

Q1. Do you agree or disagree that the Licensing Act 2003 should be amended to allow customers wishing to purchase alcohol to present a digital identity certified against the UK digital identity and attributes trust framework when needing to confirm their age?

<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Neither agree nor disagree
---	-----------------------------------	---

Q2. If you answered 'agree' to question 1, to help us understand the extent of interest in the use of digital identity, which of the following settings do you think this should apply to? Please tick all that apply and use the free text box at the end of the questionnaire to explain any concerns you may have about use in particular settings.

<input checked="" type="checkbox"/> All settings
--

Off-licences

Supermarkets

Convenience stores

Restaurants

Pubs and bars

Clubs

Online retailers

Other – please specify

Q3. Do you agree or disagree that the Licensing Act 2003 should be amended so as to allow age estimation and other age assurance technology, certified against government-set standards, to assist with age verification?

<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Neither agree nor disagree
---	-----------------------------------	---

Q4. If you answered 'agree' to Q3, to help us understand the extent of interest in the use of age assurance technology, which of the following settings do you think this should apply to? Please tick all that apply and use the free text box at the end of the questionnaire to explain any concerns you may have about use in particular settings.

All settings

Off-licences

Supermarkets

Convenience stores

Restaurants

Pubs and bars

Clubs

Online retailers

Other – please specify

Q5. Currently, age estimation technology exists whereby if the technology detects that an individual looks younger than the age threshold that has been set, the system flags that another person needs to verify the age of that individual. If allowed, what minimum age threshold do you think age estimation and other technology should be set at? Please tick one.

18

21

25

Should not be prescribed

Other age over 18 (please specify)

Q6. Do you agree or disagree that technology should only assist in age verification decision making? In other words, must a person always make the final decision for alcohol sales where technology suggests that an individual may be underage?

<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Neither agree nor disagree
---	-----------------------------------	---

Q7. If digital identities and age assurance technology is used to assist with age verification for alcohol sales, what impact do you think this would have on licensing objectives? Please tick one box for each licensing objective.

Licensing objective	Positive impact	No impact	Negative impact	Don't know
Prevention of crime and disorder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public safety	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prevention of public nuisance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Protection of children from harm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q8. Do you agree or disagree that any provider of digital identity services used for age verification for alcohol sales should be certified against government standards contained within the UK digital identity and attributes trust framework?

<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Neither agree nor disagree
---	-----------------------------------	---

Q9. Part 7 of the Licensing Act 2003 sets out licensing offences that are committed by a person in the context of alcohol sales. Which of the following best describes how you think responsibility for these offences should be defined in the Licensing Act if digital identities and other technology are allowed? Please tick one.

<input checked="" type="checkbox"/> Do not amend the Licensing Act, meaning that offences are committed by the licence holder. Any liability on the part of the technology provider (for example errors) would be covered via standard commercial contractual arrangements.

Add clauses to the Licensing Act which place additional responsibility on the provider of faulty or inaccurate equipment or technology.

Add clauses to the Licensing Act which require licence holders to be responsible for ensuring that equipment or technology is accurate and fully functioning.

Other (please specify)

Q10. If an individual works in a premises that allows digital identities alongside traditional identity documents, do you agree that there should be a requirement for staff to receive training?

Agree

Disagree

Neither agree nor disagree

Q11. If an individual works in a premises that allows age assurance technology alongside traditional identity documents, do you agree that there should be a requirement for staff to receive training?

Agree

Disagree

Neither agree nor disagree

Q12. Do you agree or disagree that there should be a requirement for licensing officers to receive training in digital identities?

Agree

Disagree

Neither agree nor disagree

Q13. Do you agree or disagree that there should be a requirement for licensing officers to receive training in age assurance technology?

Agree

Disagree

Neither agree nor disagree

Remote sales

To assist with answering questions about remote sales, please read the following extracts from the Licensing Act and its accompanying guidance.

The Licensing Act (Mandatory Licensing Conditions) (Amendment) Order 2014^{[\[footnote 4\]](#)} states:

3.(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

Section 151 of the Licensing Act further states^[footnote 5]:

(1) A person who works on relevant premises in any capacity, whether paid or unpaid, commits an offence if he knowingly delivers to an individual aged under 18—

(a) alcohol sold on the premises, or

(b) alcohol supplied on the premises by or on behalf of a club to or to the order of a member of the club.

(2) A person to whom subsection (3) applies commits an offence if he knowingly allows anybody else to deliver to an individual aged under 18 alcohol sold on relevant premises.

(3) This subsection applies to a person who works on the premises in a capacity, whether paid or unpaid, which authorises him to prevent the delivery of the alcohol.

(4) A person to whom subsection (5) applies commits an offence if he knowingly allows anybody else to deliver to an individual aged under 18 alcohol supplied on relevant premises by or on behalf of a club to or to the order of a member of the club.

(5) This subsection applies—

(a) to a person who works on the premises in a capacity, whether paid or unpaid, which authorises him to prevent the supply, and

(b) to any member or officer of the club who at the time of the supply in question is present on the premises in a capacity which enables him to prevent the supply.

(6) Subsections (1), (2) and (4) do not apply where—

(a) the alcohol is delivered at a place where the buyer or, as the case may be, person supplied lives or works, or

(b) the individual aged under 18 works on the relevant premises in a capacity, whether paid or unpaid, which involves the delivery of alcohol, or

(c) the alcohol is sold or supplied for consumption on the relevant premises.

(7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Additionally, the Licensing Act states:

190- Location of sales^[footnote 6]

(1) This section applies where the place where a contract for the sale of alcohol is made is different from the place where the alcohol is appropriated to the contract.

(2) For the purposes of this Act the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract.

And the accompanying explanatory notes^[footnote 7] state:

285. Where the place where a sale of alcohol takes place is different from the place from which the alcohol is supplied, the sale is treated as having happened at the place from which the alcohol is appropriated to the contract. For example, when alcohol is bought via mail order or a telephone call centre, the sale will, for the purposes of the Act, have taken place at the

warehouse from which the alcohol would be delivered, and not the call centre. The requirement for a premises licence will therefore apply to the warehouse rather than the call centre.

Section 182 guidance states:

3.8 The sale by retail of alcohol is a licensable activity and may only be carried out in accordance with an authorisation under the 2003 Act. Therefore, a person cannot sell alcohol from a vehicle or moveable structure at a series of different locations (e.g. house to house), unless there is a premises licence in respect of the vehicle or moveable structure at each location at which a sale of alcohol is made in, on or from it.

3.9 The place where the order for alcohol, or payment for it, takes place may not be the same as the place where the alcohol is appropriated to the contract (i.e. the place where it is identified and specifically set apart for delivery to the purchaser). This position can arise when sales are made online, by telephone, or mail order. Section 190 of the 2003 Act provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. It will be the premises at this location which need to be licensed; for example, a call centre receiving orders for alcohol would not need a licence but the warehouse where the alcohol is stored and specifically selected for, and despatched to, the purchaser would need to be licensed. These licensed premises will, as such, be subject to conditions including the times of day during which alcohol may be sold. The premises licence will also be subject to the mandatory licence conditions.

3.10 Persons who run premises providing 'alcohol delivery services' should notify the relevant licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, may consider contacting their licensing authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.

Q14. Do you agree or disagree that the Licensing Act 2003 adequately covers age verification when alcohol sales do not take place face-to-face? Please consider remote transactions (telephone and online) as well as other occasions when a person may not initially be directly involved in the transaction, for example at supermarket self-checkout tills, when a self-scanner is used and when ordering from your table at a pub or restaurant.

<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Neither agree nor disagree
---	-----------------------------------	---

Q15. If you disagree that the Licensing Act 2003 adequately covers age verification when alcohol sales do not take place face-to-face, what would be the best way to address this?

Amend the Licensing Act 2003

Amend the Section 182 guidance which accompanies the Act

Industry produced guidance

All of the above

Other

Q16. If you disagree that the Licensing Act 2003 adequately covers age verification when alcohol sales do not take place face-to-face and agree that legislation and / or guidance should be amended, should this apply to all delivery models? Please tick all those to which you think this should apply.

	Additional information	Yes	No
<hr/>			
All delivery models			
<hr/>			
Delivery takes place next day or later	Planned delivery using delivery drivers who are employed by the company which holds the alcohol licence.		
<hr/>			
Delivery takes place next day or later	Planned delivery using delivery drivers who are not employed by the company which holds the alcohol licence.		
<hr/>			
Fast delivery service	Delivery usually within an hour of ordering. Customer orders via an app. Business model is to sell and deliver alcohol via that app.		
<hr/>			
Fast delivery service	Delivery usually within an hour of ordering. Customer orders via an app. The app does not have an associated alcohol licence and the business model is delivery only.		
<hr/>			
Restaurants, pubs, bars and clubs offering direct order / delivery service	Driver is an employee of the licensed premises.		
<hr/>			

	Additional information	Yes	No
Restaurants, pubs, bars and clubs offering direct order / delivery service	Third party delivery driver.		
E-commerce – selling from their own stock	Not including licensed specialist alcohol merchants. Driver is an employee of the licensed premises.		
E-commerce – selling from their own stock	Not including licensed specialist alcohol merchants. Third party driver.		
Dropship	E-commerce that does not have own stock and supplies via a third party.		
Other – please specify			

Q17. Do you agree or disagree that the Licensing Act 2003 should be amended to specify that it is an offence to deliver to/serve alcohol to someone who is already intoxicated?

<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Neither agree nor disagree
---	-----------------------------------	---

Q18. Do you agree that the provision of Primary Authority* would be beneficial to changes made to relevant sections of the Licensing Act?

<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Neither agree nor disagree
---	-----------------------------------	---

*Primary Authority is a scheme for businesses to receive assured and tailored advice (known as Primary Authority advice) on meeting environmental health, trading standards or fire safety regulations through a single point of contact. This enables businesses to invest with confidence in products, practices, and procedures, knowing that the resources they devote to compliance are well spent and it helps businesses get it right first time, driving up compliance.

The scheme is based on the formation of legal “primary authority” partnerships between businesses and individual local authorities and/or fire rescue authorities. It is used successfully across the majority of regulations where Trading Standards, Environmental Health and Fire & Rescue services have an enforcement role. It enables businesses to receive customised advice from the primary authority in relation to complying with legislation that is within scope of the scheme.

The scheme is governed by the Regulatory Enforcement and Sanctions Act 2008 (RESA) and provides greater regulatory consistency and certainty for businesses that operate across multiple local authority areas.

The primary authority scheme enables businesses to receive primary authority advice on provisions with the regulations which are enforced by local authorities and Fire & Rescue Services. It is one of the principal ways government makes regulation easier and simpler for businesses to understand and follow. It does this primarily by enabling assured advice to be provided through one local authority/FRS as a single point of contact. This reduces costs for businesses in complying with the law (as they can get it right first time) and encourages more consistent enforcement, as local enforcers must take account of any primary authority advice given to a business.

This model has been successful in other areas of regulation, with over 100,000 businesses signed up to primary authority partnerships and benefitting from assured advice since the scheme started in 2009.

Primary Authority is already in scope for certain aspects of age restricted products, including alcohol sales, which many businesses utilise and find beneficial. Extending the scope of the scheme could provide local authorities with the opportunity to provide further regulatory assistance within the alcohol sector, helping them to improve sector compliance, and build better relationships with businesses.

Q19. Please use the space provided below to tell us any comments you have on any matter covered in this consultation. If your submission is lengthy, please submit your answers to questions 1-18 via this form and email additional information and data to: alcohollicensingconsultations@homeoffice.gov.uk

Additional Comments

In relation to Q9, we agree that there is no need to amend the Licensing Act, meaning that offences are committed by the licence holder. Any liability on the part of the technology provider (for example errors) would be covered via standard commercial contractual arrangements. We note that s.146 provides a due diligence defence to licence holders or other persons.

For Q14, we agree that the Licensing Act 2003 adequately covers age verification when alcohol sales do not take place face-to-face? The seller of the alcohol is the licence holder, and they are ultimately responsible for promoting the licensing objectives. We would highlight the Retail of Alcohol Standards Groups' Online Sales Guidance and Best Practice for Rapid Delivery Services.

About you

Full name (optional) **Sue Nelson**

Job title or capacity in which you are responding to this consultation exercise (for example, member of the public) **Executive Officer**

Company name/organisation (if applicable) **Institute of Licensing**

Address (optional)

Postcode

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

The Institute of Licensing (IoL) is the professional body for licensing practitioners across the UK, with circa 5,000 members from local authority, police, industry and private practice. Ours areas of interest concern public regulatory licensing and associated matters. There has been no opportunity to consult with our members on this consultation, but this response reflects the views of our Executive Officer in consultation with Directors and follows our involvement in stakeholder groups where digital age verification has been included in discussions.

[The Licensing Act 2003 \(Mandatory Licensing Conditions\) \(Amendment\) Order 2014](#) ↵

A digital identity is a digital representation of someone's identity information, including name and age, as well as biometric information on request. ↵

[UK digital identity and attributes trust framework beta version \(0.3\) - GOV.UK \(www.gov.uk\)](#) ↵

[The Licensing Act 2003 \(Mandatory Licensing Conditions\) \(Amendment\) Order 2014 \(legislation.gov.uk\)](#) ↵

[Licensing Act 2003 \(legislation.gov.uk\)](#) ↵

[Licensing Act 2003 \(legislation.gov.uk\)](#) ↵

[Licensing Act 2003 - Explanatory Notes \(legislation.gov.uk\)](#) ↵