EXPERT PANEL

Age Restrictions

MEETING ARRANGEMENTS

Location: 1VS The Westminster Conference Centre, BEIS, 1 Victoria Street, London, SW1E 5ND
Date: Thursday 11th April 2019 10:00 – 13:00
Attendees: Tony Allen – Age Check Certification Scheme (Chair)
Adrian Hall – BEIS Office for Product Safety & Standards
Esperanza Gomez – Home Office – Violent Crime Strategy
Alistair Graham – Co-Chair – Age Verification Providers Association
Warren Russell – Co-Chair – Age Verification Providers Association
Amelia Erratt – British Board of Film Classification
Matt Tindall – British Board of Film Classification
Rudd Apsey – Digital Policy Alliance
Andrew Green – British Beer & Pub Association
David Richardson – Wine & Spirits Trade Association
Julie Dawson – DPA – Age Verification & Internet Safety Group
Brandon Cook – Chartered Trading Standards Institute
Peter Hannibal – Licensing & Gambling Expert Panels
Anna Bennett – Young Scot/PASS Board
Rebecca Johnson – Local Government Association
Lisa Fraser – National Federation of Retail Newsagents
Graham Wynn – British Retail Consortium
Kelly Nichols – British Retail Consortium/Morrisons
Jo Mahoney – Bucks & Surrey Trading Standards
Andrew Chevis – Citizencard/PASS Board
Dr Rachel O’Connell – Trust Elevate
Gordon Madden – Office for Product Safety & Standards
Mark Oliver – Primary Authority User Group
Veronica McGinley – Chartered Trading Standards Institute
Tim Gass – Primary Authority Supermarket Group/Tesco
Paul Carpenter – GamCare
David Lucas – Institute of Licensing

Apologies: Trish Burls – London Trading Standards Association
Charlotte Brennan – Department for Culture, Media & Sport
ACC Rachel Kearton – National Police Chiefs’ Council
The meeting commenced at 10:04

### INTRODUCTIONS

190411/01 A. Hall (OPSS) introduced the meeting and the role of Expert Panels. He described their origins in the LACORS technical groups and their role in tackling gaps in guidance, innovations in managing compliance, gaining consensus of expertise and contributing to the development of policy. He gave examples of other Expert Panels currently in operation and their remits.

He described how the former Expert Panel for Age Restricted Goods had produced useful guidance which was welcomed and regularly used by Primary Authorities. However, a dip in policy changes and new legislation had reduced the need for the Panel. In recent times, a host of new changes have emerged, so the Office for Product Safety & Standards were keen to see the Panel re-established. The key issue was to promote consistency of approach across different policy areas related to age restrictions; to articulate what the problems or issues are and propose solutions. The most successful of the Expert Panels are the ones that are regularly active.

190411/02 G. Madden (OPSS) added that the Office has a role in ensuring that Regulation works well. There is a particular focus on working with business and regulators to come up with practical operational systems of work, reducing unnecessary burdens and improving outcomes for society.

190411/03 T. Allen (ACCS) took the Chair. He explained that the Age Check Certification Scheme had agreed with OPSS to provide a secretariat service to the Expert Panel and, for this first meeting, to chair the meeting. At the conclusion of the meeting, expressions of interest would be invited from participants to take the chair for future meetings and, in the event of a deluge of interest, OPSS would undertake an election process.

T. Allen introduced the meeting by thanking all of the participants for coming to the inaugural Panel. The room boasted high level expertise in the field of Age Restrictions from multiple perspectives. That expertise was very valuable to policy makers in seeking to get Regulation to work well. The UK Age Verification Industry was world leading, with the bulk of worldwide providers being UK-based companies. The technical creativity and innovation were being harnessed for multiple uses. In addition, there was an emerging range of standards and operating protocols.

T. Allen thanked BEIS for their hospitality.
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<td>190411/04</td>
<td>The Chair introduced a discussion on the Offensive Weapons Bill. The final parliamentary stages for the Bill had been completed on 10/04/2019, so it was now ready to receive Royal Assent. The Chair introduced Esperanza Gomez from the Serious Violence Unit in the Home Office and thanked her for coming along to the Panel at such a busy time for her team.</td>
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| 190411/05 | E. Gomez (Home Office) introduced the Offensive Weapons legislation, which arose following concerns about increases in knife crime and corrosive substances attacks. So far this year, there had been 37 fatalities of young people in London as a result of serious violent crime. [NOTE: As of 8 May 2019, 45 homicides, of which 30 were fatal stabblings.] The measures in the Bill were intended to contribute to reducing that figure. She took the Panel through the key provisions in the Bill and highlighted the issues that would be of relevance to the Expert Panel.  
  
  - Powers for Local Authorities to enforce the provisions of this and other knife/corrosive substances legislation  
  - Provision for the Home Secretary to issue guidance under the Act  
  - Extension of the policy area to Primary Authority  
  - New Statutory Defences – more prescriptive conditions relating to taking reasonable precautions and exercising due diligence.  

  She advised that it was likely (but not confirmed) that the Bill would receive Royal Assent by the end of April and commencement could be in the Autumn [NOTE: Royal Assent was granted on 16 May 2019]. It is necessary for the Home Office to produce and consult on the Statutory Guidance.  

  She was keen to get the Expert Panel to contribute to the development of the guidance. It was agreed that the Panel would form a small ‘task & finish’ group to assist with this guidance. E. Gomez is to prepare a first draft and share that with the small group for comment. T. Allen asked for expressions of interest in participating in that work to be sent to him (copied to A. Hall (OPSS)) by 26/04/2019. |
| 190411/06 | G. Wynn (BRC) thanked the Home Office for an extraordinary level of cooperation and communication with industry during the passage of the Bill. This was supported by other participants.  

  CTSI commented that the Trading Standards Service and Home Office had worked hard to get the right provisions in the Bill, including for enforcement powers and the extension of the policy area to Primary Authority.  

  Some concern was expressed about the recognition of Primary Authority protocols by local police. T. Allen advised that, whilst the National Police |
Chief’s Council representative (for Alcohol & Licensing) had been invited, she was unable to attend this meeting. E. Gomez suggested an alternative lead relating to Violent Crime and A. Hall agreed to make contact with them. He also advised that he had a meeting planned with the Metropolitan Police Operational Lead for Licensing (T. Jarrod) upcoming and would use that as an opportunity to further engage with the Police. The Chair expressed a hope that the Police would be represented at future Panel meetings.

D. Fraser (Institute of Licensing) advised that the Home Office and Police had provided regular updates on this matter to regional IoL meetings.

The Chair thanked E. Gomez for coming to the meeting.

DIGITAL ECONOMY ACT 2017

190411/07 The Chair introduced a discussion on Part 3 of the Digital Economy Act 2017. This Part, when brought into force, was intended to secure that persons under 18 could not normally access online pornographic content. The Chair introduced Ameila Erratt from the British Board of Film Classification (BBFC). BBFC have been designated as the Regulator for these provisions of the Act. The Chair thanked her for coming along to the Panel and invited her to give a presentation of BBFC’s new role.

190411/08 A. Erratt (BBFC) provided an overview of Part 3 of the Act, the Statutory Guidance that BBFC had produced and the BBFC’s proposed approach to taking a proportionate approach to enforcement. The focus would be on securing compliance and AV controls at online commercial pornographic websites that attracted the most customers and any drawn to their attention by complaints.

She advised the Panel that BBFC are currently conducting some benchmarking research on the accessibility of online pornographic content. It is estimated that between 25 and 30 million people per month are accessing online pornographic content in the UK, meaning that, when implemented, Age Verification will become visible to a large proportion of the population.

190411/09 T. Allen asked the Panel to consider whether or not the privacy of the person having their age verified should be ‘in scope’ for the work of the Panel. It is clear that any organisation handling personal data must have robust data privacy controls, GDPR compliance and data security standards in place. A necessary aspect of age verification is the handling and processing of personal data. However, T. Allen asked if, whilst important, data privacy associated with age verification ought to be outside the scope of the Panel.

The Panel had a brief discussion about this, recognising the need to ensure that user privacy and data security was protected, but on balance taking the view that was a matter for other experts elsewhere in the organisations represented on this Panel. A. Hall agreed to take that
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<td><strong>ONLINE HARSMS WHITE PAPER</strong></td>
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<td>The Chair introduced a discussion on the newly published Online Harms White Paper. This had been released on 08/04/2019 for a 12-week consultation period. Of particular note for the Panel was the proposal by the Government to include within scope for the proposed 'Duty of Care' under age access to legal goods, services and content.</td>
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<td>J. Dawson (Yoti) advised the group that Yoti had prepared a 4-page summary of the White Paper and was happy to circulate this to the Group. J. Dawson to send their summary to A. Hall for distribution.</td>
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<td><strong>LICENSING &amp; GAMBLING EXPERT PANELS</strong></td>
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<td>T. Allen introduced Peter Hannibal to the Group. Peter is chair of the Licensing &amp; Gambling Expert Panels. OPSS had noted at the outset that there was a potential overlap between the work of those Panels and this Panel. To address this, T. Allen &amp; P. Hannibal had met to agree a protocol to avoid any duplication of effort, inconsistency and ongoing coordination and cooperation between the Panels.</td>
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<td>P. Hannibal advised that he had called a special joint meeting of the Licensing &amp; Gambling Panels which took place on 12/03/2019. His Panels were provided with a presentation on the proposal for an Expert Panel – Age Restrictions. His Panel were fully supportive of creating this new Panel and agreed that P. Hannibal and T. Allen would keep in regular contact and be mutual members of all three Panels to secure a coordinated approach – supported by the team at OPSS.</td>
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<td><strong>ANY OTHER BUSINESS</strong></td>
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<td>R. O’Connell (Trust Elevate) introduced the Panel to the forthcoming Payment Services Directive 2 (<a href="https://www.fca.org.uk/firms/revised-payment-services-directive-psd2">https://www.fca.org.uk/firms/revised-payment-services-directive-psd2</a>). It aims to contribute to a more integrated and efficient European payments market; improve the level playing field for payment service providers; promote the development and use of innovative online and mobile payments; make payments safer and more secure; protect consumers and encourage lower prices for payments. The PSD2 will also enable the federated sharing of age attributes amongst many providers. She suggested that the Financial Conduct Authority, Information Commissioners Office and Banking &amp; Payment Services Providers should be included in this Panel.</td>
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<td>A. Hall expressed some concern about extending the scope of this Panel to include the Financial Services Industry, although clearly accessibility to credit card information could be a useful age attribute.</td>
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J. Dawson (Yoti) highlighted the work of the Association of Document Validation Professionals on tackling the types of fakes and fraudulent documents that were around.

**ACTIONS & ‘TASK & FINISH’ PROJECTS**

The Panel agreed that the actions arising from this meeting were:

1. B. Cook (CTSI) to circulate the former LACORS Guidance on Definition of Knives/Bladed Instruments
2. J. Dawson (Yoti) to circulate the briefing note of the Online Harms White Paper
3. T. Allen (Chair) to make contact with a trade association for delivery/courier services and a trade association for convenience sector
4. All to express an interest in being the chair of the meeting
5. A. Hall (OPSS) to circulate the standard terms of reference and the previous terms of reference
6. All to express an interest in participating in the small ‘task & finish’ group on the Offensive Weapons Guidance
7. All to express an interest in hosting the meeting

T. Allen provided a list of potential areas of current interest for the Panel:

- Knives & Corrosive Substances – Implementation Guidance & Extension to Primary Authority
- Primary ID/Proof of Age Credentials
- Age Estimation Tools, Facial Recognition, Voiceprint, Biometrics, Artificial Intelligence
- Acceptable Quality Thresholds, Certification, Validation and Chains of Evidence/Assurance
- ID Scanning & Analysis, Data Protocols, Data Security Standards
- Online Harms White Paper – Duty of Care for Young Users of Online Social Media

A. Chevis (Citizencard) suggested that the ultimate objective for the Panel should be to achieve consistency within Government departments and between Government departments for age restrictions online, offline, multichannel and multi-product.

**MEETING SCHEDULE/PROPOSAL**

The Chair introduced a suggestion that the Panel should meet as a whole group at intermittent, but regular intervals when the agenda was suitably populated to need a meeting. This would be in lieu of a regular meeting timetable. However, the proposed ‘Task & Finish’ Groups and suitable sub-groups could (& would) meet more frequently to accomplish the tasks assigned to them.
It was proposed therefore to host a meeting of the full Group in about 3 months and before the Summer break. The Panel agreed with that proposal and asked that a date be secured in diaries as early as possible.

**ELECTION OF CHAIR/VICE CHAIR & TERMS OF REFERENCE**

190411/18 The Chair invited any participants to express an interest in taking the Chair or Vice Chair positions for the Group. Such expressions of interest to be submitted to A. Hall by 26th April 2019.

A. Hall advised that the OPSS have a standard set of terms of reference for Expert Panels that are adapted accordingly. B. Cook (CTSI) advised that the old expert group had a set of terms of reference, which he would find and then send on to A. Hall. It was agreed that A. Hall, B. Cook, T. Allen and any Chair elected would prepare proposed terms of reference for the Panel to be considered, reviewed and adopted at the next meeting.

190411/19 The Panel discussed potential for conflicts of interest. The Chair advised that, almost inevitably, the real experts at anything are those that deal with the issue day-in-day-out in their own work. As a result, the very nature of Expert Panels was such that everyone attends with a desire to contribute to the ‘greater good’, whilst acknowledging their own commercial or operational activity.

In preparing for this meeting, OPSS and the Chair had been clear that the presentations had to be about seeking the assistance and access to the expertise of the Expert Panel – not an opportunity to ‘pitch their services’ to potential clients. That protocol would be maintained to ensure that the Panel was not used for self-promotion or sales opportunities. It was, of course, open to participants to network with each other and set up opportunities to meet and discuss commercial matters separately.

**CLOSE**

190411/20 T. Allen drew the meeting to a close.

He thanked all of the participants for their contributions and BEIS for their hospitality, which included lunch and he hoped participants would stay to network over lunch.

The meeting closed at 13:05