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26 August 2020

Your contact is: Jenny Hazell - Committee Services

NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 2 - 3 SEPTEMBER 2020

A meeting of the Licensing Applications Sub-Committee 2 will be held on Thursday, 3 September 2020 at 9.30 am as an online meeting via Microsoft Teams. The Agenda for the meeting is set out below.

	<u>WARDS AFFECTED</u>	<u>Page No</u>
1. DECLARATIONS OF INTEREST		
a) Councillors to declare any disclosable pecuniary interests they may have in relation to the item for consideration. b) Councillors to declare whether they wish to speak on the grounds they: (i) Have submitted a relevant representation; or (ii) Will be speaking on behalf of someone who has submitted a relevant representation.		

2. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE ABBEY 3 - 48 - PHANTOM BREWING COMPANY, MEADOW ROAD, READING

To consider an application for the variation of a Premises Licence in respect of Phantom Brewing Company - Unit 3-5 Meadow Road, Reading.

CIVIC OFFICES EMERGENCY EVACUATION: If an alarm sounds, leave by the nearest fire exit quickly and calmly and assemble on the corner of Bridge Street and Fobney Street. You will be advised when it is safe to re-enter the building.

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Agenda Item 2

LICENSING ACT 2003

APPLICATION FOR THE VARIATION OF A PREMISES LICENCE

1. Premises:

Phantom Brewing Co
Unit 3 - 5 Meadow Road
Reading
RG1 8LB

2. Applicant:

Phantom Brewing Co. Limited
Halstead,
Old Bath Road,
Sonning,
RG4 6TQ

Hours for the Sale by Retail of Alcohol

Wednesday from 1700hrs until 2000hrs
Thursday from 1700hrs until 2000hrs
Friday from 1500hrs until 2200hrs
Saturday from 1300hrs until 2200hrs

Hours the Premises is Open to the Public

Wednesday from 1700hrs until 2030hrs
Thursday from 1700hrs until 2030hrs
Friday from 1500hrs until 2230hrs
Saturday from 1300hrs until 2230hrs

A copy of the current Premise Licence (Number LP1001067) is shown at
Appendix LIC-8

4. Proposed licensable activities and hours:

Hours for the Sale by Retail of Alcohol

Wednesday from 1700hrs until 2200hrs
Thursday from 1700hrs until 2200hrs
Friday from 1500hrs until 0000hrs (midnight)
Saturday from 1300hrs until 0000hrs (midnight)
Sunday from 1300hrs until 2000hrs

Hours the Premises is Open to the Public

Wednesday from 1700hrs until 2030hrs
Thursday from 1700hrs until 2030hrs
Friday from 1500hrs until 0000hrs (midnight)
Saturday from 1300hrs until 0000hrs (midnight)
Sunday from 1300hrs until 2000hrs

The applicant also proposes a number of conditions in respect of the

proposed activities.

Additional Planning information to the Application is shown at
Appendix LIC-9

Additional information to the Application is shown at **Appendix LIC-10**

5. Temporary Event Notices

In considering any application the Licensing Authority should be aware of the possible use of Temporary Event Notices to extend entertainment activities or hours of operation. A premises may extend the hours or scope of their operation by the use of Temporary Event Notices. Up to 15 events per year can be held under this provision at a particular premises. These events may last for up to 168 hours provided less than 500 people are accommodated and provided the total number of days used for these events does not exceed 21 per year.

6. Date of receipt of application: 07.07.2020

A copy of the application form and plan are attached as **Appendix LIC-1**

7. Date of closure of period for representations: 06.08.2020

8. Representations received:

During the consultation process for the application, the following representations were received from:

Planning Team (attached at **Appendix LIC-3**)

From Resident 1(attached at **Appendix LIC-4**)

From Resident 2(attached at **Appendix LIC-5**)

From Resident 3 (attached at **Appendix LIC-6**)

From Resident 4 (attached at **Appendix LIC-7**)

The Licensing team representation was withdrawn as suggested conditions were agreed with the Applicant (attached at **Appendix LIC-2**)

9. Licensing Objectives

In considering representations received the Licensing Authority has a duty to carry out it's functions with a view to promoting the four licensing objectives, which are as follows:

- the prevention of crime and disorder;
- public safety
- the prevention of public nuisance
- the protection of children from harm

Any conditions that are placed on a premises licence should be appropriate and proportionate with a view to promoting the licensing objectives. The Licensing Authority can amend, alter or refuse an application should it be deemed appropriate for the promotion of the licensing objectives.

The Council's licensing policy also places an onus on applicant's who wish to open past 11pm to demonstrate how they will mitigate the issues of crime and disorder and potential public nuisance.

Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2018)

Licensing Objectives and Aims:

1.5 (However) the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

They include:

protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;

Steps to promote the licensing objectives

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or

voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.45 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:

- the Crime Mapping website;
- Neighbourhood Statistics websites;
- websites or publications by local responsible authorities;
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

8.46 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

The role of responsible authorities

9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Licensing authorities acting as responsible authorities

9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.

Proposed conditions

10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before

making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

Public Nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

Integrating strategies

14.63 It is recommended that statements of licensing policy should provide clear indications of how the licensing authority will secure the proper integration of its licensing policy with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other plans introduced for the management of town centres and the night-time economy. Many of these strategies are not directly related to the promotion of the licensing objectives, but, indirectly, impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important.

Licensing Act 2003

The Licensing Act 2003 under Section 35 also states that any relevant

representation should be considered in the context of:

- (a) the likely effect of the grant of the premises licence on the promotion of the licensing objectives.

Therefore in the context of the grant of a licence, it is reasonable for the Licensing Authority to base its decision on an application on what the likely effects of granting a licence would have on the promotion of the licensing objectives.

The Council's Statement of Licensing Policy (October 2018)

Licensing and Planning Integration

2.3 The planning authority have a number of policies that impact on Reading's night time economy. The Licensing authority recognises that licensing applications should not be a rerun of the planning application process. The planning authority remains the regime that is directed at development of land and the use of premises upon it. The licensing authority remains the regime that is directed at the licensable activities and responsible management of said premises upon that land.

2.4 Whilst there is a clear distinction and separation between the licensing authority and planning authority in terms of their remit, there are times when there are overlapping considerations. In order to secure proper integration across the Council's range of policies, the **Licensing authority will expect applicants to demonstrate that their proposed use of a premises is lawful in planning terms, including complying with any conditions and timings that may be imposed upon a planning consent prior to any application being submitted under the Licensing Act.**

2.5 Where the planning authority has granted planning consent to a specific time, the Licensing authority would expect any applicants under the Licensing Act to not exceed that time within any application.

2.6 Where the planning authority has granted a planning consent that contains conditions that may undermine the promotion of the licensing objectives (such as a restriction in the opening hours based on potential public nuisance issues), the licensing authority would expect applicants to demonstrate how they will mitigate those issues within any application. Failure to do so could lead to representations being made against an application.

2.7 Whilst acknowledging that planning and licensing are separate regimes and that licensing authorities are not bound by the decisions of planning committees (and vice versa), the licensing authority shall aim for the proper integration between licensing and all other Council policies, strategies and initiatives in order to actively promote the licensing objectives.

Other Legislation that the Licensing Authority will consider:

3.7 The Licensing Authority will also have cognisance to the following legislation when it decides to discharge its responsibilities under the Licensing Act. This list is not exhaustive:

- Environmental Protection Act 1990 which deals with noise and nuisance
- Regulatory Reform Order 2005 which deals with fire safety
- Highways Act 1980 which deals with pavement café licences
- Reading Borough Council Act 2013 which deals with street trading and touting
- Health and Safety at Work Act 1974 and Food Hygiene regulations
- Planning legislation (see paragraphs 2.2-2.9 of this policy)

Off Licences and Conditions - General Approach

6.11 Shops selling alcohol for consumption off the premises can be the focus of antisocial behaviour, crime and disorder and public disturbance. In the town centre and Oxford Road area, for example, there are significant issues with street drinking and the associated anti social behaviour this causes.

6.12 Any applications for off licences shall be considered in the light of all relevant matters that may undermine the licensing objectives such as street drinking in that locality as well as the availability of high strength beers, lagers and ciders and the detrimental effect those products have on health outcomes. This approach will apply to the whole Borough of Reading and the authority will seriously consider any representation made to it by Thames Valley Police, Public Health or other responsible authorities which indicate that the availability or sale of high strength beers, lagers and cider are likely to be detrimental to the promotion of the four licensing objectives.

6.13 When considering applications for off licences, the authority would expect applicants to acknowledge the above issues within their operating schedule.

6.14 The authority, whilst taking all applications on their own merits, will not generally grant applications for the 24 hour sale of alcohol for consumption off the premises. The authority will expect proactive measures to be included within the operating schedule that prohibits or restricts the sale of high strength beers, lagers and ciders above 6.5% in order to assist with preventing street drinking, preventing anti social behaviour and to actively promote the licensing objectives.

6.15 Applications for off licences would also be expected to contain evidence of appropriate staff training, the utilisation of a Challenge 25 age verification policy and the use of CCTV to cover the entire proposed licensable area. This is not an exhaustive list and conditions should be appropriate and proportionate to the style of operation and taking into account the issues in the locality.

6.16 All licence holders will be expected to actively participate in initiatives set up in Reading which aim to tackle the issues of alcohol related anti

social behaviour and the proliferation of high strength beers, lagers and ciders above 6.5%. Initiatives such as ‘Reducing the Strength’ are proven to reduce alcohol related anti social behaviour in the Borough

Licensing Hours - General Approach

7.1 The Licensing Act 2003 gives the licensing authority the power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of this policy. The licensing authority will make appropriate decisions on licensing hours for the locality of each premises. All applications will be considered on its individual merits.

7.2 When an application receives representations, the authority may consider reducing the opening hours and times for licensable activities if it considers it appropriate for the promotion of the licensing objectives.

7.3 As part of the operating schedule submitted with any application, the applicant is expected to take cognisance of the guidance, this policy and any other available data pertaining to their prospective locality and the potential impact their operation may have on that area.

7.4 Where it is deemed appropriate and proportionate to do so, the authority may seek to reduce the hours for licensable activities in order to promote an orderly and gradual dispersal from a certain area or certain premises.

7.5 All applicants and licence holders are expected to achieve and to adhere to any relevant planning permissions - including hours of operation. Applicants are expected to achieve planning permission before applying for any licence. Where the planning authority have set a terminal hour on a premises planning permission, the licensing authority will generally only grant a licence to that hour. This is to ensure consistency and integration between licensing and planning as detailed in section 2 of this policy.

Licensed Premises in Residential Areas

7.6 When dealing with applications and issuing licences, the authority is likely to impose stricter conditions on premises operating in residential areas if it considers it appropriate and proportionate to do so. This will apply to all premises types.

7.7 Generally, any licensed premises looking to open past 11pm (2300hrs) in a residential area will need to demonstrate clearly in their operating schedule that public nuisance will not result from later operation. As part of the operating schedule, applicants should read the Secretary of State’s Guidance, this policy and any other relevant document and ensure that

robust measures are included in any application.

7.9 Premises with outdoor areas such as beer gardens and smoking areas may also be subject to further restrictions in regard to their operation and use.

7.13 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during their normal trading hours. However, in the case of individual shops that are suspected or known to be a focus of crime and disorder, anti social behaviour or public nuisance, then subject to relevant representations being received, a limit on licensing hours and opening hours may be appropriate.

Appendices

LIC-1 Application

LIC-2 Licensing team agreed conditions

LIC-3 Planning representation

LIC-4 Resident representation 1

LIC-5 Resident representation 2

LIC-6 Resident representation 3

LIC-7 Resident representation 4

LIC-8 Premises licence

LIC-9 Additional Planning information from Applicant

LIC-10 Additional information from Applicant

Lic/03.09.2020 phantom/report/pn

* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

Phantom04

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Dominic

* Family name

Gemski

* E-mail

dom.gemski@phantombrew.com

Main telephone number

07979195129

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

Yes

No

Note: completing the Applicant Business section is optional in this form.

Registration number

11079384

Business name

Phantom Brewing Co.

If your business is registered, use its registered name.

VAT number

GB

302445100

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company

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Your position in the business	Director	The country where the headquarters of your business is located.
Home country	United Kingdom	
Registered Address		Address registered with Companies House.
Building number or name	Unit 3	
Street	Meadow Road	
District		
City or town	Reading	
County or administrative area	Berkshire	
Postcode	RG1 8LB	
Country	United Kingdom	

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number LP1001067

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name	Unit 3
Street	Meadow Road
District	
City or town	Reading
County or administrative area	Berkshire
Postcode	RG1 8LB
Country	United Kingdom

Premises Contact Details

Telephone number	07979195129
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Non-domestic rateable
value of premises (£)

18,500

Section 3 of 18

VARIATION

Do you want the proposed variation to have effect as soon as possible?

Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

We would like to propose variations to our current license in the following Thursdays we currently have licensed 1700 to 2000 and we would like to have this extended from 1700 to 2200. We still will not be open every Thursday but would like to be able to have the extra hours leading into and over the summer so we can run a small shuffleboard and skeeball league at our venue and have enough time to complete.

Fridays we currently have 1500 to 2200 and Saturdays we currently have 1300 to 2200. We propose to change both of these to 0000. We intend to the majority of the time still close at 2200 as per current license, however if we have a special event or staff birthday, it gives us a few extra hours we are able to stay open for such thing. During these extended hours all activity would take place indoors even during summer as any outdoor area would be shut off to the public except for leaving the premises and any music played over our speakers would be turned down due to being the later hours of the day. We would stop further entry to the premises on the extended events at 2200 so the extra hours would be for the allowance of those already in the ancillary bar. There would not be any increase in activities other than the extra 2 hours the bar could be open.

We would like to extend our Wednesday hours to the same proposal that is for our Thursday hours. We are also requesting modest Sunday hours as beer checks always happen so the brewery is constantly staffed then.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes

No

Continued from previous page...

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes No

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start	<input type="text"/>
Start	<input type="text"/>

End	<input type="text"/>
End	<input type="text"/>

Provide timings in 24 hour clock
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start	<input type="text"/>
Start	<input type="text"/>

End	<input type="text"/>
End	<input type="text"/>

WEDNESDAY

Start	17:00
Start	<input type="text"/>

End	22:00
End	<input type="text"/>

THURSDAY

Start	17:00
Start	<input type="text"/>

End	22:00
End	<input type="text"/>

FRIDAY

Start	15:00
Start	<input type="text"/>

End	00:00
End	<input type="text"/>

SATURDAY

Start	13:00
Start	<input type="text"/>

End	00:00
End	<input type="text"/>

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SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

During summer we would open on the Sunday and Thursday hours initially depending on if we have custom then. Sunday hours would most likely not be used during the winter months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Any additional non-standard timings would be for a major holiday like christmas even and new years eve, however we would complete a TENs for such event.

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None of the above, only the consumption of alcohol during licensed hours.

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

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TUESDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text"/> 17:00	End	<input type="text"/> 22:00
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text"/> 17:00	End	<input type="text"/> 22:00
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text"/> 15:00	End	<input type="text"/> 00:00
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text"/> 13:00	End	<input type="text"/> 00:00
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text"/> 13:00	End	<input type="text"/> 20:00
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Not expected seasonal variety. Later hours would be used in case of a staff event primarily.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As stated previously regarding serving Alcohol

Continued from previous page...

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

N/A

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

We are committed to the following actions to ensure that all four of the licensing objectives are promoted.

b) The prevention of crime and disorder

CCTV is installed and covers the entrance, bar and licensed area, with recordings being kept for a minimum of 30 days, with a minimum of 30 frames per second. A4 sized posters will be placed in visible areas, advising that CCTV is in operation. All signs comply with the requirements of the Data Protection Act 2002.

An incidents book is readily available. It contains full details of any incidents of disorder and refused alcohol sales. It is kept on site at all times and is available at any time for inspection by a recognized member of the council or police force.

No one carrying open or sealed bottles or glasses will be admitted to the premises.

No customers will be permitted to take open containers of alcoholic or soft drinks from the premises.

No customers shall be allowed on site outside of the licensed hours.

c) Public safety

Irresponsible drinks promotions must not be permitted, and the standards for the management of responsible drinks promotions including 'happy hours' produced by the British Beer and Pub Association will be complied with.

The licence holder or people authorised by them must check the premises before it opens to the public to ensure there are no risks to patrons and that all safety precautions are in place.

All staff will receive appropriate training about emergency and general safety precautions and procedures. This will be refreshed every 6 months.

Continued from previous page...

The licence holder must ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

Free drinking water must be made available at all times the premises is open to the public.

d) The prevention of public nuisance

The licence holder must ensure that staff regularly patrol the premises both indoors and out to supervise the orderly conduct of patrons.

Prominent, legible notices requesting people to leave the premises and the area quietly must be displayed at all exists

The licence holder, or persons authorised by them, must control the volume of regulated entertainment taking place at the premises.

To minimise the effect of littering, the applicant will provide litter bins both inside and directly outside the premises. During opening hours, and at the close of business, arrangement must be made for litter from the business to be collected from the immediate vicinity and stored inside the premises pending collection.

e) The protection of children from harm

A challenge 21/25 policy must be employed where those individuals who appear to be under the age of 21/25 attempting to purchase alcohol must be asked for identification. The only type of ID that will be accepted is PASS accredited ID, passport or photo driving licence.

All staff must be trained in challenge 25 protocols - this training will be refreshed every 6 months.

All staff will be trained to ensure they can identify and refuse 'proxy purchasing of alcohol.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. The fee payable will be based on the rateable value of the property. Band A - £0 - £4300 - Fee Payable - £100 Band B - £4301 - £33,000 - Fee Payable - £190 Band C - £33,001 - £87,000 - Fee Payable - £315 Band D - £87,001 - £125,000 - Fee payable - £450 Band E - £125,001 and over - Fee payable - £635 Additional fees apply to outdoor events.

* Fee amount (£)

100.00

DECLARATION

I/WE UNDERSTAND THAT IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE * STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

Dominic Gemski

* Capacity

Director

* Date

06 / 07 / 2020

dd mm yyyy

Full name

Michelle Gemski

Capacity

Personal License Holder

* Date

06 / 07 / 2020

dd mm yyyy

Continued from previous page...

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/reading/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number	Phantom04
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

APPENDIX LIC-2

Phantom Brewing
Unit 3 - 5, Meadow Road, Reading, RG1 8LB

Robert Smalley - Licensing - Proposed Conditions

Reading Borough Council's Licensing team propose the following additional conditions be attached to any premises licence that may be issued:

1. The requirement for door supervisors to be employed whenever the premises is open from 2000hrs until the last customer has left the premises shall be risk assessed. A written risk assessment shall be carried out by the DPS or nominated representative and produced upon request to authorised officers of Reading Borough Council and Thames Valley Police upon request.
2. Whilst on duty Door Supervisors shall be clearly identifiable and display Hi-Vis personalised armbands containing their SIA badge.
3. When employed, a register of Door Supervisors shall be kept. The register must include the following details:
 - Full SIA registration number.
 - Date and time that the Door Supervisor commenced duty, countersigned by the Designated Premises Supervisor or Duty Manager.
 - Date and time that the Door Supervisor finished work, countersigned by the Designated Premises Supervisor or Duty Manager
 - Any occurrence or incident of interest involving crime & disorder or public safety must be recorded giving names of the Door Supervisor involved.

The Door Supervisor register shall be kept at the premises and be available for inspection by an authorised officer of Thames Valley Police, or an authorised officer from Reading Borough Council and shall be retained for a period of six months.

4. No licensable activities or opening times will be authorised at any time that would result in a breach of any planning condition(s) based on the current planning permission. The premises licence holder must have applied for and been granted planning permission to at least the times stated on the licence before commencing activities to those hours.
5. All doors and windows must be kept closed, other than for access and egress, from 2000hrs

Condition 17 on the current licence be amended to state:

Any deliveries for online orders shall only take place on Wednesday and Thursday from 17.00 until 21.00, Friday from 15.00 until 22.00 and Saturday from 13.00 until 22.00hrs.

If the premises licence holder agrees to have the above additions and amendments attached to the licence, then Licensing will not make a representation.

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APPENDIX LIC-3

From: Hughes, Tom <Tom.Hughes@reading.gov.uk>
Sent: 06 August 2020 10:58
To: Smalley, Robert <Robert.Smalley@reading.gov.uk>
Cc: Bedford, Susanna <Susanna.Bedford@reading.gov.uk>
Subject: Phantom Brewing Co – Unit 3-5 Meadow Road

Hi Robert,

Please see below Planning's consultation response to the extended opening hours at Phantom.

Phantom Brewing Co - Unit 3-5 Meadow Road

A Lawful Development Certificate was granted under 190744/CLP for the use of part of the site as a taproom, ancillary to the principal use as a brewery. A Lawful Development Certificate is a legal document stating the lawfulness of past, present or future development. If granted by the Local Planning Authority, the certificate means that enforcement action cannot be carried out to the development referred to in the certificate. However, the certificate will not protect from enforcement action by the Local Planning Authority if the specified use or development is then changed 'materially' without a planning application for it. The certificate is not a planning permission. The planning merits of the use, operation or activity in the application are not relevant.

The certificate was granted only on the basis of whether the taproom would constitute an ancillary use. In determining the extent of the ancillary use, matters including the amount of floorspace attributed, opening times and predicted turnover were considered. The applicant provided various evidence to confirm the ancillary nature of the taproom including:

- The taproom would take up no greater than 12% of the total floor area of the brewery
- Opening times of the taproom would not exceed 22 hours per week, and only between the hours of 5-8pm on Wednesdays and Thursday, 3-10pm on Fridays and 1-10pm on Saturdays
- The predicted turnover of sales from the taproom would be no greater than 15% of total brewery sales - the taproom sales themselves would not therefore represent a viable business

Based on the information supplied with the application, it was accepted that the proposed taproom use would be ancillary to the operation of the brewery and therefore, in accordance with Section 55 (2.f) of the Town and Country Planning Act 1900, would be a lawful use as part of the existing B2 use. The Lawful Development Certificate was granted to this effect.

The brewery is now seeking extended hours of opening, up to 37 hours per week including on Sundays. Officers consider that such an increase in opening hours would constitute a material change in the use of the site. It is questioned whether the taproom would remain an ancillary use on this basis. The change of use of the

site would require planning permission, from a brewery (with an ancillary taproom use) (Class B2) to a mixed taproom and brewery (*Sui Generis*).

As above, the wider planning merits of the taproom were not relevant to the Lawful Development Certificate application. Accordingly, there was no consideration of the impact of the use on neighbouring residential amenity. The closest existing residential dwellings are located approximately 90m east of the site on Addison Road. Of greater significance, the residential development of the former Cox & Wyman site, directly opposite Phantom Brewery, for 96 dwellings is currently being built out.

Officers therefore object to the extended hours of opening of the taproom on the basis of unlawful change of use of the site. An application for Full Planning Permission would be welcomed, so that implications of extended taproom hours of opening can be considered fully, particularly with regard to the impact on neighbouring residential amenity.

Regards,

Tom Hughes
Planning Officer
Planning Section | Directorate for Economic Growth and Neighbourhood Services

Reading Borough Council
Civic Offices, Level 1 North
Bridge Street
Reading
RG1 2LU

01189374150
07855126484

Email: tom.hughes@reading.gov.uk

[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)



APPENDIX LIC-4

From: Anon
Sent: 08 July 2020 21:50
To: Licensing <Licensing@reading.gov.uk>
Subject: Re: PHANTOM BREWERY, UNIT 3, MEADOW ROAD, READING, RG1 8LB

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Please do refrain from publishing any of my details online or elsewhere publicly.

Thank you

From: Anon
To: licensing@reading.gov.uk <licensing@reading.gov.uk>
Subject: PHANTOM BREWERY, UNIT 3, MEADOW ROAD, READING, RG1 8LB

Good afternoon,

I am writing with regards to the license application for Phantom Brewery. I live on Swansea Road and am concerned about the late night opening on weekends which they have proposed - this is a predominantly residential area, and I am concerned about the noise impact of closing so late.

Thanks
Anon

Click [here](#) to report this email as spam.

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APPENDIX LIC-5

-----Original Message-----

From: Jonathan Dart
Sent: 18 July 2020 14:43
To: Licensing <Licensing@reading.gov.uk>
Subject: Objection to Variation of License for Phantom Brewery

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Dear Sir or Madam,

I am writing to object to the extension to the opening hours of the Phantom Brewery, Unit 3, Meadow Road RG1 8LB. My objection is to the extension of the Friday and Saturday opening hours to midnight.

The reason I oppose this is that patrons will have to walk through a residential area after closing time to return home, causing noise nuisance to those living along routes to the Caversham Road from the brewery, many of whom will be trying to sleep at midnight. In addition, people will soon be living directly opposite the premises once the old Cox and Wyman site, now known as the Print Works, has been developed and will also be caused nuisance at closing time. I therefore propose that Phantom Brewery not be allowed to open after 10 pm.

Yours sincerely,

Jonathan Dart, Addison Road, Reading.

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APPENDIX LIC-6

From:

19 July 2020 20:47

To: Licensing <Licensing@reading.gov.uk>

Subject: Licence extension for Phantom Brewery, Meadow Road

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

As a local resident (Addison Road, Reading,) I am concerned about extending the licence to midnight on 2 nights a week. It is likely that some customers will walk back through our residential area to the main road, and this could bring unwanted noise late at night. In a few months, there will be many more houses and flats in the area, some directly opposite the brewery on the old Cox & Wyman site – these could have noise nuisance all evening, not just later on.

Andy Ellis

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APPENDIX LIC-7

From: H Cole
Sent: 05 August 2020 23:18
To: Licensing <Licensing@reading.gov.uk>
Subject: Phantom Brewery, Meadow Road

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

I object to the extension of the night time opening hours on Friday and Saturday until 00:00 for the reason of protecting residential amenity, preventing public nuisance, crime and disorder (nuisance, antisocial behaviour).

No objection to the proposed opening times on the other days. However, the proposed extension of opening hours from 22 to 37 is indicative of a change to a drinking establishment (pub/bar) rather than an ancillary process and conflicts with the Certificate of Lawfulness for a Proposed Use or Development, 190744, 10 July 2019.

Haydn Cole
York Road
Reading

Click [here](#) to report this email as spam.

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LICENSING ACT 2003 PREMISES LICENCE - PART A

Reading Borough Council being the Licensing Authority under the above Act, **HEREBY GRANT** a **PREMISES LICENCE** as detailed in this licence.

Premises Licence Number	LP1001067
-------------------------	-----------

Premises Details

Trading name of Premises and Address

Phantom Brewing Co
Unit 3 - 5
Meadow Road
Reading
RG1 8LB

Telephone Number

Where the Licence is time limited the dates the Licence is valid

N/A

Licisable Activities

Licisable Activities authorised by the Licence

Sale of Alcohol by Retail - On & Off the Premises

Authorised Hours for Licensable Activities

The times the licence authorises the carrying out of licensable activities

Hours for the Sale by Retail of Alcohol

Wednesday from 1700hrs until 2000hrs
Thursday from 1700hrs until 2000hrs
Friday from 1500hrs until 2200hrs
Saturday from 1300hrs until 2200hrs

Opening Hours

Hours the Premises is Open to the Public

Wednesday from 1700hrs until 2030hrs
Thursday from 1700hrs until 2030hrs
Friday from 1500hrs until 2230hrs
Saturday from 1300hrs until 2230hrs

Alcohol

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Sale of Alcohol by Retail - On & Off the Premises

Premises Licence Holder

Name, (registered) address of holder of premises licence

Name: Phantom Brewing Co. Limited
Address: Halstead, Old Bath Road, Sonning, RG4 6TQ

Additional Details

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Name: Ms Michelle Smith
Address: Halstead, Old Bath Road, Sonning, RG4 6TQ

Designated Premises Supervisor

Personal Licence number and issuing authority of personal licence held by the designated premises supervisor where the premises licence authorises the supply of alcohol

Personal Licence Number: PL1562
Issuing Authority: Wokingham Borough Council

This Licence shall continue in force from **24/05/2019** unless previously suspended or revoked.

Dated: 24 May 2019

Signed on behalf of the issuing licensing authority



Francis Martin
Executive Director for Economic Growth and Neighbourhood Services

Annex 1

Mandatory Conditions

Supply of Alcohol

To be applied where a premises licence authorises the supply of alcohol

- 1 No supply of alcohol may be made under the premises licence:-
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- 2 Every supply of alcohol made under the premises licence must be made or authorised by a person who holds a personal licence.

Film Exhibitions

To be applied only where a premises licence or club premises certificate authorises the exhibitions of films

- 1 The admission of children to any exhibition of any film must be restricted in accordance with section 20 of Part 3 of the Licensing Act 2003.
- 2 In the case of films which have been classified by the British Board of Film Classification admission of children to films must be restricted in accordance with that classification.
- 3 In the case of films which have not been classified by the British Board of Film Classification, admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.

Door Supervisors

To be applied where a premises licence or club premises certificate includes a condition that any person must be at the premises to carry out a security activity. [Except premises with a premises licence authorising only plays or films or premises used exclusively by a club].

- 1 Each individual present at the licensed premises to carry out a security activity must be licensed by the Security Industry Authority.

Responsible Drink Promotions (commencement date 01/10/2014)

- 1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- 2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Supply of Tap Water (commencement date 01/10/2014)

1. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Age Verification Policy (commencement 01/10/2014)

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.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
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.

Drink Measurements (commencement date 01/10/2014)

1. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Minimum Permitted Pricing (commencement 28th May 2014)

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

4. (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2

Conditions Consistent with the Operating Schedule

General

1. The premises licence holder shall ensure the premises’ digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by the CCTV. There shall be at least one camera positioned at each entry and exit point to monitor any external areas to the premises. This includes any areas designated for tables and chairs and/or a designated smoking area. Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or Reading Borough Council together with facilities for viewing upon request. Recorded images shall be of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.

2. Signs shall be placed in prominent positions on the premises notifying customers that CCTV is in operation.

3. The premises shall at all times operate an age verification policy of at least Challenge 25 to prevent any customers who appear to staff members to be under the age of 25 years from purchasing alcohol without having first provided identification. Only a valid driver’s licence showing a photograph of the person,

a valid passport, national identity card or proof of age card showing the “PASS” hologram are to be accepted as identification. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent positions on the premises.

4. For online sales, a Challenge 25 age verification policy will be used both at the point of sale and at the delivery address. Acceptable forms of ID for production at the delivery address are a passport, a photo card driving licence, a card bearing the ‘PASS’ hologram or Military ID. If a customer is unable to produce identification confirming they are of legal age to purchase alcohol or they do not complete the age verification process during the online sale process, then the sale will be refused and that refusal will be logged in the refusal book.

5. The Premises Licence holder shall display in a prominent position a copy of their policy on checking proof of age.

6. All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the incident and those members of staff who deal with any incident shall also be recorded. Where known, any offenders name shall also be recorded;

a) this record shall be available for inspection by a Police Officer or an authorised officer of Reading Borough Council upon request and shall be retained for one year. The record shall be signed off by the DPS or nominated representative at the end of each trading session;

(b) a weekly review of the incident register shall also be carried out by the DPS.

7. The Premises Licence Holder shall ensure that all staff employed in the sale of alcohol shall be trained in their responsibilities and a record of their training shall be maintained. Such training shall include, but not be limited to, how to retail alcohol in accordance with the premises age verification policy; how and when to refuse service of alcohol and identifying signs of intoxication and proxy purchasing. Refresher training shall be carried out every six months and documented. These records shall be made available to an authorised officer of Thames Valley Police or an authorised officer of Reading Borough Council.

8. Staff employed to sell alcohol shall undergo training upon induction. This shall include, but not be limited to:

- The premises age verification policy
- The law relating to underage sales
- Dealing with refusal of sales
- Proxy purchasing
- Recognising valid identity documents not in the English language • Identifying attempts by intoxicated persons to purchase alcohol • Identifying signs of intoxication
- Conflict management
- How to identify and safeguard vulnerable persons who attend and leave the premises
- Identifying signs of drug usage and prevention
- The four licensing objectives

Such training sessions are to be documented and refreshed every six months.

All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available to an authorised officer of Thames Valley Police and Reading Borough Council upon request.

9. All staff involved in the sale of alcohol shall be trained to record refusals of sales of alcohol in a refusals log (whether written or electronic). The log shall contain:

- Details of the time and date the refusal was made;
- The identity of the staff member refusing the sale;
- Any detail or description of the person refused and the reason why This book /register will be available for inspection by a Police Officer or authorised officer of Reading Borough Council upon request.

10. Any online sale shall only be delivered to a bona fide residential or commercial address. Deliveries shall not be made to car parks, bus stops, middle of fields, etc. The premises licence holder shall check the validity of such address before carrying out any delivery. Any order for a non bona fide address shall be refused and that refusal shall be logged in the refusal book.

11. A closure and dispersal policy for controlling the closing of the premises and the departure of customers from the premises at the conclusion of licensed activities shall be put in place and

shall be actively operated. At the end of licensable activities, staff - including door staff - shall be available to disperse customers away from the premises in line with the dispersal policy. The policy

shall be in written format and made available upon request to an authorised officer of Reading Borough Council and Thames Valley Police.

12. The premises licence holder or nominated representative shall actively participate in the local pubwatch scheme should one be operating in the area.

13. No unaccompanied children shall be permitted on the premises at any time.

14. A dedicated staff member trained in First Aid shall be in attendance at the premises at all times. An appropriate number of first aid kits shall be maintained and available at all times.

15. The immediate vicinity outside of the premises and in any external areas associated with the premises shall be kept clear of litter.

16. Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly.

17. Any deliveries for on line orders shall only take place between the hours that the premises is open namely Wed and Thursday 17.00 until 21.00, Fri 15.00 until 22.00 and Sat 13.00 until 22.00hrs.

18. No customers shall be permitted to attend the premises at any time except during the hours that the tap room is open and/or for any prior arranged tours or events. No tours or events shall take place between 22.00hrs and 0800hrs.

Annex 3

Conditions attached after a hearing by the Licensing Authority

N/A

Annex 4

Plans

As attached plan submitted 25/04/2019



Robert Smalley

Licensing Department
Reading Borough Council
Civic Offices
Bridge Street
Reading
RG1 2LU

Thames Valley

5th Floor,
Thames Tower,
Station Road,
Reading, RG1 1LX,

nexusplanning.co.uk

17 August 2020

Dear Robert

PHANTOM BREWING CO – UNIT 3-5 MEADOW ROAD: PREMISES LICENCE

I write to you on behalf of our client, Phantom Brewing Co., in respect of its premises licence application to extend the hours that it may sell alcohol at its brewery located at Unit 3-5 Meadow Road, Reading ("the Site").

Specifically, this letter addresses representations submitted by Planning Officers at Reading Borough Council, explaining that these comments are either unrelated to the four prescribed licensing objectives and therefore not material, or unjustified to the extent that they should hold very little weight.

The premise licence application submitted by Phantom Brewing Co. must be considered on its merits only in respect of:

- the prevention of crime and disorder;
- public safety;
- prevention of public nuisance; and
- protection of children from harm.

Therefore, reference to the planning history and context of the Site by Planning Officers, which does not relate to the four licensing objectives, is not material to this premises licence application.

Nevertheless, Planning Officers have made assumptions and appear to prejudge matters of what is and what is not lawful on the Site, which cannot be left unanswered (even though not material to the premises licence application).

The lawful use of the Site is as brewery, which has a Class B2 general industrial use. A lawful development certificate (reference 190744/CLP) was granted establishing that a taproom (a bar selling drinks to the public) could operate as ancillary to the main brewery use, without there being a material change of use.

London

Birmingham

Manchester

Thames Valley

This application provided information in respect of the ancillary nature of the taproom, including its overall floor area, hours of opening, and predicted turnover as a proportion of total brewery sales.

Whilst this information supported the lawful development certificate, it is important to understand that should circumstances surrounding the taproom change (such as hours of opening, floorspace and turnover), this does not automatically render it unlawful as compared to being lawful under the approved lawful development certificate. The taproom operating under different circumstances may still be considered ancillary to the Class B2 brewery use, as a matter of fact and degree.

Thus, conclusions jumped to by Planning Officers that an increase in hours of opening of the taproom would result in a material change of use, without any discussion with Phantom Brewery Co. or any awareness of the full relationship between the taproom and the brewery, are premature and unfounded. Phantom Brewery Co. would welcome dialogue with the Planning Officers in respect of all material considerations of fact and degree relating to this matter.

But the point remains that even if a change of use were to occur through the taproom's additional hours of opening, this is irrelevant to the consideration of the premises licence application.

Therefore the Planning Officers' reason for objecting to the premises licence application "*on the basis of unlawful change of use of the site*", is not a material reason to do so.

Reference is made by Planning Officers to existing residential development in the area, including that being delivered opposite the Site, but do not provide any justification as to why that relationship with the taproom causes issue in respect of the four licensing objectives.

In terms on general amenity, it is relevant that the Site has a Class B2 general industrial use, located in a designated core employment area suitable for intensive and potentially noisy industrial uses. Industrial activities on the Site are not restricted by hours of use. The brewery or any other general industrial use could therefore operate 24 hours a day, as operational and economic necessities might require.

For Planning Officers to consider a small taproom bar (the type of activity commonly found in residential areas across Reading) might be harmful to surrounding residential amenity, against the unfettered general industrial use of the Site, would be unjustified.

Overall

I would be pleased if this letter can be taken into account in the consideration of Phantom Brewery Co.'s premises licence application.

Yours sincerely,



Andrew Somerville
Associate Director

cc. Phantom Brewery Co.

APPENDIX LIC-10 – Additional Information from the Applicant

From: Dom Gemski

Sent: 10 August 2020 13:57

To: Narancic, Peter <peter.narancic@reading.gov.uk>

Subject: Representations against Phantom Brewing application

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Hi Peter,

Thanks for sending through the representations made against our application to extend our opening hours.

I understand that local residents have reservations about noise and disturbances - it is natural that they would see the application and perhaps 'fear the worst' that a 'late night establishment' will be open nearby to their homes.

I'd love to respond to these with the following points:

- We do not intend to stay open that late as a regular practice of business. Our application is intended to give us the ability to be open later for special events (to avoid us having to submit TEN notices) and also to allow our staff to have a drink after they finish their shift, without breaking any of our licensing regulations.

- We have yet to receive a single complaint relating to noise or disturbance since we opened last year. We have cooperated fully with all the relevant public departments to ensure we are not causing any distress to our neighbours.

- Our establishment does not serve low cost alcohol, and our clientele typically does not include people wanting to binge drink. We have policies in place to refuse alcohol sales to intoxicated persons, even if this were the case. Our brewery brand is aimed at customers wanting to enjoy a higher quality beverage, rather than quantity. As such, we have never had to refuse a person alcohol in our premises, or have we had to include any incident reports in our own incidents and refusals log book.

- We have many customers who live locally to the tap room - we are incredibly welcoming and are looking to provide more jobs to local residents as we look to grow our business.

I'd like to extend an invitation to any of these residents to visit the brewery, should they wish to do so, where I'd be happy to personally discuss any concerns they have. I'm confident that once they visit our premises and see how we operate as a business and how we take our community very seriously, they would perhaps reconsider their representations. I'd be happy to also discuss these on a phone call, if that would be preferable.

With regards to the representation made by planning, I would ask that we have this week to speak with our planning consultants to respond accordingly. Can you please relay this on to the planning department and offer my gratitude for their cooperation as we look to get back to them as soon as possible.

Best Regards,
Dom Gemski

Director

[Instagram](#)

[Twitter](#)

[Facebook](#)

Phantom Brewing Co.
Unit 3, Meadow Road,
Reading,
Berkshire,
RG1 8LB

Click [here](#) to report this email as spam.