

# EXPERT PANEL

## *Age Restrictions*

### MEETING ARRANGEMENTS

Location: MS Teams (Virtual Meeting)

Date: Tuesday 30<sup>th</sup> June 2020 14:00 – 16:00

Attendees: Tony Allen – Age Check Certification Scheme (Co-Chair)  
Brandon Cook – Chartered Trading Standards Institute (Co-Chair)

Iain Corby – Age Verification Providers Association  
Julie Dawson – Yoti  
Jackie White – BEIS Office for Product Safety & Standards  
Lisa Peters – South West Regional Trading Standards Coordinator  
Peter Hannibal – Chair – Gambling Expert Panel  
Rebecca Johnson – Local Government Association  
John Nash – Oxfordshire Trading Standards  
Tim Gass – Primary Authority Supermarkets Group  
Ian Graham – National Police Chief’s Council – Licensing Panel  
Abs Rohomono BEM – National Police Chief’s Council – Licensing Panel  
Kelly Moss – Wine & Spirit Trade Association  
Sahar Danesh – British Standards Institution  
Joanne Mahoney – Bucks & Surrey Trading Standards  
Katherine Walters – Proof of Age Standards Scheme  
John Abbott – Yoti  
Eleanor O’Connell – Association of Convenience Stores  
Ian Savill – Reading Trading Standards  
Hilary Kidd – Young Scot  
Mark Oliver – Primary Authority User Group  
Ken Daly – SCOTSS – Trading Standards Scotland  
Heather Ashton – Morrisons plc  
Alastair Graham – Co-Chair – Age Verification Providers Association  
Dr Rachel O’Connell – Trust Elevate  
James Lowman – Association of Convenience Stores  
Ray Moore – Southwark Council, Trading Standards  
Rachel Wenzel – Hertfordshire Trading Standards  
Danvers Baillieu – Verify My Age  
Ophelia King – Department for Digital, Culture, Media & Sport (DCMS)  
Michaela Williams – Department for Digital, Culture, Media & Sport (DCMS)  
Danielle Bradbury – Age Check Certification Scheme (Panel Secretary)

Apologies: Andrew Green – British Beer and Pub Association  
Howard Brown – British Standards Institution  
Richard Clifford – UK Hospitality  
Andrew Chevis – Proof of Age Standards Scheme

Graham Wynn – British Retail Consortium  
 Liz Kirk – Cornwall Trading Standards  
 Adrian Roper – National Federation of Retail Newsagents

## MEETING NOTES

Ref	Notes	Actions
	The meeting commenced at 14:05	
	<b>Introductions</b>	
200630/01	<p>T. Allen (Co-Chair) welcomed all participants to the meeting and explained the house-keeping arrangements for this MS Teams Virtual Meeting.</p> <p>The Chair explained that, given the large number of attendees, it was not practical to do a 'round table' introduction, but he specifically asked I. Graham and A. Rohomono to the meeting representing the National Police Chief's Council – Licensing Panel. T. Allen explained that early meetings of the Panel had been keen to secure representation from the Police given their important role in age restrictions enforcement. He welcomed representatives from NPCC and hoped that they would see the value of the Panel and continue to be involved in the future. I. Graham (Metropolitan Police) and A. Rohomono (West Midlands Police) introduced themselves.</p>	
	<b>Minutes of the Meeting on 21/01/2020</b>	
200630/02	<p>The <a href="#">minutes of the meeting</a> held on 21/01/2020 were agreed as a correct record.</p> <p>There were no matters arising not covered on the Agenda.</p>	
	<b>Upgrade of PAS 1296:2018</b>	
200630/03	<p>T. Allen (ACCS) explained that he and BSI had held a series of meetings with DCMS concerning proposals to upgrade PAS 1296:2018 to be a Standard rather than a Code of Practice. DCMS had indicated that a final decision on the matter was currently with Ministers for approval and would hopefully be made before the Summer Recess.</p> <p>S. Danesh (BSI) advised that the proposal to upgrade PAS 1296:2018 had been positively received by DCMS and in the latest position, the discussion had moved on to detailed budget discussions with BSI.</p> <p>I. Corby (AVPA) asked what the timetable was for completion of the upgrade. T. Allen (ACCS) replied that the proposal put to DCMS had a start date of September 2020 and proposed completion within a year. This would include a formal public consultation, but also information engagement and consultation through the Steering Group. The process is as set out by BSI at the October meeting of the Panel (and available on KHub).</p>	

	Age Verification by User Accounts	
200630/04	<p>J. Mahoney (Bucks &amp; Surrey TSD) raised a query that some retailers may wish to verify customers age on their first visit while setting their account up, to enable subsequent purchases to be made safe in the knowledge that the customer is over 18 and the sale can go through without verification, providing a faster customer experience. She asked the Panel for guidance on this and, in particular, how often re-verification should take place.</p> <p>The Chair advised that BSI planned to publish a draft BS 8626 – Online User Account Code of Practice on 1<sup>st</sup> July 2020 for public consultation. This proposed Code deals with the creation of user accounts, including age verification. The draft will be available at <a href="https://standardsdevelopment.bsigroup.com/">https://standardsdevelopment.bsigroup.com/</a></p> <p>I. Corby (AVPA) suggested that re-verification should be a risk-based decision. J. Dawson advised that perhaps there should be a comparison to physical ID, whereas passports require renewal every 10 years. J. Nash (Oxfordshire) queried how systems would secure that the customer is the real account holder. To which T. Allen advised that the draft BS 8626 covered knowledge-based, possession-based and inherence (biometric)-based user account verification methods. B. Cook (Co-Chair) indicated that for age restricted goods, users should be prompted to log in each time.</p> <p>T. Allen (ACCS) advised that it may be necessary to reverify if a contra-indicator during the lifetime of the user account suggests that the individual may not be who they say they are or not the age that has been verified. D. Baillieu (VerifyMyAge) said that it was important that the age verification providers were properly audited rather than placing a burden on individuals to re-verify.</p> <p>A. Chevis (CitizenCard) indicated that their new API would enable the verification of cards issued by CitizenCard. I. Corby (AVPA) said that risk assessment on re-use of verification attributes would also depend on whether a higher level of assurance was needed for a different transaction.</p>	
	Southwark Council – Statement of Licensing Policy	
200630/05	<p>The Chair advised the Panel that Southwark Council had recently reviewed its Statement of Licensing Policy under the Licensing Act 2003. This included new provisions relating to online and remote sales of alcohol. R. Moore (Southwark Trading Standards) explained the basis for the policy and advised that it had now been accepted by the Council and published as their new Statement of Licensing Policy. The policy requires online and remote sellers of alcohol to use PAS 1296 certified age verification providers who are members of the Age Verification Providers Association.</p> <p>A. Rohomono (NPCC) indicated that there had been a rise in applications for online and remote sales of alcohol and this issue of age verification keeps coming up. Each application needs to be treated on its own merits and required careful risk assessment. One particular issue was the immediacy of</p>	

	<p>delivery and some applied conditions prevented rapid delivery of alcohol – particularly late at night.</p> <p>The Panel welcomed the decision by Southwark Council to amend their Statement of Licensing Policy in this way – possibly the first local authority to do so. It was not felt that guidance on the issue was needed and, in any event, the Licensing Act strongly discourages standardised licensing condition. It was important that licensing conditions were carefully drafted to ensure that any attempts to enforce them would stand up in court.</p>	
	<h3>Gift Products</h3>	
200630/06	<p>J. Mahoney (Bucks &amp; Surrey TSD) raised a query that some consumers may wish to purchase products online and have them delivered to someone else as a gift. In these situations where you are age verifying online, it may not be possible to age verify the recipient of the product. She asked if the Panel had any views on how this should best be dealt with re age-verification?</p> <p>The Panel felt that the answer to this was very product specific, with different rules potentially applying to alcohol, knives, e-cigarettes, etc. A. Rohomono (NPCC) indicated that the police usually regard age verification at the point of sale as sufficient (although this differs depending on the specific circumstances). I. Corby (AVPA) said that delivery age checks are important, but the main issue is the very widespread lack of effective, standards-based age verification for online purchases. It was hard to find advice for online delivery services about AV. J. Abbott (Yoti) asked if there was any guidance about online delivery age verification. J. Lowman (ACS) highlighted the Assured Advice, which applies to non-alcohol deliveries, available at <a href="https://www.acs.org.uk/sites/default/files/preventing_underage_sales_acs_assured_advice.pdf">https://www.acs.org.uk/sites/default/files/preventing_underage_sales_acs_assured_advice.pdf</a> - Section 4 Page 8 covering the relevant matters.</p>	
	<h3>CORONAVIRUS – IMPLICATIONS FOR AGE RESTRICTIONS</h3>	
200630/07	<p>J. White (OPSS) thanks the Panel for a quick response to a request for information about the potential impact of face coverings on checking age verification. She explained that the responses had been collated and passed to the Civil Contingencies Secretariat in the Cabinet Office who were responsible for drawing together Coronavirus Advice.</p> <p>A. Rohomono (NPCC) highlighted s. 2.4 of the official covid-secure <a href="#">guidance</a> for restaurants, pubs and the hospitality industry which states:</p> <p><i>Informing customers that they should be prepared to remove face coverings safely if asked to do so by police officers and staff for the purposes of identification.</i></p> <p>T. Allen (ACCS) also highlighted <a href="#">guidance</a> published by the Gambling Commission which states:</p> <p><i>If customers are wearing PPE (facemasks), are operators still required to undertake AV checks?</i></p>	

	<p><i>Yes, Government guidance states that customers can be asked to remove their masks for AV checks. If customers refuse, then staff should follow operator guidance on refusing service.</i></p> <p>K. Daly (SCOTSS) asked if the Scottish Government had been consulted on guidance relating to face coverings. J. White (OPSS) advised that the Cabinet Office was leading discussions with devolved administrations about the official guidance.</p> <p>T. Gass (Tesco) advised that as a retailer, they've decided to NOT ask any customer to remove their face covering. It didn't feel the right thing to do for our customers. It does mean they refuse more sales but in practice has not been the issue that they thought it would be. J. Lowman (ACS) said that they had not received feedback from members that face coverings were an issue when checking ID, but ACS remain concerned about the friction point created in general when asking for ID and were keen to see the results of the Home Office call for evidence on the subject to be published as soon as possible.</p> <p>J. Dawson (Yoti) said that a member of the British Retail Consortium on a recent call about the issue said: <i>We have enough problems with aggressive customers, without asking customers to remove a mask or face covering that they are wearing under government guidance.</i></p> <p>J. Nash (Oxfordshire TSD) said that some businesses were just accepting the ID, if it was valid, without verification of the face if the customer was wearing a face covering.</p> <p>The Panel thanks OPSS for productively seeking the views of Panel members and hoped that the feedback submitted would find its way into Government Advice in due course.</p> <p>The Panel took a brief comfort break.</p>	
	<p><b>PASS Consultation on Physical Presentation of Proof of Age</b></p>	
<p>200630/08</p>	<p>The Chair welcomed J. Lowman (ACS) and K. Walters (PASS) to provide a presentation on the proposals for physical presentation of proof of age. The Chair explained that the work had not been commissioned by the Expert Panel, but the Panel had encouraged the Proof of Age Standards Scheme to take a look at this issue and welcomed the consultation exercise.</p> <p>T. Allen (ACCS) declared an interest, in that ACCS are appointed as the Auditors for the PASS Scheme.</p> <p>J. Lowman (ACS), as Chair of the PASS Standards Committee, started the discussion by welcoming the opportunity to present to the Panel and valuing the feedback provided. He said that the consultation process had been extended to late July (in light of the Covid-19 lockdown) and he encouraged</p>	

members of the Panel to contribute. He advised that it was clear that this stage was about securing governmental and industry endorsement to proceed with the project and was not presenting a fully considered technical solution or a costed business case. He introduced K. Walters who had been commissioned by PASS to coordinate the consultation and had considerable public affairs experience from a career with the Co-op.

Separately, he also took the opportunity to introduce E. O'Connell who had taken on the age restrictions policy as part of her portfolio for the Association of Convenience Stores. He advised that J. Byers (formerly of ACS) had moved to a new job. The Panel welcomed E. O'Connell.

K. Walters gave a presentation on the PASS Consultation Exercise. She said that it had been launched on 14 February with direct outreach to 100+ stakeholders with a dedicated website inviting responses from organisations and individuals alike. She said that there had been a "pandemic pause", with the deadline extended to the end of July.

The Principles which underpin the proposal

- Legitimacy: the need for regulatory and enforcement recognition and acceptance
- Consistency of high standards : mirroring the same PASS standards which apply to physical cards for future digital solutions
- Inclusivity : open for any number of digital suppliers to seek accreditation and in turn, reliant on open systems for validation
- Simplicity and universality: for any proposal to succeed it needs to work for a critical mass of retailers and other users, large and small, wherever they trade within the UK
- Privacy : no exchange of data from the customer to the retailer
- Assurance : through high levels of compliance and on going independent audit
- Openness of consultation process

The consultation is not intended to be:

- a technical blue print
- a fully developed business case

And the proposals only apply to the physical retail environment.

The key proposals cover:

#### **Retail Verification Interface**

The "thing" which allows a retailer to read a customer's unique QR code contained in the DPoA confirming likeness, date of birth and age band with visual enforcer endorsement. The RVI will be in App form, freely downloadable by retailers and could be integrated into EPOS at retailer discretion and cost. None of the user's personal details are transferred through the RVI to the retailer app or EPOS. The retailer only receives: (1) confirmation that the DPoA is legitimate , (2) the name of the accredited supplier and (3) the user has the required age.

	<p><b>Accreditation of digital suppliers</b>  Audit process pre accreditation and before linkage of user base to the RVI which would include a Digital Licence Fee. Minimal 'cost to accept' for retail, and other acceptors. But DPoA is not intended to replace the requirement on staff to check age, or the responsibility of retailers and others to train colleagues.</p> <p><b>Endorsement of key regulators</b>  To secure recognition of DPoA as an acceptable form of due diligence, including through HO guidance and legislation in Scotland. Similarly the support of current enforcement bodies will be sought.</p> <p>The Chair thanked J. Lowman and K. Walters for their presentation.</p> <p>A. Chevis (CitizenCard) explained the concept of the RVI in more detail and how it could be utilised by retailers to enhance their customer experience and support wider acceptance of PASS Cards.</p> <p>I. Corby (AVPA) said they were very keen to support this initiative; the AVPA are talking to K. Walters and J. Lowman already; keen to address both technical and commercial aspects of the new idea. It was also important that the development took account of other standards development, such as PAS 1296:2018. J. Dawson (Yoti) reiterated this stating that it was important that the PASS work took into consideration the international developments on digital proof of age. She also stated that Google have recently announced future Android operating systems will allow storage and use of digital versions of driving licences.</p> <p>R. O'Connell (Trust Elevate) also highlighted PAS 1296 and felt that any move away from the Vectors of Trust would be a retrograde step as the US and EU were moving towards the enhanced verification assurance provided by Vectors of Trust.</p> <p>I. Graham (NPCC) raised a query about how the proposals would allow for licence conditions where premises were required to take a scan of ID and store this information to support future enquiries. T. Allen also highlighted how new Regulations for on-licensed premises as a part of easing the Covid-19 lockdown were also likely to be requiring scans of customer ID's.</p> <p>The Chair advised the Panel that he had received a letter from PASS dated 14<sup>th</sup> February 2020 which had been circulated with the agenda and was on KHub.</p> <p>The Panel thanked PASS for their diligent approach to consultation.</p>	
	<p><b>ASSURED ADVICE FOR AV ON THE eBay PLATFORM</b></p>	
<p>200630/ 09</p>	<p>The Chair introduced M. Oliver (Peterborough &amp; Cambridgeshire TSD) to inform the Panel about new Assured Advice for AV on the eBay Platform. The Chair advised that the genesis of the advice had been media criticism of eBay which had prompted them to take action to address shortcomings in their AV procedures.</p>	

	<p>M. Oliver said that Peterborough &amp; Cambridgeshire TSD had been approached by a company called VerifyMyAge who, in turn, had been working with eBay on securing greater compliance with age verification on their platform. This was all in cooperation with eBay's Primary Authority, Westminster City Council. This had led to the establishment of the first formal Assured Advice for an online shopping platform, which had been circulated with the agenda.</p> <p>He said that the Assured Advice was ground breaking and allowed for his authority to continually monitor compliance, through testing and assured 3rd party certification under PAS 1296 by the Age Check Certification Scheme. This package of measures had been demanded by eBay in order for them to meet commitments made to their own Primary Authority.</p> <p>I. Corby (AVPA) raised concerns that the particular methodology employed in coming up with the advice and the way that eBay had implemented it created a sole supplier situation to the detriment of AVPA members. Although it was understood that eBay had the right to regulate conduct of their sellers on their own platform, I. Corby queried whether or not this type of arrangement could be more open or coordinated through a Trade Association. T. Allen advised that, in order to be through a Trade Association, that Association's membership had to be the 'regulated entities' (i.e. the sellers of the age restricted articles in this case), whereas, AVPA would be two steps removed from that. M. Oliver agreed to discuss this further with AVPA should they wish to get in touch.</p> <p>I. Savill indicated that the Assured Advice was good, but there was one example of a 'should' (recommendation), which ought to be a 'shall' (requirement). M. Oliver undertook to review this in any future revisions.</p>	
	<p><b>OFFENSIVE WEAPONS ACT 2019 - GUIDANCE</b></p>	
<p>200630/ 10</p>	<p>J. White (OPSS) explained that she had met with the Home Office last week as a part of ongoing discussions within government about regulatory easement during the Covid-19 lockdown and recovery. The Home Office had indicated that the redrafted statutory guidance was ready for release, but had been included in options for Ministers to delay publication to ease burdens on local authorities and retailers. OPSS had agreed that the new Act represented a potential burden on local authorities at this time – particularly the measures relating to extension of Primary Authority to cover offensive weapons.</p> <p>It was noted that Victoria Aikens, Minister at the Home Office had told Parliament on 6<sup>th</sup> April 2020:</p> <p><i>We held a public consultation on the draft statutory guidance on measures in the Offensive Weapons Act, which included the sale and delivery of bladed articles, bladed products and corrosives from the 15th August 2019 to the 9th October 2019. The responses to that consultation have been considered and we will shortly be publishing the Government response alongside final statutory guidance ahead of commencement of the measures in the Act.</i></p> <p>The Chair expressed concern that the redrafted guidance was not being released and felt that the Panel had clearly indicated that the first draft</p>	



	<p>required considerable work and expected to have input to redrafting. It was particularly concerning that the second draft had apparently been released to one or two trade associations. He suggested that, at least, the sub Group of the Panel that considered the first draft in detail and provided a comprehensive response, should be given sight of the second draft prior to publication. J. White indicated that she had asked the Home Office for a copy, but had not yet received one.</p> <p>T. Gass (Tesco) indicated that this was causing problems for products coming to market now as the lack of certainty was affecting decisions about whether or not to list those products.</p> <p>J. Nash (Oxfordshire TSD) said that the 1<sup>st</sup> draft of the guidance was considerably wide of the mark, so it was important that professionals had input to the 2<sup>nd</sup> draft. It was not minor tweaks that were required.</p> <p>T. Allen (ACCS) said that the argument that the publication of the redrafted guidance would need to coincide with commencement of the Act was not justified. There was nothing to stop the Home Office publishing the Guidance now and then delaying commencement of the provisions to ease regulatory burden during the Covid-19 recovery phase. However, although young people have been confined to their homes during Covid-19, the original policy rationale for why the provisions of the Offensive Weapons Act had been passed by Parliament had not gone away, so it was important that these provision were brought into force.</p> <p>J. White (OPSS) undertook to provide the further feedback of the Panel to the Home Office and seek a further update on their plans for further consultation or publication of the revised guidance.</p>	<b>JW</b>
	<p><b>LETTER FROM CHILDREN’S CHARITIES TO HOME OFFICE &amp; DCMS</b></p>	
200630/11	<p>The Chair circulated a letter from the Coalition of Children’s Charities to the Home Secretary and the Secretary of State for Digital, Culture, Media and Sport.</p> <p>The letter highlights how the Coalition of Children’s Charities feel very strongly there must be no further delay in introducing a legally binding, overarching duty of care and ensuring we have a regulatory and legal framework to match our shared ambition to make the UK the safest and best place in the world for children to enjoy the benefits of digital technologies.</p> <p>The Panel noted the contents of the letter.</p> <p>In support of the contents of this letter, J. Dawson (Yoti) shared further information about the research undertaken by Yoti and their partners:</p> <p>The NSPCC Childline service Report Remove tool using Yoti you can see live here: <a href="https://www.childline.org.uk/info-advice/bullying-abuse-safety/online-mobile-safety/sexting/report-nude-image-online/">https://www.childline.org.uk/info-advice/bullying-abuse-safety/online-mobile-safety/sexting/report-nude-image-online/</a></p>	

	<p>See BBC documentary, where Yoti found that 32.9% of people on an 18+ platform were under 17</p> <p><a href="https://www.yoti.com/blog/nudes4sale-supporting-bbc-expose-underage-porn-anonymous-age-estimation-technology/">https://www.yoti.com/blog/nudes4sale-supporting-bbc-expose-underage-porn-anonymous-age-estimation-technology/</a></p>	
	<b>DATE &amp; TIME OF NEXT MEETING</b>	
200630/12	The Chair advised that it was likely that the next meeting of the Panel would be in October 2020, also most likely by virtual meeting.	
	<b>CLOSE</b>	
	The Chair closed the meeting by thank all of those for attending and for their forbearance with the technology. B. Cook (Co-Chair) thanks T. Allen for his chairmanship of the meeting and ensuring that all participants got an opportunity to contribute if they want to.	
	The meeting closed at 16:05	

DRAFT