



Sexual Entertainment Venue Licensing Joint Statement of Licensing Policy

Incorporating Guidance and Conditions

Local Government (Miscellaneous Provisions) Act 1982

This Policy was adopted by the Vale of White Horse District Council at the meeting of Council on 23 February 2011 and South Oxfordshire District Council at the meeting of Council on 24 February 2011 and comes into force on 1 April 2011

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FOREWORD

This policy statement has four main purposes, which are:

- **To confirm to members** of the General Licensing Committees, the boundaries and powers of the councils and the parameters within which to make decisions.
- **To inform licence applicants** of the parameters within which the councils will make licensing decisions and therefore how licensed premises are likely to be able to operate within the areas of the two councils.
- **To inform local residents and businesses** of the parameters within which the councils will make licensing decisions and therefore how their needs will be addressed.
- **To support a case in a court of law** where either council has to show how it arrived at its licensing decisions.

The council must balance the interests of applicants (as stated in their applications for licences) and any interests stated by others. When it grants a licence, the council may attach conditions if applicable. The council cannot attach conditions unless they are proportional to the application and representations received.

The licence conditions, which are referred to in this document, are included as an appendix to the Statement of Licensing Policy and will be subject to constant additions. If you wish a copy of the licence conditions or if you have any queries about licensing issues please contact the Licensing Units at the following addresses: -

<p>The Licensing Unit Vale of White Horse District Council 135 Eastern Avenue. Milton Park, Abingdon, OX14 4SB Tel. 01235 422556 E mail: licensing.unit@whitehorsedc.gov.uk</p>	<p>The Licensing Unit South Oxfordshire District Council 135 Eastern Avenue. Milton Park, Abingdon, OX14 4SB Tel. 01235 422556 E mail: licensing@southoxon.gov.uk</p>
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1 Introduction

- 1.1 This policy has been drafted as a result of new provisions that allow those councils that have adopted the legislation to regulate sexual entertainment venues.
- 1.2 The creation of this policy allows for the harmonisation of approach to the regulation of sexual entertainment venues in the areas administered by the two councils.
- 1.3 The councils have adopted schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) (“the legislation”) so that they can regulate sex shops, sex cinemas and sexual entertainment venues in the County. In this policy, “sex establishments” means sexual entertainment venues unless stated otherwise.

2 Purpose and aim of the policy

- 2.1 The policy is intended to set out clear and concise guidance, procedure and principles for the benefit of the councils, the community, applicants and other relevant organisations.
- 2.2 The policy also contains standard conditions which will be applied to the sex establishment and which will form part of any licence granted.

3 Scope

- 3.1 This policy relates to any premises wishing to operate as a sex establishment in the areas administered by the councils. Licensed premises are subject to a number of regulatory regimes and applicants are reminded that the grant of a sex establishment licence or any variation to such a licence, does not relieve the applicant of the need to obtain planning permission and building regulations consent as appropriate. To avoid inoperative licences being granted the councils will not normally determine an application unless the applicant can demonstrate that the premises have either (in terms of activity and hours of use sought) planning consent, or that is otherwise lawful. Exceptions may be made where the applicant can demonstrate compelling reasons why the application should be considered although the planning status of the premises has not been finalised.
- 3.2 Not all premises will automatically require a licence. Where there is an exemption within the legislation this has been set out in this policy document.
- 3.3 Notwithstanding matters contained within this policy document consideration will be given to the provisions of the Human Rights Act 1998 when considering applications for sex establishment licences.

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- 3.4 When considering applications for a sex establishment licence, in respect of premises that have previously operated without the requirement for a licence prior to the adoption of the legislation, in addition to this policy document the councils must have regard to the Home Office guidance issued in March 2010 entitled “Sexual Entertainment Venues – Guidance for England and Wales (“the Guidance”).

4 Policy and Procedures statement

- 4.1 This policy became effective on 1 April 2011, and applies from that date to all sexual entertainment venues within the areas administered by the two councils.
- 4.2 The councils do not take a moral stance through the adoption of this policy. The councils recognise that Parliament has made it lawful to operate a sex establishment, and that such businesses are a legitimate part of the retail and leisure industries. The council’s role as a licensing authority is to regulate such premises in accordance with the law.

5 Types of Sex Establishment

- 5.1 There are 3 types of sex establishments; Sex Shops, Sex Cinemas and Sexual Entertainment Venues. Sex Shops and Sex Cinemas are already dealt with by existing licensing policy. This policy only deals with the licensing of sexual entertainment venues.
- 5.2 Not all of these premises automatically require a licence. This is due to certain provisions and exemptions within the legislation. The criteria for requiring a licence is laid out below.

5.3 Meaning of Sexual Entertainment Venue

The legislation defines a sexual entertainment venue as:

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 as:

- (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).

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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

However this is not an exhaustive list.

The legislation 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));

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.

In this policy:

“audience” includes an audience of one;

“display of nudity” means:

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- (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 this policy it does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity.”

6. Waivers

- 6.1 Applications can be made to waive the requirement for a sex establishment licence.
- 6.2 The councils do not consider it would be appropriate to permit waivers from the requirements to hold a sex establishment licence in respect of sexual entertainment venues, particularly as the legislation allows relevant entertainment on an infrequent basis of no more than eleven occasions within a 12-month period, providing there is at least one month between each period of entertainment which itself does not last for more than 24 hours.

7. Application Process

- 7.1 Applications must be submitted to the relevant council together with the application fee. The application form can be used for grant, variation, transfer and renewal applications. The application must be copied by the applicant to the police within 7 days after the date the application was made. Applications may be submitted online.
- 7.2 Applicants must provide their name, address and, where the applicant is an individual, their age, plus the premises address and the proposed licensed name of the premises.
- 7.3 Applicants must, at the time of submission of a new grant or variation application, provide a scheme showing the exterior design for consideration by the council before the premises are opened for business in order to ensure that exterior design of the premises shall be such that the interior of the premises is invisible to passers-by.

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7.4 In addition, applicants must, at the time of submission of a new grant or variation application, provide a scale plan showing the interior layout of the premises for consideration by the council. The plan must outline the area that relevant entertainment will take place within.

7.5 Applicants must also submit a copy of their “house rules”. Such house rules must contain the required conduct of performers which shall include matters containing conditions of licence, i.e. no touching, no meeting customers, no sex acts, no giving or taking phone numbers (including exchange of business cards).

Such house rules will form part of the licence (if granted) and may be subject to amendment by the council prior to approval.

Applicants must make provision for all performers to sign documentation to confirm their knowledge of and acceptance to adhere to the house rules. Such documentation must be retained for the duration of the performers’ employment and for a further 6 months from the date they last worked at the premises, whether they are employed directly or freelance.

7.6 The council may, as part of the application process, visit the locality of the premises to establish whether there are any characteristics of the locality which may require consideration by the General Licensing Committee.

7.7 Applicants (other than applicants for variation of licence) must also give public notice of the application by publishing an advertisement in a local newspaper. This must be published within 7 days of making the application. If the application relates to a premises then there is an additional requirement for notice of the application to be displayed for 21 days on or near the premises where it can be conveniently read by the public. The notice, the form of which is prescribed by the council, must contain certain information. The form of notice is set out at Appendix A to this policy.

7.8 Applicants should note that with regard to online applications tacit authorisation (for the purposes of the Provision of Services Regulations 2009) does not apply to new applications for the grant of sexual entertainment venue licences. This means that the applicant must wait for the council to determine the application before beginning to operate the sex establishment.

7.9 If an application is for the renewal a sexual entertainment venue licence, the premises can continue to operate past the licence expiry date; provided that the renewal application has been submitted to the council before the licence expires. The council will notify the applicant of its decision.

8. Commenting on licence applications

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- 8.1 Unlike some other licensing regimes (such as for alcohol, entertainment, or gambling), a wide range of people can raise objections about sex establishment licences. The police are a statutory consultee for all applications.
- 8.2 Although applicants are only required to provide notice of the application to the police, the council will publish a list of current sex establishment premises applications on the council's website, to allow the public to view basic details and provide contact details of the office processing the application.
- 8.3 Objections to an application have to be made within 28 days of the date on which the application was made. Objectors should limit their objection to matters which are relevant to the statutory grounds for refusal as set out in the 1982 Act. The grounds relevant to the majority of objectors are as follows:
- that the grant, renewal or transfer of the licence would be inappropriate, having regard to the character of the relevant locality or to the use to which any premises in the vicinity of the premises, vehicle or vessel or stall in respect of which the application is made.
- Any objections received by the council which do not relate to the grounds set out in the Act must be rejected by the council. Where objections are rejected, the objector will be given written reasons.
- 8.4 Objectors can include residents'/tenants' associations, community associations and trade associations. Councillors and MPs may also raise objections. Councillors may represent interested parties, providing they do not also sit on the General Licensing Committee dealing with the application.
- 8.5 The councils will not consider objections that are frivolous or vexatious, or which relate to moral grounds (as these are outside the scope of the 1982 Act). Decisions on whether objections are frivolous or vexatious will be made objectively by officers. Where objections are rejected, the objector will be given written reasons. A report will be made to the General Licensing Committee/SubCommittee determining the application (if appropriate), indicating the general grounds of the representation and the reasons for rejection.
- 8.6 A vexatious objection is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous objection is generally taken to be one that is lacking in seriousness.
- 8.7 Valid objections will be considered by a General Licensing Committee/SubCommittee at the hearing to consider the application. Applicants and objectors will be given an equal opportunity to state their case in accordance with the council's procedure for the conduct of hearings which is available from the council's Democratic Services team.

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8.8 Objections must be made in writing (email is acceptable) and should include the following:

- the name and address of the person or organisation making the objection
- the premises to which the objection relates
- the proximity of the premises to the person making the objection; a sketch map or plan may be helpful to show this
- the reasons for making the objections, which are clearly set out in relation to the grounds for refusal (as stated at 8.3 above).

9. Determination of applications

9.1 The legislation does **NOT** permit the grant a licence to:

- a person under the age of 18;
- a person who is for the time being disqualified from holding a licence following revocation of such a licence;
- 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;
- a person, other than a body corporate, who is not resident in the United Kingdom or was not so resident throughout the period of 6 months immediately preceding the date when the application was made; or
- a body corporate which is not incorporated in the United Kingdom.

Please note there is no right of appeal against refusal on these grounds.

9.2 The councils may refuse an application for the grant, variation or renewal of a licence on one or more of the following grounds:

- that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- that if the licence were to be granted, 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 of such a licence if he made the application himself;
- that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is

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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 to the character of the relevant locality or 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.
- An application for the transfer of a licence can only be refused by virtue of the first two bullet points above.

9.3 With regard to the unsuitability of an applicant to hold a licence (see above), officers will make diligent enquiries with the applicant to establish:-

- 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 delivers compliance with the operating conditions, e.g. through: - managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and policies for welfare of performers.
- That the operator can be relied upon to act in the best interests of 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.
- 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 have such a track record.

9.4 With regard to the second point above by interviewing the applicant and the questions asked in the application form officers will try to establish that there would be no third party beneficiary.

9.5 Each application will be decided upon its own merits. The council will not apply a rigid rule to its decision making. The councils will give clear reasons for its decisions.

9.6 When issuing a sex establishment licence the council is permitted to issue it on such terms and conditions and subject to restrictions as specified at the time the licence is issued.

In addition to this the council has the power to make standard conditions applicable to all licences for sex establishments.

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- 9.7 It is an offence to breach the conditions and the penalty for this is a fine not exceeding £20,000.
- 9.8 Details of the standard conditions relating to each type of licence are contained in Appendix B. Should these standard conditions be amended at any time in the future, they would apply to all licences already issued as if the conditions had been in place at the time they were granted. All standard conditions will be reviewed as part of the full Policy review.

9.9 Length of licence

The council will, unless there are exceptional reasons otherwise, grant licences for the maximum duration of 12 months to provide certainty to those operating businesses.

9.10 Right to appeal a decision

If an application is refused following a hearing, then the applicant will be informed of the decision and whether there is any right of appeal.

Appeals must be made to the local magistrates' court within 21 days, starting from the date the applicant is notified of the council's decision. The notice will advise the address of the appropriate magistrates' court to which such an appeal should be submitted. It should be noted that a fee may be payable to the court to lodge such an appeal.

Applicants can appeal against the refusal of a grant, renewal, variation or transfer application, or against the decision to revoke a licence. They can also appeal against conditions or restrictions imposed.

Please note that an appeal cannot be made against the council's decision if the application was refused on the grounds that:

- that 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; or
- the grant of the licence would be inappropriate considering the character of the area, the nature of other premises in the area, or the premises themselves.

The magistrates' court will determine the appeal application. Any appeal against the decision of the magistrates would be made to the local crown court.

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10. Fees

- 10.1 The appropriate fees for applications can be found on the council's website. Application fees must be paid in full at the time of submission of the application. Applicants should note that this is an application fee and no refunds will be made if the application is refused.

11. Guidance

11.1 Relevant Localities

In considering the characteristics of a locality the council shall particularly take account of the density and proximity of:

- (1) schools, nurseries, crèches and other similar educational or recreational facilities attended by children,
- (2) parks and children's play areas,
- (3) residential and sheltered accommodation,
- (4) religious and community buildings,
- (5) alcohol or entertainment licensed premises,
- (6) other retail units (and their uses).

11.2 Numerical Limits

The council can refuse applications for new or renewed licences where the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number the number which we consider appropriate for that locality. At this point in time the council has determined not to set a limit.

The council would consider representations from applicants as to why its view should be changed to increase the limit in any particular locality. Where this is likely to affect existing licence-holders, the council will give at least two months notice in which they may make representations.

Likewise the council would consider representations from other persons with a view to requesting a decrease in the limit in any particular locality.

This is unlikely to affect existing licence-holders, however should a previously agreed numerical limit be reviewed and the number of premises permitted within that area be reduced, then this would only take effect should a licence

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be revoked, expire, be surrendered or otherwise become invalid. It would then be unlikely that a new licence would be issued in its place.

11.3 Operation of CCTV to the Council's satisfaction

Set out below is the minimum specification for CCTV requirements in sex establishments. This minimum specification should be read in conjunction with the Thames Valley Police Operational Requirements for CCTV Systems within licensed premises. A copy of the current version is set out at Appendix C.

- 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.
- 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.
- 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.
- Lighting in the foyer and outside must be of sufficient brightness to enable camera images to be recorded to the quality stated at condition 2 above.
- 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.
- 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

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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:

- The unit shall have an on board CD/DVD writer/re-writer, to enable evidence recovery.
- 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.
- 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.
- 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.
- 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.
- 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.
- CCTV warning signs shall be fitted in public areas of the premises.
- The installing company must provide a letter certifying compliance with this specification, a copy of which must be provided to the council and Thames Valley Police.
- 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.
- 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 licensing team and the

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police licensing section must be consulted in these circumstances for authorisation of the reduction of the retention period.

- Recordings of incidents at the premises must be made secure for inspection by the Police.
- 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.
- 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.
- 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.
- In the event of a system malfunction, the Licence holder or a nominated person must immediately notify the relevant council on **Tel: 01235 422556** and police licensing department **Tel: 0845 8505505**. Details of such malfunction must be 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.

11.4 ID Checks

To ensure customers are over the age of 18 premises should operate a "Challenge 25" policy, whereby if a customer appears to be under that age an adequate ID check is carried out. This would require photographic ID to be checked and only current passports and driving licences should be accepted for this purpose. If customers are unable to provide such forms of ID to establish their age then they must be refused entry.

11.5 Protection of Children and Vulnerable persons from Harm

This includes protection from physical, mental or emotional harm.

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11.6 SIA Registered Door Supervisors

Only door supervisors who hold a valid door supervisors licence issued by the Security Industry Authority (SIA) should be employed.

11.7 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 at paragraph 5.3 above. Adult entertainment not classed as “relevant entertainment” may still require regulation under the Licensing Act 2003.

11.8 Nudity

Nudity is defined at paragraph 5.3 above. For further information in relation to regulation of Sexual Entertainment Venues please refer to the Home Office Guidance issued in March 2010 entitled “Sexual Entertainment Venues – Guidance for England and Wales”.

11.9 Suitable number of trained staff

Conditions require that 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.

A suitable and sufficient number should be determined by carrying out a risk assessment of activities carried out, design of the premises including accessibility to all areas, number of performers and should be linked to the capacity of the premises.

11.10 Form of Notice – Indecent Displays (Control) Act 1981

The council’s Licence Conditions, Restrictions and Terms Applicable to Sexual Entertainment Venue Licensing require that a warning notice be displayed in accordance with the above legislation.

(a) The warning notice must contain the following words, and no others-

(b) The word “WARNING” must appear as a heading.

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- (c) No pictures or other matter shall appear on the notice.
- (d) The notice must be so situated that no one could reasonably gain access to the shop or part of the shop in question without being aware of the notice and it must be easily legible by any person gaining such access.

Notice of application

11.11 The notice can be downloaded from the councils' websites. A copy is attached at Appendix A.

12 Policy Development, Management and Review

12.1 In developing this policy the councils have had regard to the legal requirements of the 1982 and 2009 Acts and their duties under:

- (a) Section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within the council's area;
- (b) The Regulators' Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations enforced and to particularly consider the impact of regulations on small businesses; and
- (c) The Provision of Services Regulations 2009 to ensure requirements are:
 - (i) non-discriminatory
 - (ii) justified by an overriding reason relating to the public interest
 - (iii) proportionate to that public interest objective
 - (iv) clear and unambiguous
 - (v) objective
 - (vi) made public in advance, and (vii) transparent and accessible.

12.2 The policy will be regularly reviewed and monitored to ensure that it is on track, effective, up to date and achieving what it set out to do. This will be achieved by monitoring the outcome of hearings, appeals through the magistrates court, developments in legislation, by having regard to stated cases, local needs and economic impacts.

12.3 The council will ensure that councillors and officers involved in the development and implementation of this policy, enforcement of licensing regime and day-to-day operation of the service receive adequate training. This will be carried out following any review and amendment of the policy, alterations to legislative requirements or fundamental changes to the provision of the licensing service.

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12.4 The policy will be regularly reviewed and in any event at least every three years.

13 Breaches and non-compliance

13.1 The councils recognise that sex establishments are not generally a source of crime or disorder. They will therefore adopt a light touch inspection regime, carrying out simple inspections of premises no more than once a year unless exceptional circumstances require otherwise. It is further recognised that sex establishments are also regulated by other legislation due to the nature of those operations. It is anticipated that wherever possible consolidated enforcement inspections will be undertaken dealing with all licensing issues at one time.

13.2 The councils' approach to enforcement is set out in enforcement policies which are available on request.

13.3 Breach of conditions or legislative requirements may result in formal action being taken by the relevant council. Such breaches may be dealt with by way of Fixed Penalty Notice or prosecution through the magistrate's court, however licence holders should be aware that they may also lead to revocation of the licence.

14 Exchange of Information

14.1 The council may from time to time exercise its' powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other partners to fulfil its' statutory objective of reducing crime in the area.

**NOTICE OF APPLICATION FOR
THE GRANT/RENEWAL/TRANSFER OF A SEXUAL
ENTERTAINMENT VENUE LICENCE**

Address of premises.....

I/we

of.....

Hereby give notice that I/we have applied to South Oxfordshire/Vale Of White Horse District Council** under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 for a licence to use the following premises referred to above as a sexual entertainment venue.

Any person wishing to make representations about the application should make them in writing to the PLEASE INSERT ADDRESS OF THE OFFICE OF THE COUNCIL THAT IS DEALING WITH THE APPLICATION within 28 days of the date of the application which was **INSERT DATE**.

Signed.....**Date**.....

** Delete as appropriate

Notes:

1. Enter full details of the application on this form.
2. Affix a copy of the completed form on the exterior of the premises, to which the application relates, in a prominent position for public viewing on the day of making application. You must ensure that the completed form remains in position for 21 days.
3. The content of the form, as completed, must be published in a local newspaper within 7 days of making the application.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

**LICENCE CONDITIONS, RESTRICTIONS AND TERMS APPLICABLE TO
SEXUAL ENTERTAINMENT VENUE PREMISES**

Introduction

1. In these conditions “the council” shall mean either the Vale of White Horse District Council acting in its capacity as the licensing authority in respect of the area of the Vale of White Horse, and/or the South Oxfordshire District Council acting in its capacity as the licensing authority in respect of the area of the South Oxfordshire. All enquiries concerning this licence shall be directed to the relevant licensing services as set out on the licence.
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 some responsible person, over the age of 18, nominated by him and approved in writing by the council for the purpose of managing the sex establishment (“the manager”) with the authority to direct activities within the premises, 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 special 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

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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 parts of the premises and shall not let, licence or part with possession of any part. The council must be immediately notified in the event that any part 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 sexual entertainment venue outside or in the locality 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 sexual entertainment venue in the licensee's absence and the names and addresses of those employed in the sexual entertainment venue. The register is to be completed each day within thirty minutes of the sexual entertainment venue 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 and employees.
13. The licensee must ensure that a suitable and sufficient number of trained staff registered in accordance with the Security Industry Authority are employed as door and floor supervisors to supervise both the exterior and interior of the premises to ensure that conditions of licence are complied with, in particular the no touching conditions, and to ensure the safety of performers. Such staff to be on duty at all times when licensable activities are taking place.
14. The licence holder shall ensure that at least one female supervisor is on duty at all times when licensable activities are taking place. Supervisors will continually monitor all entrances/exits/toilets.
15. No person under the age of 18 shall be admitted to the premises.
16. 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.
17. 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.

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18. 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.
1. 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 that a closedcircuit television system is installed internally and externally to the satisfaction of the police. 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.
20. CCTV recordings will be made available for viewing by authorised officers of the licensing authority and/or the police. The recording system must be capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition. Copies of such recordings will be kept in date order, sequentially numbered, kept for a period of 31 days and must be provided upon request.
21. 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.
22. Appropriate signage representative in respect of the use of CCTV at the premises shall be displayed in conspicuous positions.
23. 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.
24. 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.
25. The licensee shall ensure that no more members of the public shall be present on the premises at any time whilst relevant entertainment takes place to which this licence relates where the council has specified a number in writing on the grounds of public safety, public nuisance or crime and disorder.

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26. The licensee shall provide upon request copies of any documents reasonably required by an authorised officer of the council or the police in relation to compliance with this licence.

Opening of the premises

27. Relevant entertainment may only be provided during the hours permitted by an authorisation under the Licensing Act 2003 unless a specific condition on the sexual entertainment venue licence permits otherwise.

Operation of the premises

28. Premises licensed as a sexual entertainment venue under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982, shall be used only for the purpose of a sexual entertainment venue as defined in Paragraph 2A of the said Schedule 3 and shall not be used, wholly or in part, for any other purpose during the period the premises are licensed as a sexual entertainment venue.
29. No change from a sexual entertainment venue to either a sex cinema or a sex shop (including a mail-order shop), shall be made without the approval of the council. This will require consideration of an appropriate application.
30. No sex articles or other things 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 displayed, sold, hired, exchanged, loaned or demonstrated in a sexual entertainment venue.
31. No lewd or indecent conduct or conduct likely to cause a breach of the peace shall be permitted on the premises.

External Appearance

32. 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.
33. The exterior design of the premises shall be such that the interior of the premises is invisible to passers-by.
34. The windows and openings of the premises shall be of a material or covered with a material, which will render the interior of the premises invisible 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.

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35. 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.
36. External advertising of relevant entertainment shall not include any of the following:
- any depiction of full nudity
 - any depiction of partial nudity (including the display of breasts, buttocks or genitalia)
 - 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.
37. 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:
- 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.
 - 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.
 - A notice stating the opening hours of the establishment.
38. The lettering used in respect of such permitted items:-
- In the case of the permitted items at paragraph 37 the lettering used shall not exceed 15 cm (approximately 6" inches) in height for each letter.
39. (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 37 or otherwise approved by the council in writing;
- (b) No external loudspeakers may be installed.

State, condition and layout of the premises

40. Notwithstanding the licensee's duties under the Health and Safety at Work etc. Act 1974 and related legislation and the licensee's obligations under any lease or other agreement for the use of the premises, the licensee shall maintain the premises in good repair and condition.

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41. 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 provide for their automatic closure and such devices shall be maintained in good working order.
42. 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.
43. No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of emergency.
44. Lighting shall be in operation continuously during the whole of the time that the sexual entertainment venue is open to the public.
46. 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.
47. No fastenings of any description shall be fitted upon any booth or cubicle within the sexual entertainment venue nor shall more than one person (excluding any employee be present in any such booth or cubicle at any time). Appropriate fastenings are permitted on toilet doors.

Provision of relevant entertainment

48. 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.
49. The licensee is to implement a policy to ensure the safety of the performers when they leave the premises after a period of work.
50. Performers must remain clothed in public areas and all other areas except while performing in areas specified by the council as where relevant entertainment may be provided.
51. An appropriate room, to be agreed in writing with the council, shall be set aside to provide a changing and rest area for entertainers. Arrangements shall be made to ensure that there is restricted access to this room which shall be maintained at all times whilst the licensable activities are taking place and until such time as all performers using the dressing room have finished.
52. 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.

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53. Only the performers shall provide the entertainment, no audience participation shall be permitted.
54. Performers may not accept any telephone number, email address, address or contact information from any customer, except in the form of a business card which must be surrendered to the licensee or their representative before leaving the premises.
55. Performers may not give any telephone number, email address, address, contact information or business card to any customer or in any way solicit themselves.
56. Performers must not perform a nude table dance unless in a supervised area or within five metres of a floor supervisor.
57. Performers are never to be in the company of a customer except in an area open to the public within the premises (excluding the toilets).
58. No performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982).
59. The licensee must ensure that during the performance of a table or lap dance:
 - 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;
 - customers must remain seated during the entire performance of the dance;
 - for the purpose of restraint only, performers may only touch a customer above the customer's chest with their hands only;
 - performers must not sit or straddle the customer;
 - performers must not place their feet on the seats.
60. The licensee must ensure that during performances of relevant entertainment:
 - performers may not perform any act that clearly simulates any sexual act;

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- 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;
 - performers may not intentionally touch a customer any time during the performance unless absolutely accidentally or due to a third party;
 - performers may not use inappropriate, suggestive or sexually graphic language at any time;
 - 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;
 - performers must only perform nude or semi-nude dancing (of any description) within areas specified by the council.
61. The licensee must ensure that during performances of relevant entertainment:
- customers may not dance at any time except in areas specifically designated by the council as being separate from areas for sexual entertainment.
 - customers must remain appropriately clothed at all times.
62. 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.
63. At all other times during the performance the performer will keep a minimum distance of at least 3 feet away from the customer.
64. Relevant entertainment will only take place in specified designated areas within the premises, as identified on the plan attached to the licence.

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65. Notices outlining condition 66 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.
66. 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

67. (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 C

CCTV Systems within Licensed Premises

Operational Requirements (O.R)

CCTV Systems within Licensed Premises

1.0 Introduction

Thames Valley Police recognises and supports the effective use of CCTV technology in preventing and detecting criminal behaviour and providing good quality images that can be later used for investigation purposes.

The majority of towns and city centres within Thames Valley are monitored and protected by the Police and Local Authority (Crime and Disorder Partnerships) CCTV public surveillance systems, however many incidences of alcohol related offences occur in and around licensed premises.

Alcohol-fuelled violence is on the increase and with crime figures showing almost half of all violent crime being carried out by people under the influence of alcohol and approximately 70% of weekend A&E admissions being drink-related then it is imperative that managers and designated supervisors of licensed premises consider their obligations to providing a safe drinking venue.

The purpose of this guidance document is to assist in providing technical advice and guidance to managers and supervisors of licensed premises when purchasing, specifying or installing a CCTV system.

The primary objectives of installing a CCTV system within licensed premises are:

- ?To seek to influence behaviour of patrons.

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- ?To prevent or detect underage alcohol sales.
- ?To protect staff and property.
- ?To assist with good management practices.
- ?Where necessary, to provide unequivocal evidence of an incident to assist subsequent prosecution.

The following guidance also seeks to assist the manager in the CCTV procurement process. It provides a checklist of criteria, which is required for the specification of an effective CCTV system and has been produced in accordance with the advice provided by the police

2.0 Common problems associated with CCTV recorded images.

Here are some examples of faults often found with poor quality systems: -

- a) The subject is too small and it is out of focus.
- b) The images of moving subjects are blurred and contain no detail.
- c) Cameras are sited in the wrong place or are not pointed in the right direction.
- d) There is insufficient light or too much glare on the subject.
- e) The digital recorder was not working.
- f) The digital recorder did not have a large enough hard drive to record all cameras over a 28-day period.
- g) The system has never been maintained and quality checks have never been carried out.

3.0 Operational Requirement Analysis

What is an Operational Requirement?

“A statement of needs based on a thorough and systematic assessment of the problems to be solved and the hoped for solutions.”

In its simplest form an Operational Requirement (O.R.) makes the reader ask a series of simple questions:

- Why am I installing a CCTV system?
- What do I want it to do?
- Where should I install cameras?
- How should I record the images?
- Is the digital video recorder capable of retaining images for 21 days?
- Will it provide adequate images for investigative purposes?

When a client contracts an installer to design a CCTV system the installer will require certain information to enable them to create the specification for an effective system. It is unlikely that you as the client will have sufficient technological knowledge to specify which equipment is required.

The use of an O.R. approach simplifies the process and reduces the opportunities for confusion which may lead to a non-compliant installation.

The O.R. should answer the following questions:

Who and/or where is to be observed?

- Who - Patrons and/or staff

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- Where - Areas of Interest
- Staircase for Health and Safety purposes (prevent litigation)
- Main Entrance
- Till / Bar area – Overt and/or Covert cameras (integrated cash register CCTV transactions)
- Areas out of view from the bar area
- Area outside Toilets
- Cash Machine / Gambling Machines
- Office / Storage
- Car Park

Which activities are of concern?

- Incidents of disorder
- Assaults
- Theft of property
- Damage to property
- Dealing of drugs
- Drug abuse
- Suspicious actions

Why are the activities being observed?

- To monitor behaviour?
- To recognise and identify offenders
- To produce physical evidence of incidents which may subsequently be used in Court

Picture quality

The quality of images recorded is of paramount importance. They should therefore: Clearly show actions of persons involved in an incident

- Give evidence of identity of offenders
- Show an overall view of the scene (show possible witnesses)
- Confirm date and time of incident

Digital Video Recorder Specification

- What is the size of the hard drive?
- Is it capable of doing what I ask?
- Can I download evidential images onto a removable medium e.g. CD-R.

Page 9 of this document can be used as a template for recording your O.R.

4.0 Images

There are four image standards:

- Monitor

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- Detect
- Recognition
- Identification

The quantity and location of cameras will be site specific. They must meet the requirements identified within the O.R. procedure. All cameras must produce colour images to enable accurate identification of offenders.

All external public access doors must be fitted with cameras, which enable clear, unobstructed images of all persons entering/exiting the premises.

Where practicable, these cameras should be mounted internally. Such cameras must be mounted at a suitable height - looking towards, rather than down at the doorway. CCTV Cameras are susceptible to interference and vandalism and should therefore be fitted with robust anti-tamper housings to prevent such actions.

Thames Valley Police would recommend that a plan be used on the location of each camera. The performance requirements for each camera should also be presented to the installer as per the O.R on page 9.

5.0 Monitors

A colour monitor must be provided with the system to view recorded images. This monitor must be located in a secure location so that unauthorised personnel cannot view it.

However, consideration should also be given to having monitors located behind the bar area so that vulnerable areas can be observed e.g. upstairs, behind recesses. It is recommended that some premises install a 'deterrent' monitor in the vicinity of the main entrance public access doorway(s). This monitor should display images produced by the camera covering the said doorway. It **must not** display images produced by any other camera located within the premises. Patrons entering the premises will then be made aware of the quality of the images and the fact that their images are being recorded thus enhancing the systems potential deterrent value.

6.0 Image Retention

The Data Protection Legislation states that images should be kept for no longer than is necessary. It is recommended that images for the purposes of prevention and detection of crime in Licensed Premises should be **retained for at least 28 days on a digital system and 31 days on a video tape (analogue) system.**

The frame rate (compression type) should include **6 frames per second per camera and more than 12 frames per second at the camera located at the main entrance.**

Managers of licensed premises may determine that in accordance with the Data Protection Act, their images, for the purposes of Health & Safety and Good Management, be retained for longer than the 28-day period. Managers may decide to increase the retention period over the 28-day police preferred period so that claims for injuries associated within licensed premises can be reduced.

Managers of licensed premises have used recorded injury images as a valuable source of evidence to prevent litigation and prove that the injury was not sustained and caused

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in their premises. The images may also be used to show any witnesses at the scene of the accident.

Ultimately, it is up to the manager (Data Controller) of the premises and the CCTV system to determine how long they need to store images for the purposes in which it was intended.

Some facts that you may find useful includes: -

- Digital storage is much more expensive than conventional Super VHS for the same picture quality.
- To meet the requirement for storing 31 days of digital pictures, excessive data compression is used to minimise the size of the digital recorder and reduce the capital cost. Compression techniques can compromise image quality.
- DVR's can have a huge storage capacity and so eliminate the need to frequently change tapes.
- Thames Valley Police's guidance is 28 days of good digital evidential picture rather than 31 days of poor picture quality (low resolution, low frame rate and small hard drive).

7.0 Digital Video Recording Systems (DVR).

The majority of Digital Recording CCTV systems record images onto a computer harddrive. If such a system is installed it **must** incorporate a means of transferring images from the hard-drive to a format that can be used as evidence in Court. This can be achieved by transferring images to a Compact Recordable Disk or Digital Versatile Disk (CD-R or DVD-R). CD-R and DVD-R are often referred to as a WORM medium

(Write Once Read Many).

The software required for viewing proprietary recorded formats must also be made available to the investigating officer, together with the recorded images so that the images can be replayed on a standard windows operating system. It is therefore advisable that any replay software required is automatically copied onto the WORM recording to enable the correct viewing of the file.

In order to ensure that your digital recorder has the capability to record your Operational Requirements and provide good picture quality then you should consider the following requirements: -

- How many cameras are recorded?
- What is the frame rate per camera? e.g. 6 or 12(fps) frames per second per camera.

All DVR's have a maximum frame rate. This simply refers to the maximum number of frames that a DVR can record in one second at any one time. For example: a four camera DVR with a maximum frame rate of 50 frames per second (fps) can record at up to 50fps. If all four cameras are set to their maximum recording rate this will achieve (50/4) 12.5fps per camera. Television is displayed at approximately 25 fps. The frame rate that is right for you depends on your needs, for example if you are just counting bodies then 1fps will be plenty. On the other hand if you wish to catch people stealing small items from a shop or monitor the movement of people then 6fps will normally be enough.

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More advanced DVR's will automatically increase the fps rate on a camera where motion has been detected, providing more footage on an event.

What is the retention period? e.g. 21 days or 31 days

How many hours do you need to record? e.g. 6, 12 or 24 hours

How will you present evidential video footage from the DVR to the police? The best DVR's come with a built-in CD writer or the ability to download large video and audio files onto a memory stick.

What does the DVR do if there is a powercut? Although some DVR's will switch off when there is a powercut, more sophisticated DVR's will come with a built in UPS (Uninterrupted Power Supply) and all settings will remain programmed.

What are the different resolutions on a DVR? Most DVR's have different resolution options such as 1024 x 768, 720 x 586, 640 x 480 or 320 x 240.

The numbers simply represent the number of pixels in the picture (length x height).

Higher numbers of pixels means higher clarity on the picture.

However, higher numbers of pixels also take up more hard disk space.

It is recommended that medium to high picture resolution is used as per the PC industry standards e.g. 1024 x 768

8.0 Image Integrity

The integrity of images removed from a hard-drive for evidential purposes is vital.

They must be protected at the earliest opportunity to reduce opportunities for challenges in Court. Accidental alteration or erasure can be prevented by designating the image file as read only. The image file should be transferred to WORM (Write Once Read Many times) media such as a CD-R disc. CD-R must be 'finalised' 'closed' in the CD-writer before the disc is removed; otherwise the image file may not be viewable.

9.0 Security of Equipment

The monitor and recording equipment should be located in a secure room. Where this is not practicable, the recording equipment must be stored in a secure cabinet to prevent unauthorised access, tampering, or removal of images.

10.0 Lighting

Lighting schemes must take into consideration the following factors which will dramatically reduce the quality of images recorded:

- Excessive shadows
- Glare into the lens
- Back-lighting
- External lighting

Steps must be taken to eliminate or reduce the impact of such factors.

Particular attention must be given to lighting in the area of public access doors. The lighting must produce 'white light' to enable clear images and accurate colour

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rendition. The fields of view of **all** cameras must be sufficiently well lit to enable them to operate as required under normal working conditions.

11.0 Signage

A4 size advisory CCTV signage must be erected on the exterior of the building at, and adjacent to, all public access doors. The sign should consist of a camera pictograph and the wording 'CCTV in Operation', the name of the premises, and a contact telephone number. For Example:

Further A5 repeater signs should be located at strategic locations throughout the premises.

12.0 CCTV and the Data Protection Act 2002

To maintain people's privacy the Data Protection Act 2002 has introduced legally enforceable standards that apply to the collection and processing of CCTV images relating to individuals. These standards are designed to inform operators of CCTV systems to understand their legal obligations while also reassuring the public about the safeguards that should be in place.

The Information Commissioner has produced guidance in relation to how the Act should be interpreted, including advice on the required signage.

For further information please refer to the CCTV Code of Practice – July 2000 telephone

01625-545740 or access their website on www.dataprotection.gov.uk.

13.0 Installation

Company name:

Address:

Tel:

All electrical installation works must be carried out to 16th edition IEE Wiring Regulations BS7671: 2001, and current revisions. A Minor Works certificate for design, construction, inspection and testing must be provided before completion. The contractor will need to satisfy themselves that existing electrical circuits comply with the current

16th edition electrical regulations before commencing the installation.

14.0 Procurement / Commissioning

Once you have determined your O.R for each camera and provided a specification/calculation for your digital recorder we would recommend that you contact

at least 3 reputable CCTV installers and compare each tender. (Refer to Page 12 for a full checklist of questions). The National Security Inspectorate (NSI) Body telephone number for approved and accredited CCTV companies is **0870-2050000**. NB N.S.I now supersedes NACOSS and SSAIB.

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The complete system must be fully tested, and commissioned in the presence of a representative of the client. The purpose of this test is to determine whether or not the cameras cover the required areas, and if they are capable of providing images to the required standards. An acceptance certificate will need to be signed to prove the installation meets the specification defined. This must be made under the conditions that would be expected during normal operation. Include a Commissioning Procedure in the contract. Devise a performance test, which will assure you that the installed system satisfies your Operational Requirement. Include in the contract a sum of money; say 15% of contract value, which is only paid to the contractor on satisfactory completion of commissioning tests. A suitably qualified company should be engaged to design and install the system to ensure compliance.

15.0 Training/ System Management

As part of the commissioning procedure the installer must train the client, or the client's representative, to operate the system and associated equipment effectively. The training should include the provision of user manuals, all relevant handbooks, and technical data. Two full workshop manuals should be provided. A separate operator's manual should be provided for system users.

The client must appoint a trained Data Controller who will be responsible for the general administration, operation, maintenance and supervision of the system. All users must be fully trained in the operation of the system and be made aware of their general legal responsibilities.

An operations manual and code of practice must be produced to cover staff training, fault reporting, maintenance, management and evidence handling procedures. The management section should identify the person responsible for the system and daily checking.

16.0 Service / Maintenance Support

The system must be regularly serviced by qualified operatives to ensure that the quality of images is maintained. TVP would recommend that managers keep an original recording on a CD-R as a benchmark for quality. The maintenance schedule should include: -

- Periodic full system tests to measure performance against set criteria.
- Confirmation of correct operation of equipment
- Inspection and cleansing of cameras

17.0 Crime Reduction Initiatives.

TVP would also like to draw to your attention other initiatives that are relevant to licensing. Whilst CCTV is an effective tool in the fight against crime it has to be considered as part of a package of other crime reduction initiatives.

- Night/City-safe schemes.
- Crystal Clear Initiatives.
- Proof of age schemes.
- Door Supervisors Licensing Scheme (Security Industry Association Licensing).

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- CCTV coverage of town centres.
- Exclusion Orders from Town Centres.
- Safer Clubbing Guide.
- Licensed property: Secured By Design Award scheme.
- Safer Transport Schemes.
- Pub watch Scheme.
- Radio/Communication schemes.

TVP would encourage managers of licensed premises to actively work in partnership with their respective Crime and Disorder Partnership working groups to combat the problems of alcohol fuelled violence.

18.0 TVP CCTV Summary Checklist

Complete the OR Checklist as provided on Page 9 for each camera.

Plot on a detailed plan the proposed location of each camera.

- Install ant-vandal colour cameras. Cameras to record at a minimum of 6fps per camera.
- All external access doors to be covered by CCTV at Recognition / Identification standard.
- 2 or 3 monitors to be installed. 1st monitor located with the DVR. 2nd monitor as a
- “deterrent” at the main entrance and a 3rd monitor located behind the bar area to observe vulnerable areas.
- Ensure that images are retained on the digital recorder for at least 21 days.
- Digital Recorder to have a minimum specification as indicated on Page 7 and 8.
- 24 hours recording.
- CD-writer
- Uninterrupted Power Supply (UPS) built in.
- Resolution to be medium to high resolution (640 x 480 pixels) minimum.
- Equipment stored in a secure location.
- White lighting to be designed and installed to compliment CCTV images.
- Signage to be erected in strategic positions.
- Register the system with the Information Commissioner (Data Protection Act).
- Provide your O.R`'s (Page 9) and DVR specification to at least 3 CCTV installers.
- Ensure that the 2 or 3 manager(s) are fully trained on the recording equipment (playback).
- Keep an original recording of all cameras at different operating hours of the day.
- Keep a logbook of all crime incidents including details of the reporting officer and crime number.
- Contact your local Crime and Disorder Partnership regarding other crime reduction initiatives.

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CCTV Operational Requirement Checklist

Highlight as appropriate

Date

Premises Sheet/ Camera No.

External Main Entrance Internal – Area? Bar Area

Location within premises

Who/What/Where is to be observed?

Which activity is to be observed?

Why is the activity being observed?

Likelihood of an activity occurring - frequency High Medium Low

Picture quality to be achieved

50%R Recognition

120%R Identification

Natural Artificial Both White Light Requirement?

(Public Access Doorway) Y/N

Lighting conditions under which camera(s) needs to be effective?

Comment

Notes

Recording System?

Record of Incident?

Officer details?

CD-R provided?

Date of Maintenance?

Date of quality check?

N.B. A checklist should be used for each camera or location within the premises.