

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S **REPORT TO LICENSING AND PUBLIC PROTECTION COMMITTEE**

12 March 2024

Report Title: Home Office Consultation – Age Verification and Remote Sales

Submitted by: Service Director – Regulatory Services

Portfolios: Finance, Town Centre and Growth

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
To consider and agree the Council's response to a current Government Consultation that relates to the sale of alcohol, age verification and remote sales.			
<u>Recommendation</u> That Committee: 1. Consider and agree the proposed response to the Government consultation.			
<u>Reasons</u> The Home Office have opened a public consultation that relates to potential changes to the Licensing Act 2003 around Digital identities, age assurance technology and remote sales of alcohol. The Government are keen to enable the secure and appropriate use of new technologies that can improve the experience of consumers and retailers. They are also seeking views on when the requirement to verify the age of the purchase should take place.			

1. Background

- 1.1** The Licensing Act 2003 ('the Act') covers the retail sale and supply of alcohol in England and Wales. Secondary legislation made under the Act specifies that if anyone appears to be under 18, in order to buy alcohol they need to produce identification which bears their photograph, date of birth and either a holographic mark or ultraviolet feature. In practice this means that currently only physical identity documents are permitted.
- 1.2** Currently the Act only sets out a requirement to verify age at the point of sale or appropriation to a contract (for example in relation to remote sales, the warehouse from which goods are picked and dispatched), not at the point of delivery.

2. Issues

- 2.1 Digital identities are becoming more widespread. There is a disparity in the provisions of the Act and the types of identification that people increasingly wanting to use.
- 2.2 The Government are keen to enable the secure and appropriate use of new technologies, including a commitment to allow trusted digital identity solutions to be used where consumers choose to, they will not be compulsory. The Department for Science, Innovation and Technology (DSIT) are creating a framework of standards and governance that digital identities will have to comply with to provide the confidence required.
- 2.3 In addition to digital identification there is also the advance in age estimation and assurance technologies being developed. It is not currently at the stage where the Government are proposing that these technologies can be used in the Licensing sector, however the consultation does include questions on when the technology could be used and the benefits it may provide.
- 2.4 The consultation also seeks opinions on whether the Act, as it stands, adequately covers age verification when alcohol sales are not made face to face.
- 2.5 The consultation opened on 25th January 2024 and closes on 30th March 2024. Officers have completed a proposed response to the consultation which is attached as **Appendix A**.
- 2.6 In relation to the proposals around the use of digital identities Officers' have stated that they agree that the legislation should be amended to allow for their use and apply to all retail settings. Officers also agree that, subject to it meeting approved standards, age estimation assurance technologies should be used to assist with age verification but be set to verify against an age of 25 years that is consistent with the industry standard 'Challenge 25' programme.
- 2.7 In relation to the proposals around remote sales Officers' have stated that they disagree that the Act adequately covers age verification when alcohol sales are not made face to face. Officers' opinion is that the Act should be amended to address this and that it should apply to all delivery models.
- 2.8 Officers' have also stated that they agree that the Act should be amended to create a new offence of delivering alcohol to a person who is intoxicated, as there is a related offence already of selling alcohol to a person who is drunk. Officers also agree that widening the provisions of the 'Primary Authority' scheme to include relevant sections of the Act would be beneficial.

3. Recommendation

- 3.1 Consider and agree the proposed response to the Government consultation.

4. Reasons

- 4.1 The Home Office have opened a public consultation that relates to potential changes to the Licensing Act 2003 around Digital identities, age assurance technology and remote sales of alcohol. As a licensing authority it is appropriate to respond to consultations that relate to regulatory regimes it is involved in.

5. Options Considered

- 5.1 Consider and agree the proposed response to the Government consultation.
- 5.2 Consider and amend the proposed response to the Government consultation.
- 5.3 Do not respond to the consultation.

6. Legal and Statutory Implications

- 6.1 The Council are not under a statutory duty to respond to consultations. However, it is the Council's interest to share and offer views on proposed amendments that would have implication on both the business being regulated and ourselves as regulators.
- 6.2 Depending on the outcome of the consultation the legislative provisions may be amended.

7. Equality Impact Assessment

- 7.1 Not applicable

8. Financial and Resource Implications

- 8.1 No financial or resource implications have been identified in responding to the consultation. Depending on the outcome of the consultation the legislative provisions may be amended. This may involve additional training required for Officers' and for additional/amended compliance visits to be incorporated into the work stream.

9. Major Risks & Mitigation

- 9.1 No major risks have been identified.

10. UN Sustainable Development Goals (UNSDG)

10.1



11. Key Decision Information

11.1 Not applicable

12. Earlier Cabinet/Committee Resolutions

12.1 Not applicable

13. List of Appendices

13.1 Appendix A – Proposed Consultation Response

14. Background Papers

14.1 <https://www.gov.uk/government/consultations/alcohol-licensing-age-verification/alcohol-licensing-age-verification>