leaving the Premises. Such inner entrance door or screen shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

34. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.
35. Lighting shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
36. Alterations or additions, either internal or external, shall not be made to the Premises without prior written consent from the Council. A variation application will be required in order for consent to be considered.
37. No previewing of films, video recordings or other similar material shall be allowed to be shown in the premises. (*N.B. This condition only relates to Sex Shops.*)
38. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee be present in any such booth or cubicle at any time). Appropriate fastenings are permitted on toilet doors.

Goods Available in Sex Establishments

39. All Sex Articles as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and other things displayed for sale, hire, exchange or loan within a the shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
40. All printed matter, DVD, video and other formats capable of storing readable/viewable material offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this is effect is to be prominently displayed inside the Sex Establishment. (This regulation does not require that films or video films be exhibited (played) to customers).
41. No film, DVD, or video recording (or computer game, or other formats capable of storing readable/viewable material) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to the effect.
42. In accordance with section 7 (b) & (c) of the Video Recordings Act 1984 and case law no 18R rated films may be sold or supplied by Mail Order.

Information for Customers

43. The Licensee shall make available in the Sex Establishment free counselling and advice literature on matters related to sexual health and issues as may be published by the Family Planning Association, the NHS and or other similar organisations. Such literature should be

displayed in a prominent position, preferably adjacent to all points of sale in the Sex Establishment.

Licensed Name

44. (a) The Council at the time of granting the licence in respect of the premises shall appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such name shall have been provided on the application form.
- (b) An application in respect of a change of licence name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

APPENDIX 5

SCHEDULE OF DELEGATED AUTHORITY

Matter to be dealt with	Licensing Sub-Committee	Officers
Grant of an Application for the grant of any type of Sex Establishment Licence.	All cases	
Decision on whether an objection is unreasonable or frivolous.	All cases	
Decision on whether an objection is irrelevant.	All cases	
Application for Waiver of Licence in respect of any type of Sex Establishment Licence.	All cases	
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being under the age of 18.	All cases	
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a person who is for the time being disqualified from holding a licence following revocation of such a licence.	All cases	
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of 6 months immediately preceding the date when the application was made.	All cases	
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a body corporate which is not incorporated in an EEA state.	All cases	
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a person who had, 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.	All cases	
Refusal of an Application for the grant, renewal or transfer of any type of Sex Establishment Licence on the grounds that the applicant is unsuitable to hold the licence by reason of having been	All cases	

Matter to be dealt with	Licensing Sub-Committee	Officers
convicted of an offence or for any other reason.		
Refusal of an Application for the grant, renewal or transfer of any type of Sex Establishment Licence on the grounds that 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, renewed or transfer of such a licence if he made the application himself.	All cases	
Refusal of an Application for the grant or renewal of any type of Sex Establishment Licence on the grounds that the number of sex establishments or of sex establishments of a particular kind, in the relevant locality at the time the application is made (determined) is equal to or exceeds the number which the authority consider is appropriate for that locality.	All cases	
Refusal of an Application for the grant or renewal of any type of Sex Establishment Licence on the grounds that the grant or renewal of the licence would be inappropriate, having regard – (i) to the character of the relevant locality; or (ii) to the use to which any premises in the vicinity are put; or (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.	All cases	
Refusal of an Application for the Variation of the terms, conditions or restrictions on or subject to which the licence is held for any type of Sex Establishment Licence.	All cases	
Revocation of a licence.	All cases	
Variation applications to amend restrictions in relation to opening hours, external appearance, etc.	All cases	

**NOTICE OF APPLICATION FOR THE GRANT / RENEWAL /
TRANSFER* OF A SEX ESTABLISHMENT LICENCE**

I/we

.....

hereby give notice that I/we have applied to Surrey Heath Borough Council under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended for a licence to use the premises referred to below as a Sex Shop / Sex Cinema / Sexual Entertainment Venue* as detailed below.

Proposed Licensed Name

.....

Address of premises

.....

.....

.....

.....

Proposed hours of opening/operation

.....

.....

.....

.....

Any person wishing to make representations about the application should make them in writing to the Surrey Heath Borough Council, Surrey Heath House, Knoll Road, Camberley, Surrey GU15 3HD within 28 days of the date of the application which was [INSERT DATE].

Signed: Date:

Notes:

1. Enter full details of the application on this form, including the name of the premises being requested as "the licensed name" and proposed

opening hours, or hours of operation in the case of Mail Order Premises.

2. Affix a copy of the completed Notice on the premises to which the application relates, in a prominent position that may be easily read by the public on the day of making application. You must ensure that this Notice remains in position for 21 days.
3. The content of this Notice, as completed, must be published in a local newspaper within 7 days of making the application.

* Delete as applicable

**APPLICATION FOR
GRANT / RENEWAL /
TRANSFER / VARIATION
OF SEX ESTABLISHMENT LICENCE**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
(PART II AND SCHEDULE 3, AS AMENDED BY THE POLICING AND
CRIME ACT 2009)**

1. If application is made on behalf of an individual please state: -

Full Name
Permanent Address
Age, Date of Birth and Place of Birth
Please provide address and telephone number for correspondence in respect of this application if different from above.

2. If application is made on behalf of a corporate or unincorporated body please state: -

Full Name of Body
Address of Registered or Principle Office

3. Give full names and private addresses of all directors or other persons responsible for management of the establishment: -

Name	Age, Date of Birth and Place of Birth	Private Address

4. Have you any convictions recorded against you? Or if body corporate or unincorporated body that body or any of its directors or other persons responsible for its management? If so please state: -

Name	Offence	Date of Conviction	Sentence

N.B. All convictions must be disclosed. Spent convictions, as defined below, should not be included.

Sentence	Becomes spent
Imprisonment of between 6 months and 2½ years	10 years
Imprisonment of up to 6 months:	7 years
Borstal training	7 years
A fine or other sentence not otherwise covered in this table	5 years
Absolute discharge	6 months
Probation order, conditional discharge or bind over	1 year (or until order expires, whichever is the longer)
Detention centre order	3 years
Remand home, attendance centre or approved school order	The period of the order and a further year after the order expires
Hospital order under the Mental Health Act	The period of the order and a further 2 years after it expires
Cashiering, discharge with ignominy or dismissal with disgrace from the armed forces	10 years
Dismissal from armed forces	7 years
Detention	5 years
NOTE :	
(i)	A sentence of more than 2½ years' imprisonment can never become spent.
(ii)	If you were under 17 years of age on the date of conviction, please halve the period shown in the right hand column.

5. Have you been resident in the United Kingdom throughout a period of six months immediately preceding the date of this application?

YES / NO

6. If the application is made on behalf of a body corporate is that body incorporated in the United Kingdom?

YES / NO

7. Full address of premises desired to be used as a sex establishment together with the proposed "licensed" name for the business.

Licensed Name:

Full address:

8. If this application relates to a vehicle / vessel / stall give description and state where it is to be used as a sex establishment.

9. During which hours do you wish to trade?

10. On which days do you wish to trade?

11. Are the premises to be used as a sex shop? YES / NO

12. Are the premises to be used as a sex cinema? YES / NO

13. Are the premises to be used as a sexual entertainment venue? YES / NO

14. Are you (or, if a body corporate or unincorporated body, that body) disqualified from holding a licence for a sex establishment? YES / NO

15. Have you ever been refused a licence for a sex establishment? YES / NO

If yes please give details: -

16. For a variation application please provide details of the variation in the box below. (Continuation sheets are acceptable.)

17. Have you included a Manager Nomination Form, if required?
YES / NO

Application Check List

Please tick yes

• I have made or enclosed payment of the fee	<input type="checkbox"/>
• I have enclosed the plan showing the interior layout of the premises	<input type="checkbox"/>
• For Sexual Entertainment Venue applications only – the area where relevant entertainment will take place has been outlined on the plan	<input type="checkbox"/>
• I have enclosed a scheme showing the exterior design of the premises that ensures that the interior of the premises is not visible to passers-by	<input type="checkbox"/>
• I have enclosed the Manager Nomination form, if applicable	<input type="checkbox"/>
• I have enclosed a copy of our House Rules in accordance with Section 7.6 of the Council's Sex Establishment Licensing Policy, if applicable	<input type="checkbox"/>
• I have sent a copy of this application and the plans to the Police	<input type="checkbox"/>
• I understand that I must now advertise my application and supply a copy of the Public Notice to the Licensing Authority	<input type="checkbox"/>
• I understand that if I do not comply with the above requirements my application will be rejected	<input type="checkbox"/>

DECLARATION

I understand that there may be an additional form to complete if more information is needed as a result of standard conditions that were made by previous district / borough councils that remain in force.

Data Protection Act 1998

I am aware that this information is required for the processing of applications and that information provided on the application forms will be shared with the relevant consultees, including the Police, Cornwall Council Members, Members of the Council's Licensing Committee and other organisations as the law allows (these other organisations include government departments and local authorities, for the purposes of preventing or detecting crime or to protect public funds). Information will be held both manually and electronically and will not be kept for longer than is necessary.

I declare that I have checked the information given on this application form, and any additional application form relating to the previous paragraph, and to the best of my knowledge and belief it is correct. I understand that, if I make a false statement which I know to be false in any material respect of which I do not believe to be true, I shall be guilty of an offence the penalty for which on summary conviction is a fine not exceeding £1000.

I understand that I must copy this application to the Police and give notice in a local newspaper of the application within 7 days of making the application. I also understand that I must also give notice of the application on or near the premises intended to be used as a sex establishment for 21 days starting the on the day that application was made. I understand that the notices must be in the form prescribed by the Council.

Signature	Print Name	Date

APPENDIX 8

CONTACT DETAILS FOR LICENSING AUTHORITY

Environmental Health Tel: 01276 707358
Surrey Heath House
Knoll Road
Camberley
Surrey

Email: environmental.health@surreyheath.gov.uk

CONTACT DETAILS FOR SURREY POLICE LICENSING SECTION

Surrey Heath Division:

Licensing Officer Camberley Police Surrey Heath House Knoll Road Camberley Surrey GU15 3HD	Tel: 01483 631786/632287
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LIST OF SEXUAL HEALTH SERVICES IN SURREY

Sexual Health

Contraception and Sexual Health clinics

Camberley

159 Frimley Road

Camberley

GU15 2QA

Tel: 01483 576208

Opening times: Monday 6.30pm to 8.15pm

Thursday 6.30pm to 8.15pm

GUM Clinic - Frimley Park Hospital

Portsmouth Road

Frimley, Surrey

GU16 7UJ

Tel: 01276 604105

Opening times: Appointments – Monday to Friday

Walk in – Tuesday/Thursday 2pm to 4.30pm

Emergency hormonal contraception can be accessed through pharmacies

<http://review.surreyhealth.nhs.uk/getting-help/sexual-health/services/walk-in-centres-and-pharmacies/emergency-contraceptive-at-pharmacies/pharmacies-in-south-west-surrey>

Chlamydia Screening

<https://www.gocheckyourself.com>

Domestic Abuse Service

Women's Aid

Tel: 0808 200 0247

Email: swr@caha.org.uk

Drug and Alcohol Service

Drug and Alcohol Care - 24/7 confidential helpline: 01483 300112

Mental and Emotional Health Service

First Steps:

<http://www.firststeps-surrey.nhs.uk>

Tel: 0808 801 0325

Email: First.steps@nhs.net

New Thoughts

Tel: 03000 121048

Email: NewThoughts@kca.org.uk

<http://www.kca.org.uk>

CCTV REQUIREMENT – MINIMUM SPECIFICATION

1. A minimum of one high resolution (minimum of 450tvl) colour day/night camera, complete with an auto iris vari-focal lens, fitted in a heated weatherproof external housing, for external coverage of entrances.
2. A minimum of one high-resolution colour camera complete with an auto iris vari-focal lens shall be fitted to each public entrance/exit. Door entrance cameras must be capable of providing good quality head and shoulder images of persons entering/leaving the premises, in order to provide assistance with identification of patrons, if required.
3. There must be sufficient cameras located within the premises to cover all public areas, that are capable of providing good quality head and shoulder images of persons within the premises (in order to provide assistance with identification of patrons, if required). These cameras must be able to operate within the normal operational lighting levels of the premises.
4. Lighting in any foyer area and outside must be of sufficient brightness to enable camera images to be recorded to the quality stated at condition 2 above.
5. In addition to the control equipment it is recommended that an additional high-resolution 15" monitor must be sited in or near the bar area or foyer entrance. This will give customers and staff visible reassurance on the installation and quality images provided.
6. All equipment shall have constant time/date generation. This shall include a system to ensure automatic update in relation to the beginning and end of British Summer Time. If the system is not capable of achieving this requirement the Licence holder, or a nominated person, must ensure that a manual facility is available to carry out this update as an alternative.

Recording/image capture system

Although it will be acceptable for images to be recorded using conventional time lapse analogue video recorders, it is

recommended that if a digital multiplex recorder is installed it must meet the following requirements:

1. The unit shall have an on board CD/DVD writer/re-writer, to enable evidence recovery.
2. If a CD/DVD is used to transfer the digital CCTV images from a digital hard drive CCTV system then a write once CD-R/DVD-R medium must be used. The disc containing the recorded images needs to be able to be played back on a modern Windows system such as Windows 2000 Professional, Windows XP or Windows 7. The Licence holder, or a nominated person, must ensure that their data transfer system is capable of being upgraded to take into account development of Windows operating systems.
3. The playback software needs to be written to the CD-R/DVD-R at the same time of writing the CCTV images. This software must be able to play back the images at full screen resolution with forward and reverse replay, including pause and slow motion.
4. There must be a "SAVE AS" feature so that a still image can be saved and exported to an external system in either BITMAP or JPEG format.
5. The system must be capable of downloading/copying all the stored CCTV footage to another medium in its native format, i.e. an external hard driver that can be played back via a windows based computer.
6. There shall be sufficient members of trained staff available during the hours of operation of the premises to be able to download evidence at the request of the Police or an Authorised Officer of the Council.
7. CCTV warning signs shall be fitted in public areas of the premises.
8. The installing company must provide a letter certifying compliance with this specification, a copy of which must be provided to the Licensing Authority and Surrey Police.
9. The CCTV system must be maintained and checked every twelve months to ensure the system is operating

correctly. The installing/maintenance company must produce a letter confirming that the system is fully functional and meets the specified requirements.

10. Recordings **must** be kept for a minimum of 31 days. This period may be reduced for premises that have a large number of cameras, long recording time with high resolution recordings that will make it impossible for the premises to adhere to the 31 days. The Council's Environmental Health Team and the Police Licensing section must be consulted in these circumstances for authorisation of the reduction of the retention period.
11. Recordings of incidents at the premises must be made secure for inspection by the Police.
12. An Authorised Officer may, at any time, request a recording. Failure to comply with this request will be regarded as a serious breach of this condition.
13. The Licence holder, or a nominated person, must be able to demonstrate that they operate a recording management system that prevents recordings being tampered with, stolen, or misplaced. This should include a back-up system to ensure there is no failure to record. Recording equipment shall be housed in a secure room/cabinet where access and operation is strictly limited to authorised persons.
14. Unauthorised persons should not be allowed access to the system or view personal data as it could contravene the Data Protection Act or jeopardise any criminal investigation.
15. In the event of a system malfunction the Licence holder, or a nominated person, must immediately notify the Licensing Authority and Police Licensing Department. Details of any malfunction must be clearly recorded in the premises incident book. Arrangements for its repair must be made without delay. The Licensing Authority and Police Licensing must be notified when the operation of the system is restored.

Any requirements contained within this section would not override any specific condition attached to an authorisation under the Licensing Act 2003.