

No.	Policy Reference	Comments	Current Position	Proposed Amendment
1.	Page 20, Paragraph 16	<p>My main concern is that the policy of CDC ensures the protection of vulnerable women and aids the prevention of trafficking. I note paragraph 16 page 20 16. "The Licensee must maintain adequate records of the names, addresses and dates of birth of performers including adequate identity checks." I believe this statement is open to interpretation of 'adequate' and should be more carefully defined. Our business in common with many in Banbury requires staff members to provide original birth certificates, driving licences or passports ( along with appropriate qualification certificates) to check their identity and for the avoidance of fraud at the start of their employment. Across the UK our profession has inadvertently employed fraudsters over the years. Copies of these documents are made and held in the employees personal records. I would suggest that it is not unreasonable for the premises licence holder to be required under the terms of the licence to collect verify, copy and maintain this information and allow inspection of such information by officials as required. Where possible the identification record should be 'photo' identification but if this is not possible (e.g. with a birth certificate) a passport style photo should be attached to the employee personal record. This is becoming standard business practice so should not be objected to by a 'good employer'. The employer and employee should also be advised that this information may be cross checked with official records held by UK Government. This information</p>	<p>Policy currently states:</p> <p>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.</p>	<p>Amend wording to state the following:</p> <p>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.</p> <p>The Licensee must ensure they have a written policy depicting how they will verify such details which will be approved by the Licensing Authority.</p> <p>Evidence of adequate identity and AGE checks could include (but is not limited to) a copy of the employee's passport , driving licence or birth certificate signed and dated by the employer on the date the identity and age was checked. Such records must be made available to the Licensing Authority and other responsible authorities upon request.</p>

		will help CDC to ensure that no performer is under 18 years of age and has not entered the country in an illegal way (e.g. trafficking). Such an amended paragraph may read. The Licensee must maintain adequate records for each employee. The records must include: - names, current addresses dates of birth of performers including EVIDENCE OF adequate identity and AGE checks. Evidence of adequate identity and AGE checks could include (but is not limited to) a copy of the employee's passport , driving licence or birth certificate signed and dated by the employer on the date the identity and age was checked. Such records must be made available to appropriate authorities on request.		
2.	Page 4, Paragraph 3.3	It would be good to include reference here also to child rights, in addition to the Human rights, as these are a separate UN convention, ratified by the UK;	Policy currently states:  Notwithstanding matters contained within this Policy, consideration will be given to the provisions of the Human Rights Act 1998 when considering applications for sex establishment licences.	Amend wording to state the following:  Notwithstanding matters contained within this Policy, consideration will be given to the provisions of the Human Rights Act 1998 and other appropriate legislative and EU directives when considering applications for sex establishment licences.
3.	Page 6, Paragraph 8.2	typo in 'licejsing'		Corrected.
4.	Page 6, Paragraph 9.3	Does the application form include details of the person sufficient to satisfy section 10.1?	Application forms currently being devised for when policy comes into force.	All relevant sections of this policy will be taken into account when devising application forms.

5.	Page 7, Paragraph 9.4 & 9.5	This notification is insufficient given the response that an application is likely to receive as many people drive past notices or don't read to the back of the local paper (a sex establishment was only highlighted by the local paper in the past after it had gone through the planning process). It would be good to include, specifically for his policy, a) notification through letters to homes, schools, etc b) a larger advert, rather than the statutory notice advert (perhaps paid for by the applicant) or c) a press release when these applications come in as media will ensure that news spreads	These are the requirements as set out by legislation	The Licensing Authority must ensure that it is not seen to entice objections and abide by the legislative requirements it is bound by. Should legislation change, the Licensing Authority will reflect these changes through amendments to its policies and procedures.
6.	Page 7, Paragraph 9.7	It is good to include the Child Protection Officers	Noted.	Noted.
7.	Page 9, Paragraph 10.10	How can the 'honesty' of an applicant be assessed and how can you make sure that one person is not applying as a front for someone of more dubious character?	This will be addressed through the application process.	The application process will require the applicant to submit supporting documents so that this can be ascertained. This will be in the form of proving identity and may also include checks through the Disclosure & Barring Service (should such checks fall within their criteria). These will be further defined when defining the application forms.
8.	Page 10 Paragraph 10.10	While not intending to be exhaustive, a clear omission is around the protection of women from violence and trafficking, either from customers or the applicant. This needs addressing. This section should also address how the applicant will satisfy the right-to-work issues, keeping records of passports/birth certificates as a proof of right to work. Given the incidence of trafficking in the sex industry, this requirement is even more necessary for sex establishments than for other businesses.	Policy currently states: the reliability that can be placed upon the applicant to act in the best interests of the performers e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored	Primary legislation is in place to deal with these specific issues and the Licensing Authority is unable to duplicate such requirements through their policies as they would have no power to enforce it. However, such matters would be monitored and the relevant authorities alerted in these circumstances.

9.	Paragraph 10.10	I can't find the enforcement policy on the CDC website, but more detail is needed as to how these ideals during application can be monitored during unannounced visits is needed in the policy.	Unclear as to which section of the policy the consultee is referring to.	Enforcement Policy is available on the Council's website.  All enforcement is carried in a proportionate manner to the circumstances that require it.
10.	Page 11 Paragraph 14.1	Where a licence is transferred, there is no reference to the character checks of section 10.10 being carried out for the new applicant.	This will be addressed through the application process.	As point 7.
11.	Page 14 Paragraph 21.1	While crime may not be usual among the customers, trafficking and abuse within the sex-industry is widespread. This needs to be acknowledged in this section, along with details of how the enforcement will ensure the protection of vulnerable women.	Policy currently states:  It is acknowledged that sex establishments are not generally a source of crime or disorder. The Licensing Authority will carry out twice yearly inspections of premises, unless there are exceptional circumstances or intelligence requires otherwise. Enforcement action will be taken where necessary. The Licensing Authority's approach to enforcement is set out in the enforcement policies which are available on our website <a href="http://www.cherwell-dc.gov.uk">www.cherwell-dc.gov.uk</a>	As point 8.