

Terms of Reference

1.0 Scope

- 1.1 The Office for Product Safety and Standards (OPSS) is part of the Department for Business, Energy and Industrial Strategy (BEIS). The role of OPSS is to make regulation work, so that it protects people and enables businesses to understand their obligations. It has responsibility for trading standards policy locally and nationally, local better regulation, primary authority, business guidance and the UK's Quality Infrastructure (UKAS, BSI, etc).
- 1.2 As a part of its role, OPSS facilitates a series of Expert Panels. These are independently chaired, but subject focussed and include subjects like food standards, product safety, etc. One of those panels is related to Age Restrictions. OPSS leads on enforcement policy for age restrictions and the Expert Panel supports OPSS and other government departments to implement age restriction laws, policy and guidance that will work well in practice to protect children and young people.
- 1.3 **The Panel is not a campaigning voice.** It is a matter for Ministers and Parliament to determine what products, content and services should be age restricted and at what age. However, the Panel does have a role in helping government departments to implement age restriction policies in a way that works well. It takes a practical and detailed approach.
- 1.4 The Panel will draw on the collective expertise of participants including local and national regulators, retail trade associations, the primary authority network, age verification providers, lawyers and those that work in this regulatory field.
- 1.5 Decisions will be reached by general consensus, based on the best available evidence and good practice available at the time.

2.0 Membership

- 2.1 The Group is open to representatives of business and regulators who deal with the sale of age restricted goods, content or services and to representatives of providers of services to that market, such as age verification providers.

- 2.2 Whilst there is no maximum number of representatives, the group will be operated in such a way that effective facilitation remains manageable. However, if a member fails to attend two consecutive meetings, the Panel Facilitators will assume that they no longer wish to be involved.
- 2.3 Applications to participate in the Panel should be made to the Panel Facilitators.

3.0 Competition Act Compliance & Intellectual Property

- 3.1 Members of the Panel are reminded of their duties and responsibilities under the Competition Act 1998. The Panel meetings are intended to assist in supporting OPSS and other government departments to implement age restriction laws, policy and guidance that will work well in practice to protect children and young people.
- 3.2 The Panel are not a channel for, or otherwise facilitated, the sharing of competitively sensitive information between members about pricing, customers or output plans. The Panel Co-Chairs shall be responsible for intervening to prevent the sharing of sensitive information between members.
- 3.3 Competitively sensitive information covers any non-public strategic information about a business's commercial policy. It includes, but is not limited to, future pricing and output plans.
- 3.4 Any business or regulator seeking the advice of the Panel on whether or not a new or innovative product is or is not caught by existing age restrictions is reminded that:
 - (a) The panel can only offer an opinion, ultimately it is a matter for the courts to decide;
 - (b) The panel can only consider products that have either been placed on the market in the United Kingdom already (and are therefore in the public domain) or where the panel has written permission from the intellectual property rights holder in the United Kingdom to give consideration to the age restricted status of the product.

4.0 Publicity & Access to Advice

- 4.1 The Panel will be advertised on [Knowledge Hub]. Any person wishing to seek advice or guidance from the Panel will need to contact a Panel Facilitator.
- 4.2 If members of the Panel are approached for advice directly, they are requested to draw this to the attention of a Panel Facilitator to ensure that advice offered by the Panel remains consistent and approved by general consensus.

- 4.3 Official outputs from the Panel will be approved by general consensus (either at a meeting or electronically). These will be published on [knowledge hub].
- 4.4 The Panel can seek advice from officials in the Office for Product Safety & Standards as necessary to secure the effective and compliant provision of advice, guidance and publicity.
- 4.5 **The Panel is not a campaigning voice.** Although members of the Panel, through their own organisations may be campaigning on one matter or another, it is not a matter for the Panel to set out or campaign on a particular matter. The Panel shall not have a spokesperson and shall not issue any news or press releases in its own name. Any outputs from the Panel that may be considered newsworthy shall be issued through the appropriate government channels by the Office for Product Safety & Standards.

5.0 Meetings

- 5.1 The Panel meetings will be organised by the Panel Facilitators. These will be at locations convenient to Panel Members.
- 5.2 The Meetings will be convened at least three times per year or at alternative frequencies as relevant to the needs of the Panel. The Panel may determine to establish a sub-Panel or 'Task & Finish' Group, which shall be accountable to the Panel as a whole.
- 5.3 Where it is necessary to organise meetings at short notice, the Panel Facilitators can make alternative arrangements, such as tele-conference facilities.
- 5.4 Panel Members may propose items for the agenda, as can government departments or regulators seeking advice or guidance. These can be submitted to the Panel Facilitators.
- 5.5 The Panel adopts a policy of being 'open by default'. This means that unless good reason can be shown that matters considered by the Panel should be confidential, they should be openly available to anyone with an interest in the work of the Panel. The Panel Agenda and any associated papers will be circulated by the Panel Facilitators at least one week prior to the meeting. The Agenda will also be available on [knowledge hub]. The papers may, if considered appropriate by the Panel Facilitators, be released in advance of the meeting on [knowledge hub], with a clear indication that they are in draft form until considered by the Panel.
- 5.6 The draft minutes of a Panel meeting will be available on [knowledge hub]. The draft minutes remain draft until they are endorsed and adopted by the Panel at a subsequent meeting, at which point they will become official minutes of the Panel.

5.7 The Panel Facilitators may deal with urgent matters between a meeting by reference, as appropriate, to the full Panel or a sub-Panel. The urgent matters shall not be conducted without involvement of the Office for Product Safety & Standards.

6.0 Panel Facilitators

6.1 The Panel shall have a Chair (or Co-Chairs) as determined by the Panel. At least once every three years, the Panel shall be formally invited to review the Chair (or Co-Chair) arrangements.

6.2 The Panel Facilitators are, by arrangement with the Office for Product Safety & Standards, the Age Check Certification Scheme. The list of Panel Facilitators is, at present, as follows:

Brandon Cook (Co-Chair) (brandon.cook@staffordshire.gov.uk)

Tony Allen (Co-Chair) (tony.allen@accscheme.org.uk)

Jackie White (OPSS) (jackie.white@beis.gov.uk)

Danielle Bradbury (Panel Secretary) (danielle.bradbury@accscheme.org.uk)

7.0 Review

7.1 The Panel arrangements and these terms of reference shall be reviewed at least annually by the Panel Facilitators and, if requested, by the whole Panel.