



LICENSING SUB COMMITTEE AGENDA

Thursday, 6 February 2025 at 2.00 pm in the Bridges Room - Civic Centre

From the Chief Executive, Dale Owens

Item	Business
2	Additional Information (Pages 3 - 50)

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Kirsty Jennings

From: [REDACTED]
Sent: 04 February 2025 10:44
To: Kirsty Jennings; [REDACTED]
Cc: [REDACTED]
Subject: FW: Tonys Fish Bar - Revised
Attachments: Adobe Scan 4 Feb 2025 (1).pdf; Adobe Scan 4 Feb 2025 (2).pdf; Adobe Scan 4 Feb 2025.pdf; document.pdf; DRINKS AND DRUNKENNESS.pdf; DRUNKENNESS AND DISORDER ACCEPTANCE..pdf; Employee Acceptance of responsibilities.pdf; PSPO in shop sign.pdf; RESPONSIBLE SERVICE OF ALCOHOL POLICY AND PSPO.pdf

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Good Morning

I am instructed by Mandeep Singh, the proprietor of Tonys fish Bar at 275 High Street Gateshead, to demonstrate that the application for this premises will not undermine the licensing objectives, and its operation can be trusted to adhere to all conditions.

I am a retired Police Sergeant of Durham Constabulary, retiring December 2015, of which I specialised in licensing law from 2002 to current day. I teach licensing law for a solicitor in Newcastle and I actively promote, the social responsibilities in the sale of alcohol. If I am of the belief that if a premises cannot be operated following robust training and policies in compliance with the four licensing objectives then I will not represent it.

In addendum to previous conditions offered and to alleviate any concerns I can confirm the following ancillary conditions.

1. This application does not wish to operate the sale of hot food or drink after 11pm and before 5am daily. At present the latest that the shop opens is 10:30pm and trade is very poor.
2. A written record is kept of all the names and addresses of persons who are authorised to sell or supply alcohol at all times, and that the written record is made available to Police and/or Council officers immediately upon request. Attached
3. Staff will be fully trained in the social responsibilities of the sale of alcohol and an age verification policy of challenge 25 will be implemented and both operated and maintained by the DPS. See attached
4. Staff will be trained in and actively promote the Public Space protection order which is active in the surrounding area. Staff will instruct individuals suspected of consuming alcohol that purchased in the shop to not consume it in the surrounding streets and to wait until they get home.
5. Signs will be displayed in the shop demonstrating the PSPO and the fine liable should there be a breach.
6. Delivery will be offered only through prepaid and approved on line platforms such as Deliveroo and just eat, under their robust and tested operating conditions.
7. Alcohol will only be sold ancillary to food. A proportionate cost of food can be agreed upon at which alcohol can be sold.
8. All staff serving food or alcohol will be trained and compliant in the awareness of a drunk and using the methodology of a constable upon which their training is based they will refuse the sale of alcohol to anyone who is drunk. See Attached training document.
9. Staff are trained and will be compliant in refusing such sales which are suspected as being a proxy sale of alcohol. See Attached training

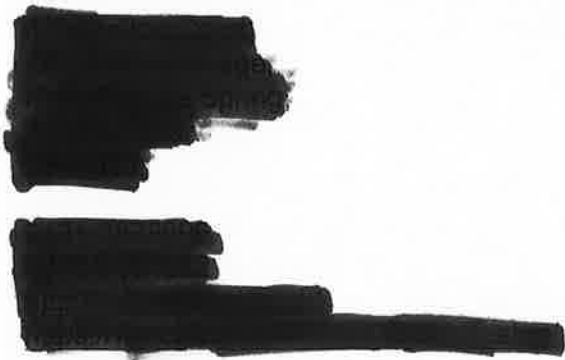
10. Under the description of 'takeaway' as depicted in section 8.23 of the current licensing policy, the Licensing Authority will generally not permit the sale of alcohol from premises that "are licenced for late night refreshment". Within the definition of takeaways confined to Gateshead's current Licensing Policy section 8.23. Tonys Fish Bar does not fall within this policy document as it is not licenced for late night refreshment. Thereby section 8.23 shall not apply to this application. Mr Singh hopes to demonstrate in his robust training and policy documents that his activities will not lead to such problems. One other premise in this area 160 meters away offers similar services with longer hours and does not have such conditions regarding compliance with a public space protection order.

There is a suggestion that this shop will be subject to a compulsory purchase order in the immediate future for re development. This operation if approved would therefore be on borrowed time.

I do hope that these ancillary robust conditions will alleviate any concerns that the responsible authorities have with regards to any undermining of the licensing objectives. Apologies as I do not have Alice Wisemans e mail.

Kind Regards
Tim Robson

Tim Robson Fellowship of BII, MIOL, Cert Ed
Event Safety / Licensing Consultant



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Tony's Fish Bar, 275 High Street, Gateshead, NE8 1EP



OUR AGE VERIFICATION POLICY

RESPONSIBLE SERVICE OF ALCOHOL AND AGE RELATED PRODUCTS POLICY

This short document will outline the groups of people you are unable to serve and our policy on underage persons on premises. If you are unsure of any of the information you are presented on this subject matter it is imperative that you ask for advice as after signing the compliance document, it will be considered **GROSS MISCONDUCT** to in anyway act against our policy on responsible service.

People excluded from service of alcohol

1. Persons under the age of 18 years of age:

The next section fully outlines the procedure of checking for proof of age and what is considered sufficient proof of age.

2. Persons deemed intoxicated:

Although subjective it is important that you practice caution during service and that if you are in doubt of a person's level of intoxication that you ask for a manager/supervisor to 'cut' that person off from service.

The standard legal penalty for Serving either of the above is an £90 spot fine to YOURSELF and the possibility of further fines/Licensing consequences to the licence holder.

Persons under the age of 18

This premises operates a Challenge 25 policy. If the person buying an age related product appears under 25 then identification should be requested.

- The only forms of identification accepted in the above cases will be a valid passport, drivers licence or card bearing the PASS logo.
- If the identification is deemed not genuine by the employee asking for it will be confiscated and handed to the police.
- Signs explaining the necessary requirement of identification and the types of identification accepted shall be displayed prominently in the premises.



Practical Tips

There are a number of simple steps that can be taken to prevent young people illegally purchasing age-restricted goods. Listed below are some practical tips that could help prevent you and your staff from breaking the law.

- We operate a “Challenge 25” policy Always ask for proof of age from anyone who looks younger than 25 years old.
- We operate a “No ID, No Sale” policy. Without proof of age identification, no sale can take place. To further enforce this we display a poster at sale points in the store so customers will expect to be asked to prove their age. If possible, set up a prompt or reminder on your till to remind staff to ask for proof of age when selling age-restricted products.
- Refusals book If you or your staff refuse a sale record this in the refusals book, which is enclosed with this pack.
- Train staff. Ensure all staff are fully trained and their training is monitored. Record training details in the training record enclosed with this pack. Ensure you do not sell to a child even if they say the product is for a parent or other adult. Adults over 18 may purchase alcohol or age restricted goods for another underage person. Monitor the actions of Adults and their communications either inside or outside of the service station to alert you that an adult may be making a proxy sale for a child. Do not be afraid to ask.
- Display statutory notices. Ensure statutory notices, for fireworks and tobacco, are prominently displayed in your business.

Proof of age – always ask to see identification

At times it can be difficult to judge a person’s age, so it is vital that you take steps to ensure that you maintain your training to prevent the sale of restricted items to young people.

Be realistic – to get what they want many young people will attempt to make themselves look older and may lie when asked their age.

To be on the safe side **we operate a “Challenge 25” policy** and always ask to see photo proof of age identification for anyone appearing to be under 25 years of age.

Photo ID schemes

As a business trader you are required by law to ensure the photo ID card provided to you belongs to the person using it. We recommend that you only accept cards with a photograph and a date of birth.

Passports and driving licences are acceptable but remember that a person can have a driving licence from the age of 17.

ID cards that include the PASS holographic logo will also show a photograph and date of birth. The hologram is forge-proof and recognisable.

The Home Office, the Association of Chief Police Officers and Trading Standards support this scheme.

Nationally recognised PASS cards are:

- CitizenCard
- VALIDATE UK

You must follow these instructions

Refusals book

When you refuse a sale keep a record of the incident in the refusal book enclosed with this pack. This record provides evidence that you have avoided making an illegal sale to young people. It may also help identify problem groups, individuals and other issues that may be useful for Trading Standards or the Police.

You should regularly monitor the refusals book to ensure that all staff are using it correctly. If there are no entries, or very few by certain staff, this will be highlighted by the management and could indicate your reluctance to challenge people about their age and can help identify if extra training or support is needed. Training and support for staff

All staff responsible for selling age-restricted products must receive regular training. You must remain aware of the age restrictions for the various products you sell.

A reference guide is enclosed in this pack above. Display this next to your till for a quick reference guide for your staff. It is also your responsibility to ensure you are aware of what constitutes acceptable photo ID.

You must always operate a “**Challenge 25**” policy at all times. It is very important to keep records of training and instructions given to staff.

Following your training session, you will be asked to sign a form confirming you have understood the training. Managers will regularly carry out shadowing and dip tests to check how you are dealing with age restricted products.

Preventing Proxy Sales of Alcohol

- Proxy sales is the term used to describe adults buying alcohol for children or young people who are under the age of 18 years old.
- The adult buying or attempting to buy alcohol on behalf of someone under the age of 18 commits an offence.
- All major retailers in the UK have dedicated training for employees about how to spot and prevent proxy sales of alcohol.
- The Retail Alcohol Standards Group has developed this best practice document to support the prevention of proxy sales in all retail stores.

Retailer Best Practice for Preventing Proxy Sales

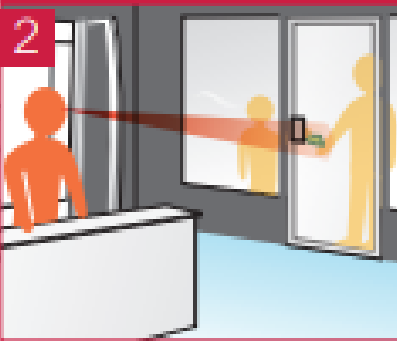
The diagrams below set out the most common scenarios where proxy sales occur and how colleagues in stores can respond.

Child / young person selecting alcohol for an adult / parent / guardian to purchase on their behalf.



RESPONSE: If you see the adult asking the child what alcohol they want, or if the child's behaviour suggests the alcohol is for them, then you should refuse the sale.

Child / young person approaching adults as they enter the store, asking to purchase alcohol on their behalf.



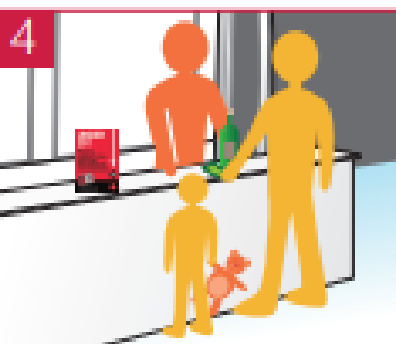
RESPONSE: Try, as far as possible, to monitor what is happening outside your store, especially young people hanging around. If you see what looks like an adult being asked to buy alcohol to buy a product by a person outside the store, refuse the sale to that person.

A group of young people approaching the till to purchase alcohol, but only one person presents identification.



RESPONSE: If it appears that one member of the group is purchasing alcohol for the whole group, you should ask the whole group for identification to prove their age. Unless they all have identification to prove their age you should refuse to serve them.

Proxy Sales – Parent Accompanying Children



The Licensing Act requires that retailers prevent proxy sales under the Licensing objective for 'the protection of children from harm'. However, it is difficult for retailers and their store colleagues to identify all proxy sale situations.

Just because a child accompanies an adult purchasing alcohol does not mean they are attempting to buy alcohol for the child.

RESPONSE: Store colleagues must exercise discretion by assessing the age of the children accompanying the customer, for example a parent with their two children aged eight and 10 years, is unlikely to be attempting a proxy sale.

Reputational Risk for Retailers

For retailers and store colleagues there are reputational risks associated with challenging adults about proxy sales.

Unless you know customers are buying an age restricted product for a minor, the sale should be honoured. If in doubt call a manager.

Asda stops parents from buying alcohol if children are there. Supermarket bosses back staff saying it is better they are 'over cautious' than risk prosecution for selling to under-18s

TESCO BANS PARENTS FROM BUYING ALCOHOL IF THEY ARE WITH THEIR OWN CHILDREN

Source: Retailers & Food Design, Daily Mail

PUBLIC SPACE PROTECTION ORDER

Public Spaces Protection Orders (PSPOs) are intended to deal with a nuisance or problem in a particular area that is detrimental to the local community's quality of life. The PSPO imposes conditions (which apply to everyone) on the use of that area so that the majority of law-abiding people can use and enjoy our public spaces and be safe from antisocial behaviour.

A PUBLIC SPACE PROTECTION ORDER OPERATES IN GATESHEAD HIGH STREET AND THE SURROUNDING AREA

PSPOs came into force on 20 October 2014 under section 59 to 65 of the Anti-Social Behaviour, Crime and Policing Act 2014, and replace Gating Orders, Dog Control Orders and Designated Public Place Orders.

Behaviours which can be controlled through restrictions or positive requirements within a PSPO can include:

- controlling access over public land
- consumption of alcohol
- dogs roaming freely and/or fouling
- storage of household items or waste
- storage of wheelie bins
- aggressive behaviours linked to begging, street peddling or preaching

The above list is not exhaustive and restrictions or positive requirements will be dependent upon the nature of the issue the PSPO is imposed to deal with.

Breaching a PSPO is an offence which can be dealt with through prosecution or by the issue of a Fixed Penalty Notice.

I understand that Tonys Fish Bar is in a PSPO zone and as such if I suspect a customer is going to consume shop purchased alcohol in the public street I will advise them accordingly and draw their attention to the signs displayed in the shop.

PUBLIC SPACES PROTECTION ORDER



CONSUMING ALCOHOL IN THIS AREA IS PROHIBITED.



THE USE OF SPEAKERS OR AMPLIFIERS IS PROHIBITED.

MAXIMUM FINE £1000

FAILURE TO COMPLY WITH THIS ORDER COULD LEAD TO A £100 FIXED PENALTY NOTICE OR PROSECUTION AND A FINE OF UP TO £1000 ON CONVICTION.

This area is subject to a Public Spaces Protection Order (PSPO) pursuant to Part 4, Chapter 2 of the Anti-Social behaviour, Crime and Policing act 2014.

Pubs, restaurants, and off-licences do not form part of the PSPO. Areas covered by a 'Temporary Event Notice' or a 'local authority premises licence' are only exempted from the PSPO whilst speakers or amplifiers are being used.

I have read this document, and I will comply fully with its contents.

Name	Signature	Date



TJR Licensing, Consultancy and Training.

Employees Acceptance of Responsibilities Regarding the Sale of Alcohol and other Age Restricted Products.

OUR AGE VERIFICATION POLICY

Tony's Fish Bar, 275 High Street, Gateshead, NE8 1EP



Employee Name

I have read and understand the company policy on the sale of age restricted products, and I fully understand the companies challenge 25 policy. **THIS IS OUR AGE VERIFICATION POLICY**

- I understand that if I sell an age restricted product to someone who was under the legal age for that product I will commit a criminal offence and I may be liable to a fine and/or imprisonment
- I understand that the challenge 25 policy is in place and I must ask for identification from anyone who looks under the age of 25 years.
- I understand that if someone appears under 25 or I have any doubt about the age of the person trying to buy age restricted products I must ask for proof of their age.
- **I have been given training and a full understanding of the purchase of alcohol by a person over 18yrs for to be given to a person under 18yrs, a process called proxy sales.**

The only forms of identification I should accept are

- A valid passport.
- UK photo driving licence (Full or a provisional)
- Pass Logo approved proof of age card.
- HM Forces or EU ID card
- I understand that if the customer fails to produce acceptable identification or I believe a person is underage I will refuse to sell any age restricted products and when the customer has left the premises I will complete the refusals register.

I hereby confirm that I have received advice and training from my employer regarding the sale of age restricted products at this convenience store.

Employee Signature

Date

I hereby confirm that I have explained our age verification policy and provided training for them in relation to the sale of alcohol, proxy sales and other age restricted products and feel confident that they are fully understand our policies and procedures to be complied with.

Tim Robson
TJR Licensing

Date 03/02/25

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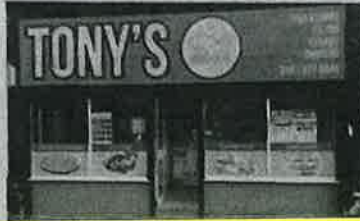


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Tony's Fish Bar, 275 High Street, Gateshead, NE8 1EP



DRUNKENNESS POLICY.

You as a staff member of this shop are responsible for what happens in the premises when you are on duty. Whether you are selling age restricted products or re stocking shelves it is your duty to be aware of everything that is happening around you. You will have already filled out your responsible service of alcohol form and are already aware of the consequences of serving somebody alcohol that is under the age of 18 or even serving someone over the age of 18 that intends to supply the alcohol to someone under 18. If you have not filled out this form speak to your manager immediately. Being vigilant to proxy sales is essential.

Alcoholic Drinks are not allowed to be consumed in the premises or outside as there is a Public Space Protection Order in place in the area and it will associate the shop with poor management and anti-social behaviour.

You must also realise that it is an offence to allow the service of alcohol to a drunk on the premises. It is your duty to recognize the symptoms of someone that is drunk and refuse service if necessary.

• The Collins dictionary definition of a drunk is:

"intoxicated with alcohol to the extent of losing control over normal physical and mental functions"

• The Oxford English Dictionary states that drunkenness is *"having drunk intoxicating liquor to an extent which affects steady self-control"*

Effects of Drunkenness

You may recognize someone that is drunk by keeping the above statements in mind or from your own experiences here are a few more points that may help you

- Glazed, possibly reddened eyes
- Slurred speech
- Poor co-ordination (staggering, being unsteady on their feet, being unable to count out cash or use a mobile phone)
- Inability to respond appropriately to clearly stated questions or requests
- Strong smell of alcohol on breath
- Rambling conversation
- Unkempt appearance
- Being careless with money
- Bumping into display stands.
- Inappropriate sexual behaviour
- Drowsiness

If you notice any of the above signs in anyone that wishes to be served alcohol at the bar or are even unsure, check with your supervisor or nearest manager. If this is not possible then the easiest way to deal with the situation is simply to say **"I'm sorry but its company policy that I must not serve alcohol to someone whom I believe to be drunk"**. If the customer attempts to argue the point do not get into any kind of confrontational argument with them and simply apologise. Inform the manager immediately and make sure the customer does not get served any more alcohol. If the customer becomes aggressive use any of the following: -

- Contact a supervisor
- Phone the Police

It is your duty to be responsible in the way you serve alcohol. If you fail to observe the rules in serving persons under 18 and/or persons deemed to be intoxicated, you are committing an offence and may be fined by the Police and/or disciplined for misconduct.

Proxy Sales

'Proxy sales' is a term used to describe the purchase of alcohol on behalf of children. A person commits an offence if they buy or attempt to buy alcohol on behalf someone under the age of 18. Especially when serving through the hatch, you must be very vigilant as to who you are selling the alcohol to. Observe the potential customer, are they perhaps acting on behalf of younger persons around the corner. Make use of the CCTV and identify regular customers being confronted by young persons. It is your duty to prevent alcohol from falling into the hands of under 18 year olds.

You must be satisfied that you are actually selling the alcohol to the genuine individual and not to a proxy sale elsewhere.

Duty of care to those involved in incidents of Drunkenness

It is important that those involved in incidents of drunkenness are taken care of if correctly. As this shop seeks to offer the sale of alcohol it is your responsibility to be fully satisfied that the purchaser is not drunk at the time of purchase. You may have potential customers attend the shop after having been drinking in an on licenced premises. **You must assess them and if drunk refuse the sale.**

It is very important that all customers attending the shop are safe, that they enter go about their business and leave safely, and make their way home. It is simply our duty to make sure they are safe while under our care.

Tony's Fish Bar, 275 High Street, Gateshead, NE8 1EP



Disorder and Drunkenness Policy Declaration

This shop will not tolerate disorderly behaviour towards staff or fellow patrons. To counteract any such behaviour, we will seek to do the following:

- Refuse to serve alcohol to people who have consumed too much alcohol and those who attempt to purchase alcohol for people who are in the same condition.
- Refuse entry to people who have already consumed too much alcohol.
- We will not allow people who have consumed too much alcohol to remain on licensed premises.
- Be aware of troublesome signs e.g. people becoming more vocal, aggressive, unsteady on their feet, uncoordinated movements, inflamed eyes, increasing self-confidence and loss of self-restraint.
- We will not tolerate anti-social behaviour.
- Ensure that all staff are aware of the standard of behaviour that is acceptable from customers and the set procedures in place to deal with such behaviour.
- We will attend shop watch where possible and report any incidents both to the Police and/or Pubwatch should the situation require.

By signing here, I agree to adhere to the disorder and drunkenness policy for this shop and I am happy that my role in enforcing this approach has been explained to me as part of my staff training.

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Date 03/02/25

PUBLIC SPACES PROTECTION ORDER



CONSUMING ALCOHOL IN THIS AREA IS PROHIBITED.
THE USE OF SPEAKERS OR AMPLIFIERS IS PROHIBITED.

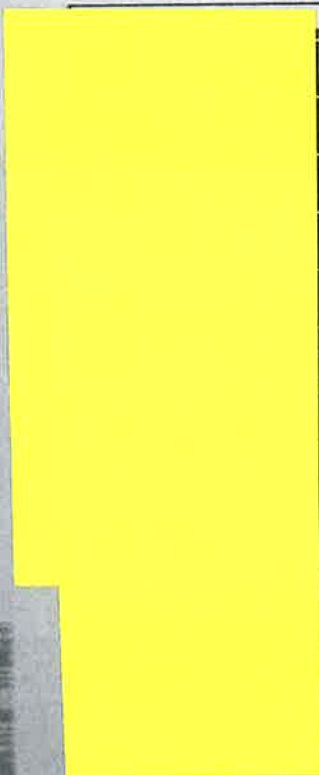
MAXIMUM FINE £1000

FAILURE TO COMPLY WITH THIS ORDER COULD LEAD TO A
£1000 FIXED PENALTY NOTICE OR PROSECUTION AND A
FINE OF UP TO £1000 ON CONVICTION.

This area is subject to a Public Spaces Protection Order (PSPO) under section 57 of the
Anti-social Behaviour, Crime and Policing Act 2014.
Please do not drink alcohol in this area.
If you are a local authority permit holder you may be required to stop drinking alcohol
in this area at any time.

**I have read this document, and I will comply
fully with its contents.**

Name	Signature	Date
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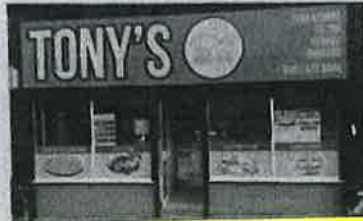


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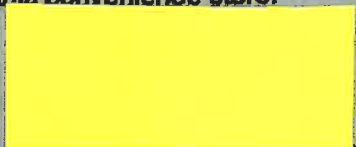
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The only forms of identification I should accept are

- A valid passport.
- UK photo driving licence (Full or a provisional)
- Pass Logo approved proof of age card.
- HM Forces or EU ID card
- I understand that if the customer fails to produce acceptable identification or I believe a person is underage I will refuse to sell any age restricted products and when the customer has left the premises I will complete the refusals register.

I hereby confirm that I have received advice and training from my employer regarding the sale of age restricted products at this convenience store.

Employee Signature



Date 03/02/25

I hereby confirm that I have explained our age verification policy and provided training for them in relation to the sale of alcohol, proxy sales and other age restricted products and feel confident that they are fully understand our policies and procedures to be complied with.

Tim Robson
TJR Licensing



Date 03/02/25

PUBLIC SPACES PROTECTION ORDER



**CONSUMING ALCOHOL IN
THIS AREA IS PROHIBITED.**



**THE USE OF SPEAKERS OR
AMPLIFIERS IS PROHIBITED.**

MAXIMUM FINE £1000

**FAILURE TO COMPLY WITH THIS ORDER COULD LEAD TO A
£100 FIXED PENALTY NOTICE OR PROSECUTION AND A
FINE OF UP TO £1000 ON CONVICTION.**

This area is subject to a Public Spaces Protection Order (PSPO) pursuant to Part 4, Chapter 2 of the Anti-Social behaviour, Crime and Policing act 2014.

Pubs, restaurants, and off-licences do not form part of the PSPO. Areas covered by a 'Temporary Event Notice' or a 'local authority premises licence' are only exempted from the PSPO whilst speakers or amplifiers are being used.

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PUBLIC SPACES PROTECTION ORDER



CONSUMING ALCOHOL IN THIS AREA IS PROHIBITED. THE USE OF SPEAKERS OR AMPLIFIERS IS PROHIBITED.

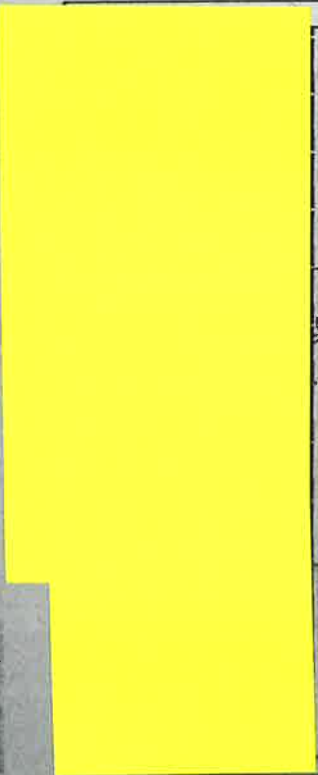
MAXIMUM FINE £1000

FAILURE TO COMPLY WITH THIS ORDER COULD LEAD TO A
£1000 FIXED PENALTY NOTICE OR PROSECUTION AND A
FINE OF UP TO £1000 ON CONVICTION.

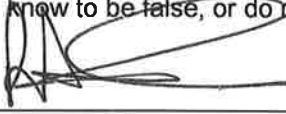
This order is subject to a Public Spaces Protection Order (PSPO) issued under Part 4, Chapter 2 of the
Anti-social Behaviour, Crime and Policing Act 2014.
Also, restrictions and requirements set out here also apply to the public areas covered by a Temporary Event
Order or a Special Events Order issued under the Licensing Act 2003 and the Public Health Act 1936.
Further information is available at: www.birmingham.gov.uk

**I have read this document, and I will comply
fully with its contents.**

Name	Signature	Date
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WITNESS STATEMENT		Form MG11T
(CJ Act 1967, s.9;MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)		
Statement of:	Ryan Askwith	
Age if under 18:	Over 18	(if over 18 insert 'over 18') Occupation: Police Sergeant 2835
This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false, or do not believe to be true.		
Signature:	R . Askwith 	Date: 5/2/25
Tick if witness is visually recorded <input type="checkbox"/> (supply witness details on rear)		

Introduction:

1. I am Sergeant 2835 Ryan Askwith and I am an officer serving with Northumbria Police Gateshead Area Command.
2. I have served as a Police officer since 2008 and have worked on the Neighbourhood Team covering the borough of Gateshead since December 2024. As part of my responsibilities as a neighbourhood police officer I carry out problem solving, safeguarding, deal with anti-social behaviour and address complex community issues.
3. I make this statement in relation to the application for a premises licence by Kiran Chippy Ltd ("the Applicant") in respect of the premises Tony's Fish Bar, 275 High Street, Gateshead, NE8 1EP and in support of the police representation submitted in relation to the same.

The Application:

4. Application is made for a premises licence in relation to Tony's Fish Bar authorising the following licensable activity:
 - (i) Supply of alcohol for consumption off the premises every day of the week between the hours 11:00 – 23:00
 - (ii) Late Night Refreshment (taking place outdoors) on a Friday and Saturday from 23:00 – 00:00

Signature		Signature witnessed by	
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- 5. The individual proposed as the Designated Premises Supervisor (DPS) of the premises is a Mandeep Singh.
- 6. The premises are described in the application is a 'Fish and Chip Shop'.
- 7. At section 'M' of the application the following summary of the steps that will be taken by the Applicant to promote the licensing objectives is indicated:

"CCTV, CHALLENGE 25, REGULAR TRAINING, INCIDENT LOG, ALCOHOL ANCILLARY TO A TAKE-AWAY"

The Premises:

- 8. The premises are situated on High Street, Gateshead.
- 9. The area is covered by a Public Spaces Protection Order (PSPO) that prohibits drinking alcohol in a public place.
- 10. It is understood that the premises are currently trading in the supply of hot food and close before 11pm.
- 11. On High Street there are two separate premises licensed to supply late night refreshment (only late night refreshment and no alcohol sales).
- 12. It is also understood that there is a premises on High Street [not a takeaway premises] that is licensed sell alcohol for consumption off the premises 7 days a week between the hours of 08:00 – 21:00.
- 13. On nearby Jackson Street there a number of a premises licensed to supply alcohol for consumption off the premises [not takeaway premises]. There are also restaurants and pubs nearby that are licensed to supply alcohol.

Police Engagement with the Applicant:

- 14. On the 16th December 2024 Northumbria Police Licensing Coordinator, Phil Biggs made contact with the Applicant's agent, Oisin Daly of Absolute Licensing Solutions via email to seek to clarify the application and the steps the Applicant intends to take to promote the licensing objectives. Mr Biggs sought to clarify the indication in the

Signature	X		Signature witnessed by	
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application that alcohol *would be ancillary to takeaway* and if the Applicant could identify the proposed ratio of food to alcohol and any minimum order requirements.

15. The Applicant’s agent replied by email on the 16th December 2024 confirming their telephone discussion with Mr Biggs earlier that day and stated that *‘this will be ancillary to the primary use of the restaurant’*.

16. The following additional condition was also suggested by the Applicant’s agent in their email correspondence:

“Alcohol shall only be sold with orders which total more than £10”


17. In relation to police concerns regarding the PSPO, the Applicant’s agent suggested a possible condition that *“Persons purchasing alcohol shall also be provided information stating that the premises is situated in a PSPO where alcohol may not be consumed in public places”*. The Applicant goes on to state: *“This would raise awareness of customer and is likely a greater step than local off-licences take in the area. If the premises did become an issue then town CCTV would be able to identify offenders as they would also be seen consuming food from the premises”*

I exhibit the emails exchanged between Mr Biggs and the Applicant’s agent as **Exhibit RA/1**.

The Police Representation:

18. On the 19th December 2024 police submitted a representation to the application. The representation is relevant to the licensing objective of the prevention of crime and disorder.

19. The police representation refers to the location of the premises and the issues of ASB, that the area is covered by a PSPO and police concerns that to permit the sale of alcohol as an accompaniment to takeaway food is likely to lead to increased alcohol consumption in public spaces. The police representation also refers the Council’s Statement of Licensing Policy.

Signature	X		Signature witnessed by	
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Further conditions proposed by the Applicant:

20. On the 4th February 2025 the police were copied into an email sent by Mr Tim Robson of TJR Licensing indicating that he is instructed by the proposed DPS Mandeep Singh.

21. Various training documents and policies are attached to Mr Robson’s email. The documents and policies consider issues such as underage and proxy sales and identifying customers that are intoxicated. Notices in relation to a PSPO are also attached to Mr Robson’s email.

22. Within the body of his email Mr Robson indicates the following:

“The Application does not wish to operate the sale of hot food or drink after 11pm and before 5am daily”.

23. The application submitted for a premises licence seeks authorisation for late night refreshment on a Friday and Saturday between the 23:00 and 00:00. It is not clear if the application is now amended and the request for authorisation to supply late night refreshment is withdrawn.

24. Mr Robson’s email also indicates:

“At present the latest that the shop opens is 10:30pm and trade is very poor”.

25. Further, Mr Robson’s email states *“Alcohol will only be sold ancillary to food”* but does not go on to specify a minimum order amount or the proportion of food that must be purchased before a sale of alcohol can take place. The wording indicated in the email states *“A proportionate cost of food can be agreed upon at which alcohol can be sold”*.

26. There is no indication in the ancillary conditions suggested that steps will be taken by the Applicant to describe and restrict the type and amount of alcohol that shall be sold with a purchase of food.

Police Concerns in Context:

27. Having reviewed this application, the comments by the Applicant’s agent supplied by email on the 16th December 2024 and the correspondence of Mr Robson dated 4th February 2025, the police remained concerned and object to the grant of a premises licence.

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28. The Council's Statement of Licensing Policy states at paragraph 8.23:

"The Licensing Authority will generally not permit the sale of alcohol from 'takeaway' premises that are licensed for late night refreshment, due to the inherent potential for late night alcohol fuelled crime, disorder and anti-social behaviour and the difficulties of addressing such behaviour where the consumption of the alcohol and associated behaviour takes place away from the premises themselves, often in residential areas. Applicants seeking approval to sell alcohol from 'takeaway' premises will need to clearly demonstrate how they will ensure that their activities will not lead to such problems".

29. Police deal regularly with incidents of street drinking in the town centre and criminal offending where alcohol is a relevant factor.

30. In this regard I refer the Licensing Sub-Committee to the witness statements of PSCOs Telford and Hetherington dated 1st February 2025 and which statements I exhibit as **Exhibit RA/2 & Exhibit RA/3** respectively.

31. PCSO Telford states that after looking at incidents in Gateshead Town Centre, there have been x7 Community Protection Warnings issued to individuals who have caused Anti-Social Behaviour relating to alcohol. These Community Protection Warnings were issued between 2nd June 2024 and 11th December 2024. There were x7 Community Protection Notices issued between 15th July 2024 and 5th December 2024 following a breach of the Community Protection Warnings issued and were the subjects of the same continued to cause anti-social behaviour on Gateshead High Street relating to on street drinking.

32. PCSO Telford also states that in 2024 there were 12 arrests relating to drunk and disorderly and refusal to comply with dispersals from Gateshead Town centre who have had community protection warnings or notices. Further, 29 crimes have been committed within Gateshead Town centre relating to alcohol leading to public disorder, theft and drug crime.

33. PCSO Hetherington states that he was on patrol on the 1st February 2025 on High Street West when he came across two females drinking on a public bench. Both females were observed to be under the influence and were argumentative when asked to move on. One of the females was identified as being subject to an exclusion order for the town centre due to her repeated warnings against drinking in a public place. PCSO Hetherington states that street drinking is almost a daily occurrence in Gateshead and something he regularly comes across when he is on patrol.

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34. To address and to seek to prevent alcohol related ASB, amongst other forms of ASB, the Council made a PSPO that prohibits drinking in a public place. The police are also using other ASB tools available such as Community Protection Warnings and followed up with a Community Protection Notice where that warning is not heeded.

35. Whilst it is acknowledged that the PSPO does not apply to licensed premises there is a real risk in the police view that persons who have purchased alcohol with their takeaway food will seek to consume that alcohol on High Street or the surrounding area with their takeaway food and in contravention of the PSPO. Further, it is also possible that persons who are intoxicated having been drinking in nearby licensed premises may seek to purchase alcohol when buying takeaway food and this could lead to a situation of conflict. Takeaways can in any event be flashpoints for crime and disorder without the sale of alcohol also being thrown into the mix.

36. In the email of Mr Robson on behalf of the proposed DPS and Applicant it is indicated that trade at Tony's Fish bar is currently *very poor*. It appears that the business considers selling alcohol (off-sales) from the premises may significantly increase or improve that trade or footfall to the premises, suggesting that off-sales of alcohol will be a significant aspect of the operation.

37. The email correspondence of Mr Robson indicates that alcohol will only be sold ancillary to food but does not go on to specify or condition minimum order requirements or the actual proportion of food that must be purchased before alcohol can also be purchased. It is suggested instead that "*a proportionate cost of food can be agreed at which alcohol can be sold*". It's not clear what the threshold or marker is in that regard and who will determine what is a proportionate cost of food, and if this would for example comprise the sale of a bag of chips or the purchase of a more significant food order.

38. There is also no indication in the application or the correspondence from the licensing agents involved of the type and amount of alcohol that the premises intend would intend to sell.

Signature	X 	Signature witnessed by	
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Conclusion:

39. For all the reasons discussed above, it is the police view that to grant the application for a premises licence and to allow the sale of alcohol for consumption off the premises will undermine the crime prevention objective.

Signature	X 	Signature witnessed by	
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From: [O Daly](#)
To: [Phil Biggs 4684](#)
Subject: Re: FW: Premises Licence Application - Tony's Fish Bar
Date: 16 December 2024 16:43:15

Caution: This email originated from outside of Northumbria Police. Do NOT open any attachments, enter credentials or click any links unless you are expecting them from the sender.

Good Evening,

As discussed on the phone this will be an ancillary offer to the primary use of the restaurant.

Could I propose an additional condition:

"Alcohol shall only be sold with orders which total more than £10"

and possibly - "Persons purchasing alcohol shall be also be provided information stating that the premises is situated in a PSPO where alcohol may not be consumed in public places"

This would raise awareness with customers and is likely a greater step than local off-licences take in the area. If the premises did become an issue then town CCTV would be able to identify offenders as they would also be seen consuming food from the premises.

Kind Regards,

Oisin Daly

Director

Tel: 01277415799

Absolute Licence Solutions Ltd
Co. No. 12211951

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On Dec 16 2024, at 9:02 am, Phil Biggs 4684 <Phil.Biggs@northumbria.police.uk> wrote:

Good morning,

Premises Licence Application – Tony's Fish Bar, 275 High Street, Gateshead, NE8 1EP

Northumbria Police acknowledge receipt of this application to provide off sale of alcohol every day 11:00 – 23:00 and late night refreshment Friday and Saturday 23:00 – 00:00 (as amended to 23:30 in line with planning consent).

Can you please advise if there is an intention to deliver alcohol? If there is, what steps does the applicant intend to take in order to uphold the licensing objectives?

The sale of alcohol will be ancillary to hot food, can you please identify the proposed ratio of food to alcohol and minimum order requirements.

In addition, the area of Gateshead where the premises is located is subject to a Public Spaces Protection Order (PSPO) which means alcohol cannot be consumed in open spaces. What conditions is your client offering to ensure compliance with said order? In my view, passing trade and patrons will purchase chips and similar for consumption immediately or on the journey home and it is more than likely that any alcohol purchased will be consumed at the same time. This would be in contradiction to the PSPO.

I note the consultation period ends on 25 December 2024 and I will need to seek the views of the neighbourhood inspector prior to that date. I am on leave from close of play on Thursday 19 December 2024.

Thanks,

Phil

Phil Biggs 4684
Licensing Coordinator (Partnerships)
Newcastle

| M: 07736 194289 | W: www.northumbria.police.uk

We are a flexible working organisation. Please only respond to this email in your own working hours.

'Our vision is to deliver an outstanding police service; working with communities to prevent crime and disorder and protect the most vulnerable people from harm.'

RESTRICTED FOR POLICE AND PROSECUTION ONLY

(When complete)

NORTHUMBRIA POLICE

Page 1 of 2

WITNESS STATEMENT		Form MG11T
(CJ Act 1967, s.9;MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)		
Statement of :	Adam Lee Telford	
Age if under 18:	Over 18	(if over 18 insert 'over 18') Occupation: PCSO 5571
This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false, or do not believe to be true.		
Signature:	<i>A TELFORD</i>	Date: 01/02/25
Tick if witness is visually recorded <input type="checkbox"/> (supply witness details on rear)		

I am a Community Support Officer 5571 TELFORD based at GATESHEAD POLICE STATION.

On the 1ST of FEBRUARY 2025 at approximately 10:00hrs I was on duty in full uniform at Gateshead police station and asked by my Sergeant, 2835 ASKWITH to provide a statement regarding TONY'S FISH BAR, GATESHEAD.

The business, TONY's FISH BAR have applied for an alcohol license which would be detrimental to Gateshead high street. After looking at incidents taking place within Gateshead Town Centre, there have been x7 Community Protection Warnings issued to individuals who have caused Anti-Social Behaviour relating to alcohol.

The Community Protection Warnings were issued between 2nd JUNE 2024 and 11th DECEMBER 2024. Subsequently, there were x7 Community Protection Notice's issued between 15th JULY 2024 and 5th DECEMBER 2024 where those who have had warnings given have breached and continued to cause anti-social behaviour on Gateshead High Street relating to on street drinking. *A TELFORD*

Signature	<i>A TELFORD</i>	Signature witnessed by	
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Statement of: **Adam Lee Telford**

In 2024 there were x12 arrests relating to drunk and disorderly and refusal to comply with dispersals just from Gateshead Town centre from known nominals who have had community protection warnings or notices. There has also been x29 crimes committed within Gateshead Town centre relating to alcohol leading to public disorder, theft and drug crime.

As part of an initiative, Gateshead Council and Northumbria Police trying to reduce anti-social behaviour in Gateshead Town Centre relating to alcohol and substance abuse, both have applied for a Public Space Protection Order to be put in place. *A TELFORD*

Signature	<i>A TELFORD</i>	Signature witnessed by	
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To finalise the form for submission, export as a new PDF via:
File/Menu > Print > Choose 'Microsoft Print as PDF' as printer > Print



Witness Statement CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

Statement of:

Age if under 18: (if over 18 insert 'over 18')

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: 

PRINT NAME:

Date / /

Tick if witness evidence is visually recorded (supply witness details on rear)



Witness contact details

Home address: _____ Postcode: _____
 Home telephone No: _____ Work telephone No: _____
 Mobile/Pager No: _____ E-mail address: _____
 Preferred means of contact (specify details): _____
 Best time of contact (specify details): _____
 Former name: _____ Date and place of birth: _____
 Gender _____ Ethnicity Code (16 + 1) _____ Religion / Belief (Specify _____)

DATES OF WITNESS NON-AVAILABILITY:

(Consider: Booked holidays, usual holiday dates, set medical or other appointments, religious requirements, academic exam dates and any other known commitments.)

Witness care

a) Is the witness willing to give evidence in court proceedings?
 Yes, via the open court room: _____ Yes, with Special Measures support: _____
 Yes, with practical support: _____
 No, include reasons on MG6 _____
 If Special Measures is sought, complete a Special Measures Assessment (Form MG2) and submit with the File.
 If practical support is sought, indicate the nature of this below:
 Childcare _____ Transport _____ Language _____ Impairment _____ Mobility _____ Other _____
 Additional Detail _____

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes No
- b) I have provided a Victim Personal Statement Yes No
- c) I require my VPS to be read at court on my behalf / I wish to read VPS personally *Tick as appropriate*
- d) I have been given the Victim Personal Statement leaflet Yes No
- e) I have been given the leaflet "Giving a witness statement to the police – what happens next?" Yes No
- f) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice) Yes No N/A
- g) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- h) I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA: Yes No
- i) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. **Tick this box to decline their services:**
- j) Your contact details may be disclosed to Victims First Northumbria if it is felt that you may benefit from their support, unless you prefer not to. **Tick this box to decline their services:**

Signature of witness: _____ PRINT NAME: _____

Signature of parent/guardian /appropriate adult: _____ PRINT NAME: _____

Address and telephone number if different from above: _____

Statement taken by (print name): _____

Station: _____

Time and place statement taken: _____

Kirsty Jennings

From:
Sent:
To:
Cc:
Subject:
Attachments:

Some people who received this message don't often get email from [\[redacted\]](#) **Important**

Caution: This email originated from outside of the Council network. Do not click links or open attachments unless you recognise the sender and know the content is safe. If in doubt, please contact the IT Service Desk.

Dear all

Please find one attached document for submission prior to the hearing tomorrow. Sent prior to the day of the hearing to all parties.

Regards

Tim Robson Fellowship of BII, MIOL, Cert Ed
Event Safety / Licensing Consultant



Highfield
awarding body for compliance
Approved HABC Centre



Subject of legal privilege. Any use, copying or disclosure other than by the intended recipient is prohibited. If you have received this message in error, please notify the sender immediately via 07958694042 and delete this message from your computer and network.

From: Phil Biggs 4684

Subject: Police Evidence - Tony's Fish Bar

Good afternoon all,

Premises Licence Application – Tony's Fish Bar, 275 High Street, Gateshead, NE8 1EP.

Please find statement and exhibits attached by way of service.

Thanks,

Phil

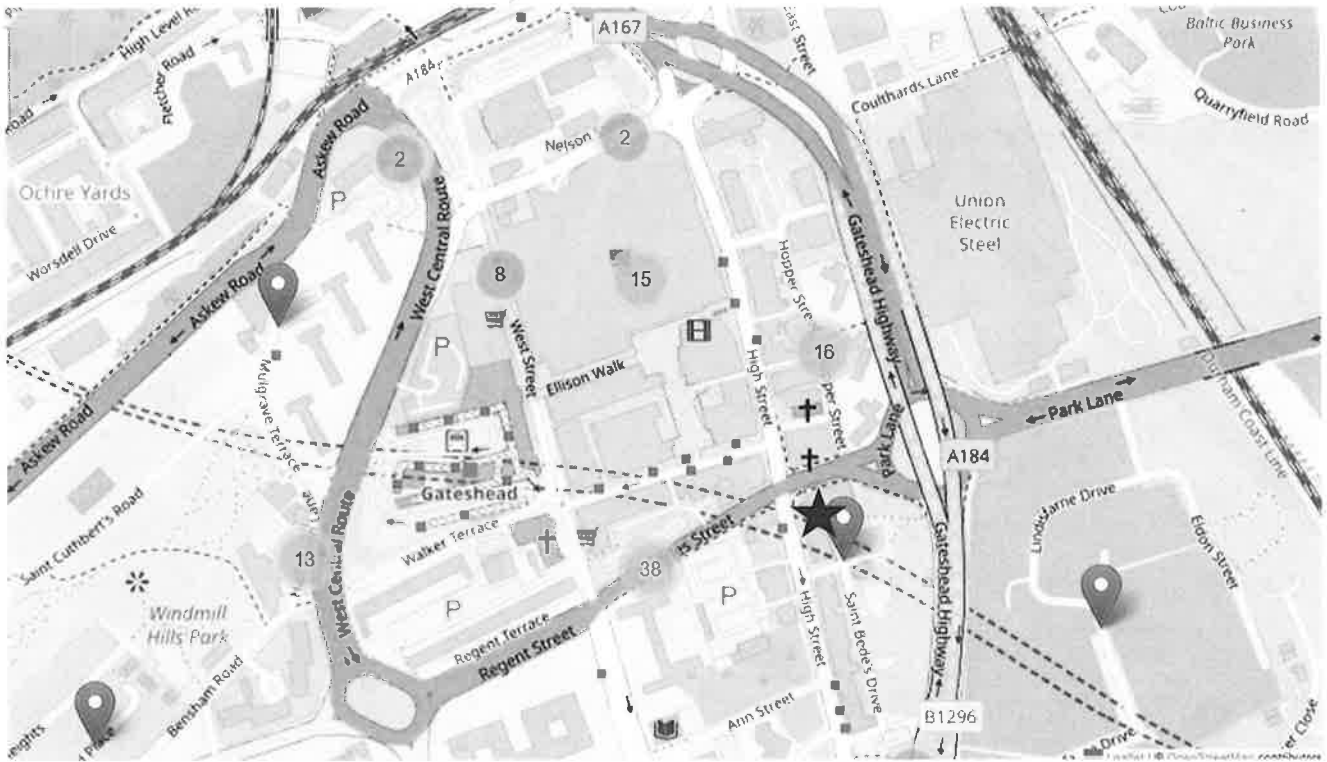
**Phil Biggs 4684
Licensing Coordinator (Partnerships)
Newcastle**

Respond to this email in your own working hours.

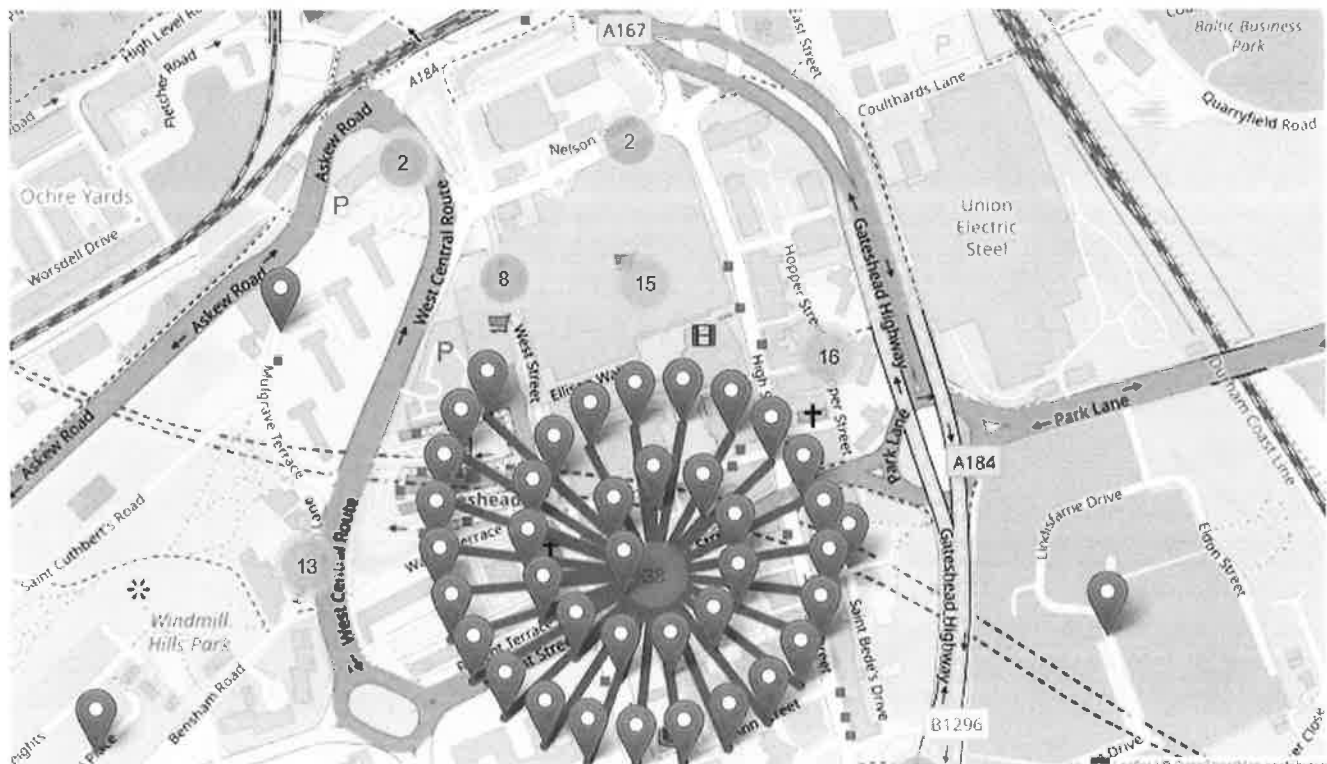
working with communities to prevent crime and disorder and protect the most

Supplementary statistics relating to the area of Gateshead surrounding the area of Tonys fish Bar Exhibit TR1

November 2024

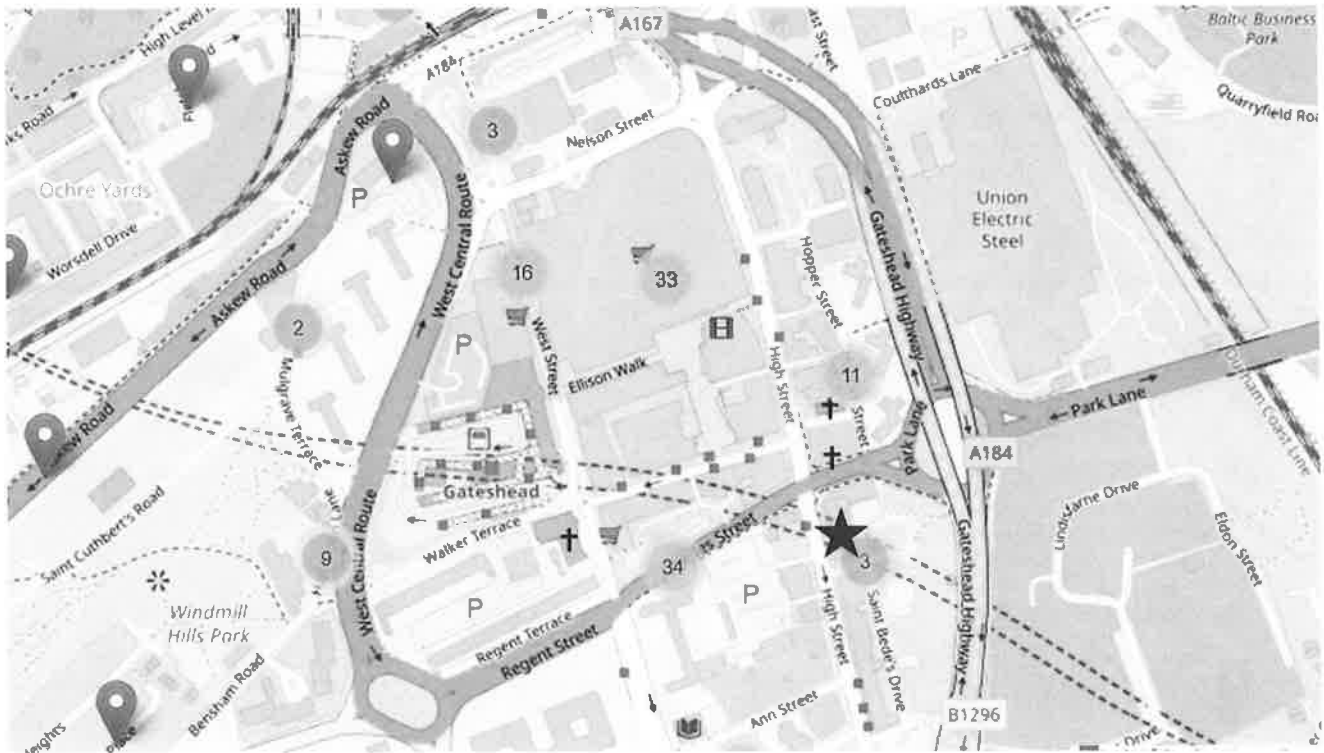


Crimes near the Tilley Stone – Jackson street, Gateshead – November 2024

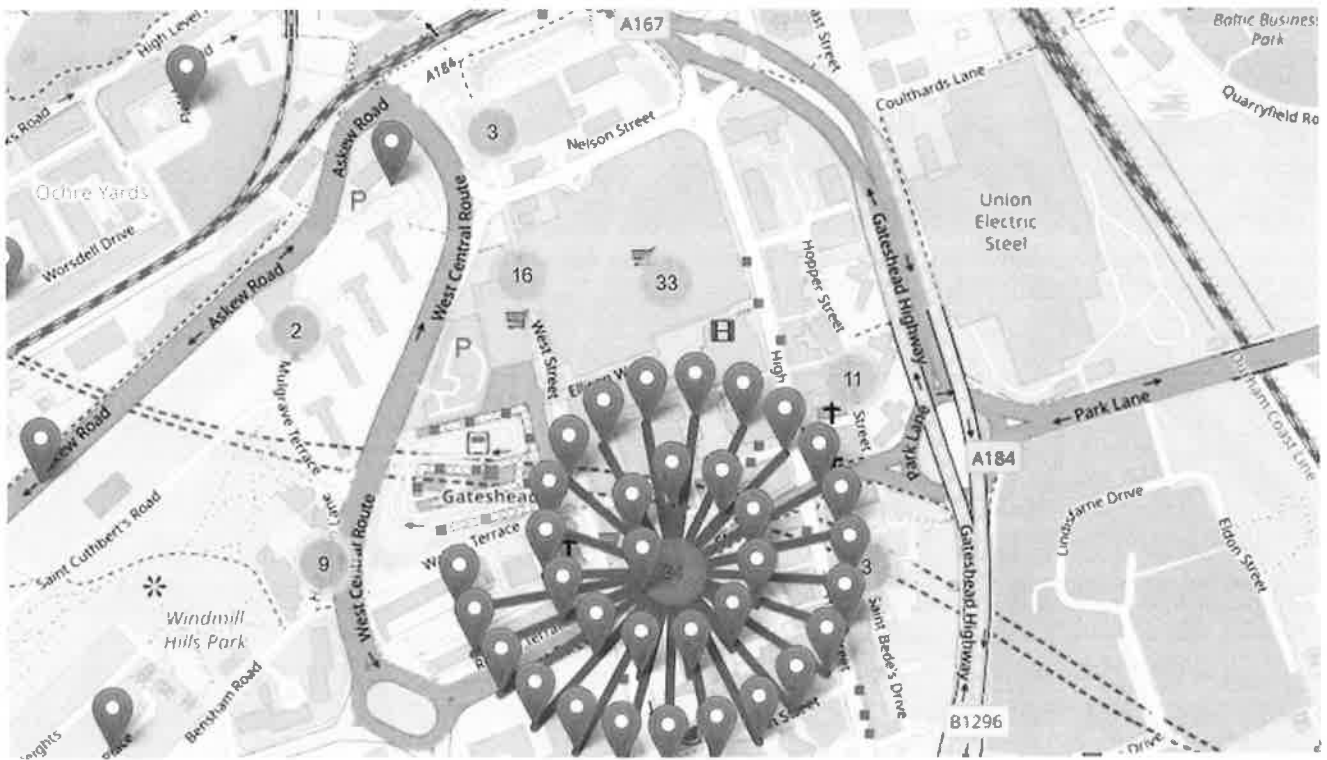


Supplementary statistics relating to the area of Gateshead surrounding the area of Tonys fish Bar TR1

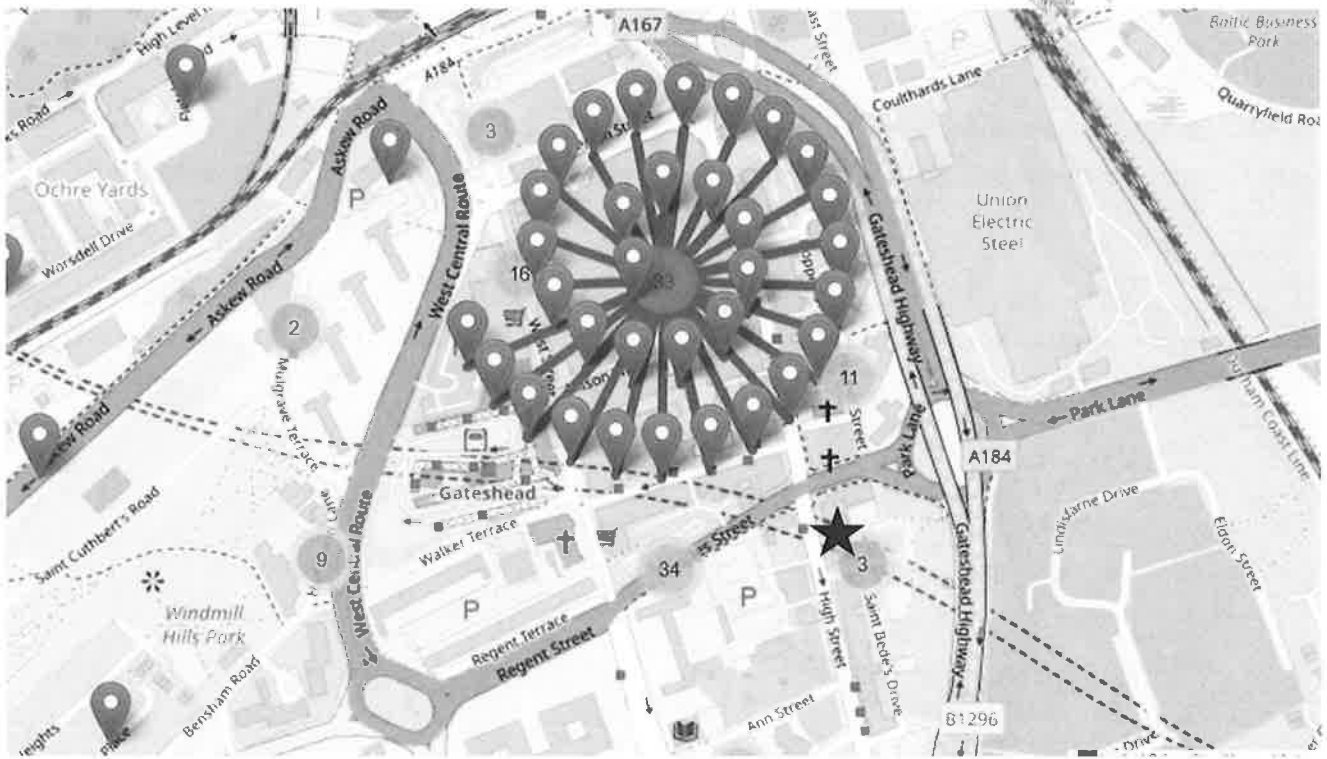
October 2024



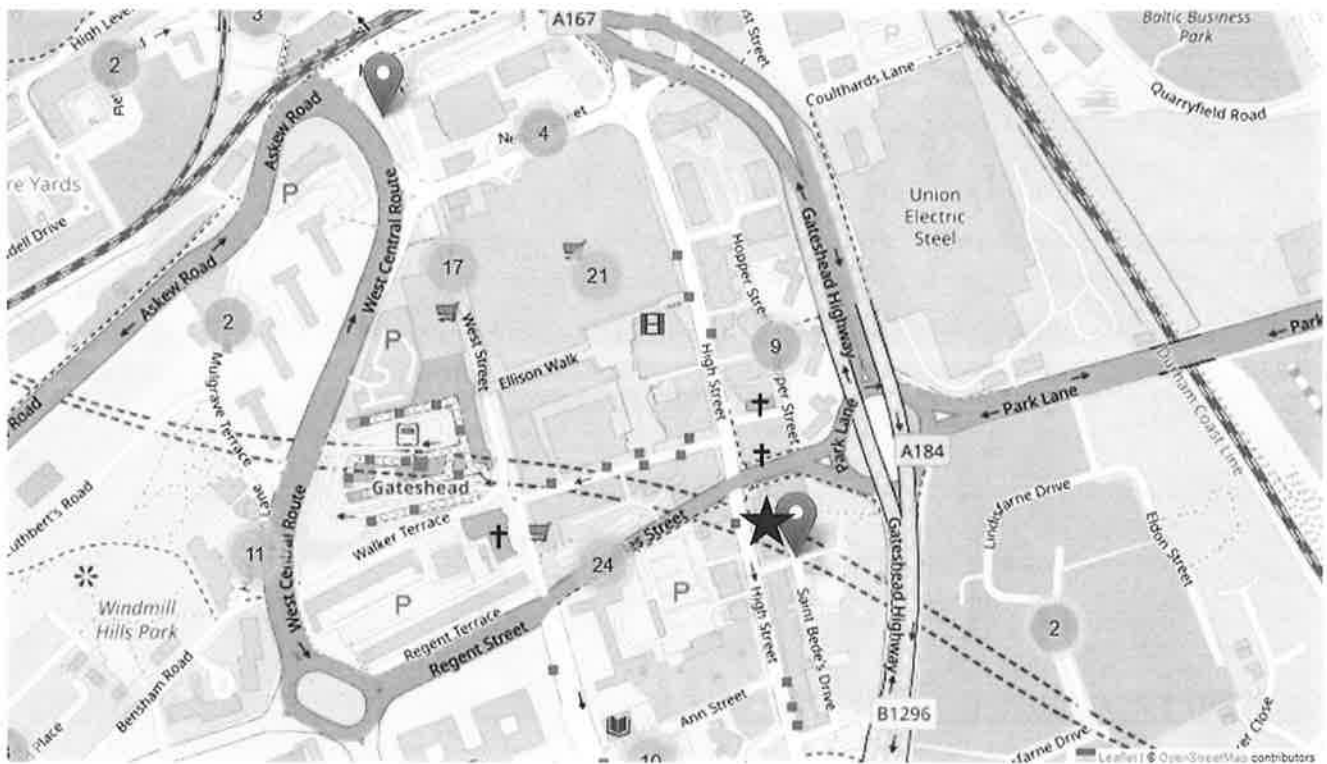
Crimes near the Tilley Stone – Jackson street, Gateshead – October 2024



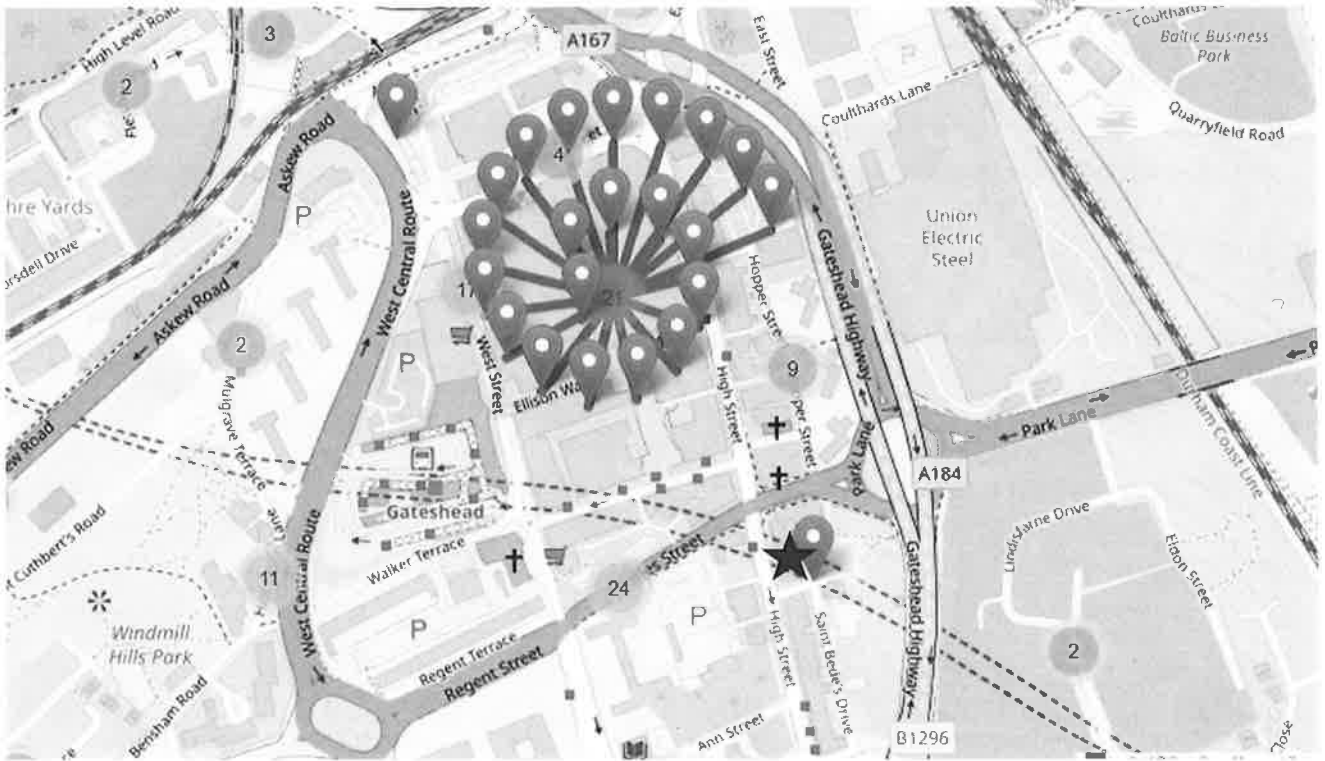
Crimes within or within the footprint of Tesco's Superstore Gateshead – October 2024



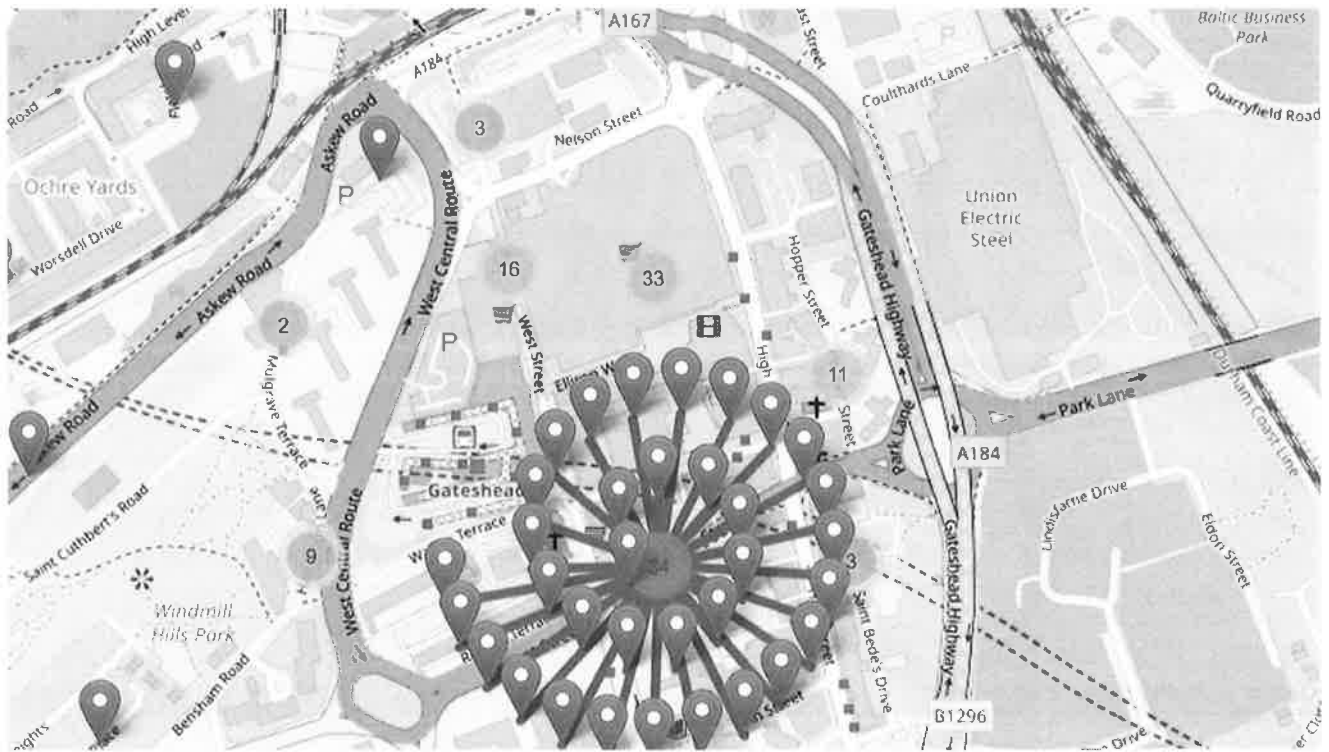
September 2024



Crimes inside or within the footprint of Tesco's Superstore Gateshead – September 2024



Crimes near the Tilley Stone Wetherspoons – Jackson street, Gateshead – September 2024



Source <https://www.streetcheck.co.uk/crime/ne81bx/2024/10>

Kirsty Jennings

From: O Daly
Sent: 05 February 2025 22:37
To:
Cc:
Subject:

Caution: This email originated from outside of the Council network. Do not click links or open attachments unless you recognise the sender and know the content is safe. If in doubt, please contact the IT Service Desk.

Dear All,

I must agree with Mr Robson.

And please can this email also be submitted to the committee for consideration.

The submission of additional material less than 24hrs before the hearing takes place is unacceptable. One statement was written on the 01st Feb and the other signed on today's date. There has been ample time to express concerns during the consultation period and in the period pending the hearing taking place.

We know that Sec 18 of the Licensing Act Hearings Regs 2005 allows for additional material to be submitted prior to hearing. However, the Sec 182 guidance encourages concerns to be raised at the early opportunity to provide adequate time to consider and potentially resolve disputes.

Section 182 -

9.32 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing.

The onus is clearly on responsible authorities to act in a timely manner, in this case the police.

The relevance of the police as the objectors submitting late evidence becomes more relevant with their duty to adhere to the Police and Criminal Evidence Act 1984.

The act governs criminal proceedings, and licensing is regulatory, so it could be argued that PACE does not apply.

However, given the right of appeal to the magistrates court for any decision of the committee, it follows that the standard rules of disclosure should therefore be applied to the responsible authority that has a duty to adhere to them.

The committee may consider the additional documentation but, a court could consider that the late submission of evidence would not have afforded the applicant adequate time to consider the evidence.

Section 78 of PACE is clear - "In any proceedings, the court may refuse to allow evidence on which the prosecution proposes to rely to be given if it appears to the court that, having regard to all the circumstances, including the circumstances in which the evidence was obtained, the admission of the evidence would have such an adverse effect on the fairness of the proceedings that the court ought not to admit it."

The primary reason being that the evidence that has been provided is hearsay and has no supporting documentation.

The burden in a criminal case is on the prosecution, the burden in this case is on the police.

Whilst it has been stated that crimes have occurred, there are no supporting crime references, details of dates, times, circumstances, initial crime recording nor final outcomes.

The applicant should be afforded the opportunity to properly interrogate the mentioned crime reports.

The committee may consider what relevance this has? They do have the final say on evidence and they can still consider it.

Bearing this in mind, we would ask that the committee utilise their ability under section 17 of the licensing hearings regs to properly interrogate the evidence given.

Since the hearing is to consider whether the grant of this licence could undermine the licensing objectives, with the licence only potentially being granted for certain times for licensable activities, the committee could rightly ask what times the mentioned offences occurred.

If all the mentioned crimes that are occurring are between 1am and 5am, the the grant of this licence would have little or no impact on those crimes being exacerbated.

The police must also consider their duty to adhere to the Criminal Procedure and Investigations Act 1996

The CPIA specifically regulates the disclosure of evidence and some of its provisions have broader relevance, especially regarding fairness in proceedings. Such as in this licensing hearing.

There are some key areas of the CPIA which are of relevance:

Part 1 – Disclosure of Material in the Prosecution's Possession (Sections 3 to 7):

Duty to Disclose: The police (acting as part of the prosecution) have a duty to disclose material that may undermine their case or assist the defense. This includes evidence collected during the investigation that could support the accused's defense or make their case weaker.

What could be considered a weakness in the police submissions is the fact that the crimes that have been mentioned have not been confirmed with a specified outcome. Did the offence involve alcohol? What time did it take place? Where did the offence originate?

Timely Disclosure: The disclosure must be made at an early stage (before the trial or hearing), to allow the defense a reasonable time to review the material and prepare its case.

Regretfully, and for the consideration of the committee prior to the hearing, the police acting as a responsible authority have submitted material late in this matter which does not allow the applicant a fair hearing.

The right to a fair trial is enshrined in the Human rights act at section 6(1) -

"In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal."

The protection afforded by the Human Rights Act extends to licensing hearings, and would be a consideration for any appeal made to the magistrates court.

There are several examples of successful challenges to the high court around where the submission of late evidence was found to be prejudicial.

Thwaites v. Trafford Borough Council (2004) - The court found that procedural fairness was compromised in this case, particularly because the licensee was not given enough time to respond to late evidence. This breach of the right to a fair hearing (under Article 6) led to a successful challenge of the decision.

R (on the application of M) v. East Lindsey District Council (2014) - This case involved a licensing decision about a caravan site. The court emphasized the need for clear procedures and sufficient opportunity for all parties to present their case, particularly in light of the importance of public confidence in the licensing process.

R (on the application of Manchester City Council) v. Local Authority Licensing Panel (2012) - This case focused on fairness in the conduct of a licensing hearing, specifically about how late submissions of evidence were handled. The court ruled that procedural fairness (including timely disclosure) was crucial to upholding the fairness of the hearing under Article 6.

We sincerely hope that the committee when considering this matter are advised to also consider what weight to place on the fact that the evidence that has been submitted is not only late but is also incomplete, beyond the the officers statement there is no factual evidence to base a decision on.

We ask the committee not to completely disregard the police concerns but to consider the fundamentals of their decision and properly determine if the granting of this licence is likely to undermine the licensing objectives.

We submit that it will not.

This is a food led operation, within policy hours, with an offered condition that the sale of alcohol will be ancillary to a relatively substantial order of food.

The premises will not be an attraction to street drinkers and will not be open late to attract crime or disorder.

Thank you for considering.

Kind Regards,

Oisin Daly

Director

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On Wed, Feb 05, 2025, 06:01 pm tjrlicensing

Dear All

The submission of evidence this late in the proceedings does not allow myself or my client an opportunity to digest and prepare a response to the evidence. This falls outside of the normal expected submission times and ample opportunity has been provided for the attachments to the representations to be submitted prior to the hearing to allow a just and fair hearing.

This is not very professional to say the least.

I shall discuss this with my client to ascertain whether an adjournment is necessary.

Regards

Tim Robson Fellowship of BII, MIOL, Cert Ed
Event Safety / Licensing Consultant



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From: Phil Biggs 4684

Sent: 05 February 2025 16:21

To:

Subject: Police Evidence - Tony's Fish Bar

Good afternoon all,

Premises Licence Application – Tony's Fish Bar, 275 High Street, Gateshead, NE8 1EP.

Please find statement and exhibits attached by way of service.

Thanks,

Phil

Phil Biggs 4684
Licensing Coordinator (Partnerships)
Newcastle