

O'Callaghan, Barry

From: Moore, Ray
Sent: 11 November 2022 08:17
To: [REDACTED]
Cc: Forrest, Yemisi
Subject: RE: Application for a new premises license, Scribbler Holdings Ltd, 9 Harmsworth Street London, SE17 3TJ Ref: 878579

Trading Standards as a responsible authority are in receipt of a new premises license application from in respect of a premises at 9 Harmsworth Street, London, SE17 3TJ. Trading Standards as a responsible authority are making representation in respect of this application under all the licensing objectives, but primarily the protection of children from harm.

In the general description this is to be:-

“Company Head office which supplies greetings cards and gifts to customers who order through our website. We would like to add some alcohol products to our product offering, which would be stored in our building and mailed to customers from there. There will be no direct access for customers to our premises.”

This is a retail online business via their website... scribbler.com

It also state under section M(a) “The product will be sold in very limited quantities, on a mail order basis, as part of our gifting range.”

Under the licensing objective M(e) “As per the above statements, children will no be allowed on the premises.”

THERE is no reference to age verification or an age verification scheme such as challenge 25... simply ticking a box stating that someone is over 18 would not be sufficient. It should be noted that this authority has received complaints from parents about other websites where their children have been able to access alcohol online.

The operating hours are to be:-

Monday to Sundays 08:00hrs to 18:00hrs.

The application is for off sales of alcohol only via distanced sales. The hours for dispatch are to be Monday to Sunday 08:00hrs to 18:00hrs.

This does not address the mechanisms for ensuring these things do not happen. These have been reproduced in this representation to illustrate the lack of adequate proposed conditions in order to deal with these matters. It maybe that the applicant has some form of contract with the courier / dispatcher that deals with these matters but this is not made clear in the application.

If the license were to be granted then Trading Standards as a responsible authority would ask that the applicant to suggest some form of conditions to ensure that alcohol is not delivered to minors and what online age verification scheme is to be used. As deliveries appear to be made by courier there need to be robust systems in place that age checks will be made on the doorstep.

Trading Standards would welcome a dialogue on these matters to discuss what conditions could be put in place to ensure that the licensing objective “the protection of children from harm” is met. An initial suggestion might be as follows:-

- That all online sales of alcohol are subject to a real time age verification check via an external third party.
 - That drivers (whether employed directly, as self employed or via third parties) have to under take training on age restricted policies to ensure that the following checks are conducted at the point of delivery when the person appears to be under the age of 25...???
- All online age verification checks should only be made by a company which is a member of the following organisation <https://avpassociation.com/>

It will really depend upon how the business operates as to the exact wording of such conditions. In a face to face business the following kinds of conditions might be appropriate but clearly this would not work in these circumstances..

4AA - The premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.

4AB - All staff involved in the sale of alcohol shall be trained in the age check 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

4AC - Age check or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age check 'Challenge 25' policy applies and proof of age may be required.

4AI - A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by Council authorised officers or the Police.

Draft guidance published by the Government on these matters for primary authority relationships with businesses suggest the following:-

“Online Age Assessment for Remote Sales

Online transactions present a challenge that the customer is not directly visible to the company to assess their age. Broadly, online transactions should verify age by securing that:

- The customer is a real person
- The customer is able to demonstrate that they are over the relevant age restriction
- That this is anchored in a process that can be relied upon
- That the process is tested, independently certified and monitored

Primary authorities should seek evidence from partner businesses or their systems suppliers that the approach to age verification meets the above criteria and any other relevant criteria to the specific circumstances of the transactions.

Primary authorities should consider whether systems are resilient to presentation attack (this is more commonly known as ‘spoofing’). There should be means in place to test for both liveness presentation attack (is it a real living person) and documentary presentation attack (is it a genuine ID document).

Systems should be clear, through their age check practice statement, of the methodologies utilized to provide age assurance and the authoritativeness category of originating identity documentation. Primary authorities may want to consider the application of relevant standards (such as the Governments Good Practice Guide (GPG45) on identity proofing, the PASS 2:2020 – Proof of Age Standards Scheme – Requirements for e-ID Validation Technology or BS 8626:2020 – Design and operation of online user identification systems – Code of practice.

Typically, authoritativeness categories of identity documents should secure that they are from:

- A governmental or public authority
- The Proof of Age Standards Scheme (PASS) or international equivalent
- An authorized or regulated industry (such as finance or utility)

It is worth noting that identity is a construct of an asserted status noted and recorded by the individual citizen and their home state. A person’s identity attributes can evolve over time, although their date of birth remains a constant (name, address, gender, financial footprint and other identify attributes can change through the lifetime of an individual). Processes based on gaining age assurance associated with identity are, therefore, prone to error. Primary authorities should consider whether or not the validity of an age assurance check based on identity verification should diminish over time, perhaps associated with the risk assessment of the age restricted item concerned. Generally, primary authorities should not accept age assurance that are perpetual indefinitely.

There are numerous methods of age assurance, which are growing and developing in accuracy and efficacy all of the time. At present the following are some of the methods that businesses may be seeking to implement:

- e-IDVT (ID verification technology) – scanning a passport/Driving Licence/PASS Card – with our without NFC capabilities (near field communication).
- Apps and Attribute Identity and Verification Services
- Age Estimation and Artificial Intelligence Systems
- Database look up – links to primary data sources (like credit reference agencies). Government records, records from sources regulated by government agencies (such as FCA, OFCOM, etc), PASS Card Issuers
- Age Exchanges – distributed ledgers

Primary authorities should consider how businesses and age assurance systems deal with contra indicators, that is information or behaviours that cast doubt on the age assurance gained.”

AS CAN BE SEEN FROM THE ABOVE THERE ARE AS YET NO AGREED PROTOCOLS FOR MOVING FORWARD ON THESE MATTERS AND THE TECHNOLOGY IS RAPIDLY EVOLVING.

Trading Standards as a responsible authority would welcome a dialogue with the company to try and agree a way forward that is appropriate for your business.

Ray MOORE

Principal Trading Standards Enforcement Officer

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<http://www.southwark.gov.uk/business/trading-standards-and-food-safety/illegal-tobacco-e-cigarettes-and-shisha>

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