

Licensing Sub-Committee Report

Item No:	
Date:	06 October 2016
Licensing Ref No:	16/06672/LIPN - New Premises Licence
Title of Report:	Fernandez & Wells Limited 73 Beak Street London W1F 9SR
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Ms Claire Hayes Senior Licensing Practitioner
Contact details	Telephone: 020 7641 7816 Email: chayes@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	29 June 2016 (valid on 07 July 2016)		
Applicant:	Fernandez & Wells Limited		
Premises:	Fernandez & Wells		
Premises address:	73 Beak Street London W1F 9SR	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises operate as a coffee shop / delicatessen		
Premises licence history:	The premises have not been previously licensed.		
Applicant submissions:	Further information in support of the application including a menu has been submitted and attached as Appendix 2.		
Additional Information	<p>The application has been amended since submission. Late night refreshment has been removed along with extended hours on New Year's Eve. The hours on Sundays (start times), have also been reduced to core hours.</p> <p>Additional conditions have been agreed with the Police and Environmental Health and are set out in Appendix 4.</p>		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start:	10.00	10.00	10.00	10.00	10.00	10.00	12.00
End:	23.00	23.00	23.00	23.00	23.00	23.00	22.00
Seasonal variations/ Non-standard timings:			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start:	10.00	10.00	10.00	10.00	10.00	10.00	12.00
End:	23.00	23.00	23.00	23.00	23.00	23.00	22.00
Seasonal variations/ Non-standard timings:			None				
Adult Entertainment:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Ayesha Bolton
Received:	26 July 2016
<p>I refer to the application for a new Premises Licence for the above premises. The applicant has submitted floor plans of the Ground floor drawing number A/02/101 rev H dated November 2006.</p> <p>The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.</p> <p>The applicant has provided conditions in support of the application but these do not fully address the concerns of Environmental Health and additional conditions may be proposed.</p> <p><u>Update</u></p> <p>A number of conditions have been proposed by the Environmental Health Officer and all but one have been agreed. Please see conditions set out in Appendix 4.</p>	

2-B Other Persons			
Name:	Cllr Glenys Roberts		
Address and/or Residents Association:	Westminster City Hall 64 Victoria Street London SW1E 6QP		
Status:	Valid	In support or opposed:	Opposed
Received:	25 July 2016		
<p>As ward councillor I should like to support the residents in opposing the change of this premises into an alcohol led business. This is against the aims of our cumulative impact policy which seeks to prevent public nuisance and disorder I may wish to speak at the hearing</p>			

Name:		Elizabeth Callingham	
Address and/or Residents Association:		Not provided	
Status:	Valid	In support or opposed:	Opposed
Received:	25 July 2016		
<p>I strongly oppose this application for a NEW licence at Fernandez and Wells on Beak Street. We note that this application was headed '73 Beak Street' instead of naming the premises for easy recognition when reading the Licensing Register. We also note that this application closes on August 4th at the height of the holiday season. Fernandez and Wells is in the now categorised Cumulative Impact zone.</p> <p>That should be enough to reject this audacious application. Beak Street is a narrow street with narrow pavements In the last 5 years at least 30 restaurants have opened in this immediate area. We would request to show our video indicating the arrival of licensed premises, at the hearing.</p> <p>This is Cumulative Impact at its height and we thank the Council for recognising and categorising it as played out on West End streets and particularly the narrow Soho streets.</p> <p>Fernandez and Wells is a deli with coffee. That is how it should remain. This application asks for later opening than the current early evening hours. This suggests that insufficient profit is being made from deli and coffee. This further suggests that if Fernandez and Wells gains a NEW licence then it will be alcohol driven causing further Cumulative Impact at this crucial artery into the West End.</p> <p>If any restaurant now gains permission to become a bar all restaurants will have carte blanche to do the same.</p> <p>Is this the kind of Soho Westminster sees as good news? London tourism and heritage demands much more than a bar.</p> <p>Westminster gets many things right - please can there be a re-think on the power to reject an application if it flouts current rules before the expense of a hearing and gross intrusion into the life of residents?</p> <p>Currently 30 new flats are being built on Upper James Street with more residents to consider. A new restaurant is proposed on the ground floor of the Victorian, recently demolished Police House on Beak Street.</p> <p>I strongly oppose this licence on the grounds of Cumulative Impact, Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety.</p>			
Name:		Hannah Moody	
Address and/or Residents Association:		Property Manager Principia Estate & Asset Management The Studio 16 Cavaye Place London SW10 9PT	

Status:	Valid	In support or opposed:	Opposed
Received:	25 July 2016		
<p>I strongly object to the application for a new licence at Fernandez and Wells on Beak Street.</p> <p>Beak Street is a narrow street with narrow pavements and in the last 5 years at least 30 restaurants have opened in this immediate area.</p> <p>Fernandez and Wells is a deli with coffee and this application asks for later opening than the current early evening hours. This suggests that if they gain a new licence then it will be alcohol driven causing further impact.</p> <p>If any restaurant now gains permission to become a bar all restaurants will have a chance to do the same.</p>			
Name:	Martin Callingham		
Address and/or Residents Association:	Flat 2 6 Upper John Street W1F 9HB		
Status:	Valid	In support or opposed:	Opposed
Received:	25 July 2016		
<p>I object to yet another unlicensed premises applying for a licence in a cumulative impact area as it will obviously cause more people to come onto the street. This is especially irksome as it is very near a pub (The Sun and Thirteen Cantons) that fills the pavements with drinkers. There is also the issue of more delivery noise - probably between 5.00 and 8.00 am - as constraints on delivery time are widely ignored. Also, other so called restaurants ignore provisions that restrict the sale of alcohol to be with 'substantial food' (which I understand is a little as a toasted sandwich) and have therefore defacto been effectively granted a pub licence - which they would not have been had they applied for it in an honest way.</p>			
Name:	Mr Duncan McCall QC		
Address and/or Residents Association:	6 Upper John Street London W1F9HB		
Status:	Valid	In support or opposed:	Opposed
Received:	25 July 2016		
<p>As a resident at 6 Upper John Street, I oppose this application for a new alcohol licence at an existing coffee shop in Beak Street. The premises is in a Cumulative Impact Zone that is already over-supplied with outlets selling alcohol. If permitted, this application would set a dangerous precedent in that many of the other numerous coffee shops in the area would see it as opening the door to them to also obtain an alcohol licence.</p> <p>This is a relatively residential part of Soho, with more flats planned to be built in the vicinity in the near future. The delicate balance of the area could so easily be upset by a further influx of alcohol licences. Fernandez and Wells already have a licensed premises just around the corner in Lexington Street. They (and the local residents) do</p>			

not need another one in Beak Street.

Name:	Dr Joshua Sofaer		
Address and/or Residents Association:	65c Beak Street London W1F 9SN		
Status:	Valid	In support or opposed:	Opposed
Received:	20 July 2016		

I strongly oppose the application from Fernandez and Wells at 73 Beak Street applying for a new licence.

Fernandez and Wells is a very welcome deli / coffee and cake cafe on Beak Street, in a Cumulative Impact zone in the West End Stress Area. As a licensed premises, they would turn the junction of Beak Street and Great Pultney Street into a night time 'drinking square' with the Sun & 13 Cantons pub directly opposite them. Residents are already having to fight past evening drinkers on the pavements and in the streets to get into our homes. Beak Street is a narrow street and we cannot accommodate the current licensed premises, let alone a new one.

On grounds of Cumulative Impact, Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety, I strongly urge you to reject this application.

Additional Information submitted

Fernandez and Wells is a very welcome deli / coffee and cake cafe on Beak Street, in a Cumulative Impact zone in the West End Stress Area. As a licensed premises, they would turn the junction of Beak Street and Great Pultney Street into a night time 'drinking square' with the Sun & 13 Cantons pub directly opposite them. Residents are already having to fight past evening drinkers on the pavements and in the streets to get into our homes. Beak Street is a narrow street and we cannot accommodate the current licensed premises, let alone a new one.

On grounds of Cumulative Impact, Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety, I strongly urge the panel to reject this application.

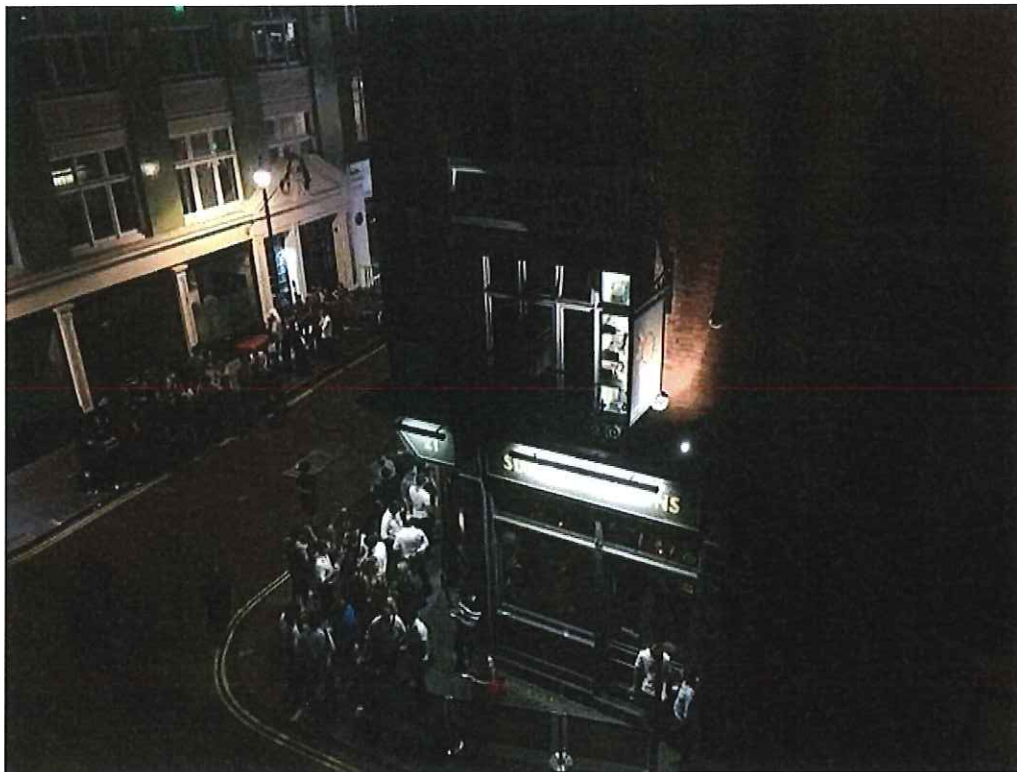
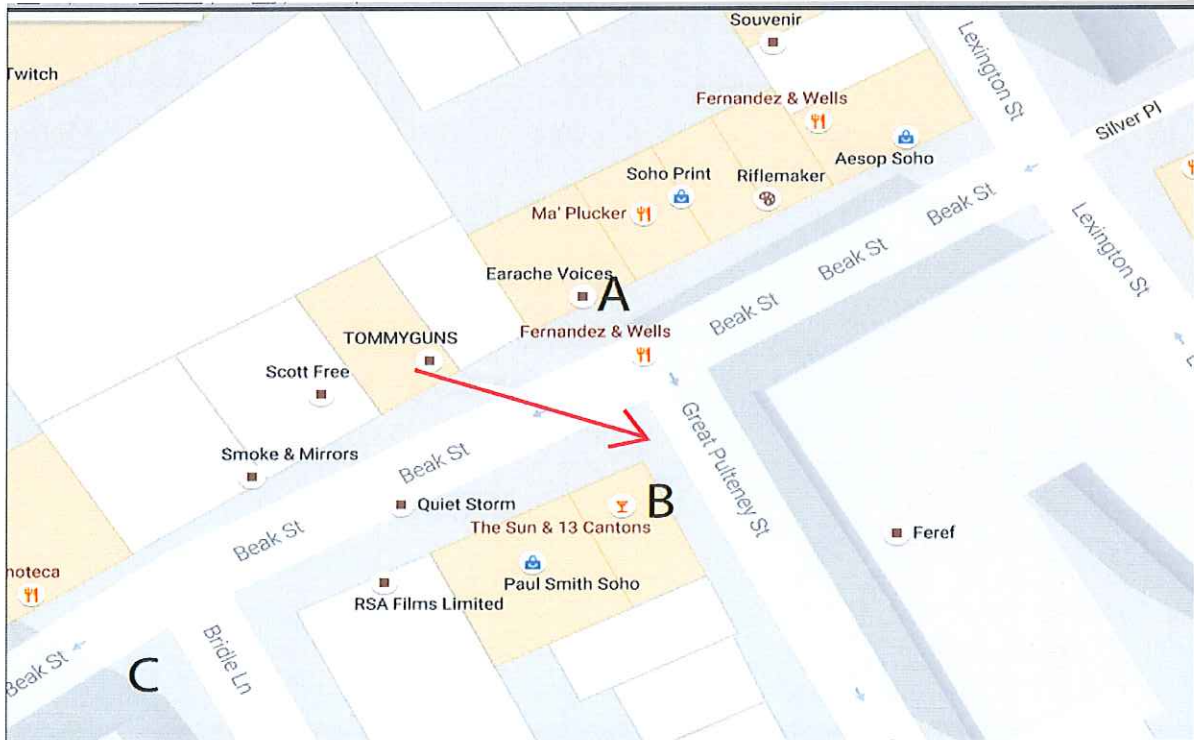
I attach a map and some photographs. The photographs were taken from my flat on the 3rd floor at 65c Beak Street in the direction of the arrow. They show the junction of Beak Street and Great Pultney Street. As you can see the crowds outside the Sun and 13 Cantons pub (marked B) spill over the pavement of both sides of the street, forcing pedestrians into the road. (Note the baby stroller etc. in the road.) I think this is an accident waiting to happen. It is also a nuisance for residents.

Fernandez & Wells are located directly opposite this junction at the point marked A. As it currently stands, they help, inasmuch as they offer a cafe environment rather than another drinking spot. However, I am concerned that if the licence is granted, that the problems that already exist will be increased. Also to be seen on the map is a second Fernandez & Wells establishment around the corner on Lexington Street. Despite the licence there stipulating no on street drinking, people regularly can be seen there wine in hand on the pavement. I have no reason to believe that this won't also happen if the licence is granted in Beak Street.

Further, at point C on the map, a new large scale restaurant is planned. (The building

on this site has been demolished and planning permission has been granted.) The danger is that the whole of the block between Bridle Lane and Great Pulteney St is turned into an on-street drinking area.

I hope this information can help the case to prevent this licence being granted.





Name:		Mr Bijan Seghatchian	
Address and/or Residents Association:		61-63 Beak Street London W1F 9SL	
Status:	Valid	In support or opposed:	Opposed
Received:	04 August 2016		
On numerous grounds of Cumulative Impact, Prevention of Crime and Disorder,			

Prevention of Public Nuisance and Public Safety, I strongly urge you to reject this application.

I am a neighbour with an 11 month baby living only a few doors down from the cafe which currently operates from morning until around 5pm. I am deeply distressed that they are applying for an alcohol licence as we are already struggling to cope with the impact of drinking in this stress area.

Name:	Mrs A M Ritchie		
Address and/or Residents Association:	65 Beak street London W1F 9SN		
Status:	Valid	In support or opposed:	Opposed
Received:	27 July 2016		

I object to the application by Fenandez & Wells for an alcohol licence.

The pub opposite to us, Sun & 13 Cantons already are causing considerable noise and congestion in Beak street, it's often very difficult to get out of our front door and walk on the pavements in Beak street, due to drinking on the street.

The pavements are narrow and road traffic is one way, I often have to get off the pavement and on to road to pass customers standing and drinking.

I very much object to this application.

Name:	Pierre-Yves Guerber		
Address and/or Residents Association:	Not provided		
Status:	Valid	In support or opposed:	Opposed
Received:	02 August 2016		

I strongly oppose this application for a NEW licence at Fernandez and Wells on Beak Street.

This place is a deli and should remain this way. If they are authorised to open later and to sell alcohol every restaurant will try to get the same and the area will become chaos. The street is very narrow is extremely crowded with bars/restaurants already.

I would appreciate some concerns for local residents.

I strongly oppose this licence on the grounds of Cumulative Impact, Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety.

Name:	Mr Norman Jacobs		
Address and/or Residents Association:	22 Dean Street Brighton BN1 3EG		
Status:	Valid	In support or opposed:	Opposed
Received:	20 July 2016		

As the owner of one the flats immediately next door to the business in question, I object on the grounds that (1) additional noise will disturb residential tenants; (2) extension of

opening hours in a residential area will not contribute to the local environment positively.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy CIP1 applies:

- (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.
- (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

Policy HRS1 applies:

- (i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.
- (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

Policy RNT2 applies:

Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

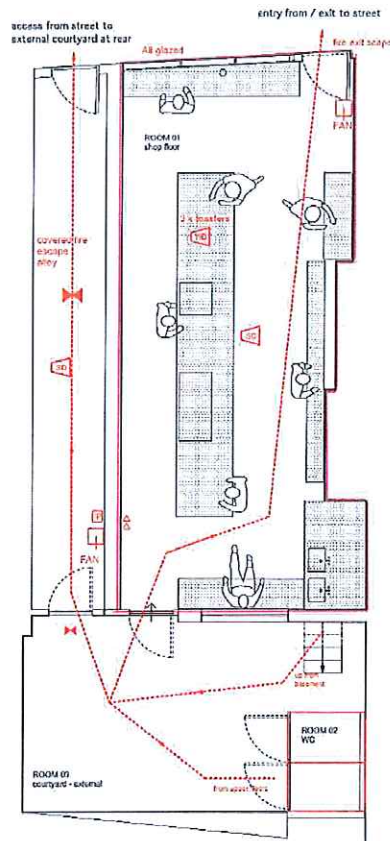
Report author:	Ms Claire Hayes Senior Licensing Practitioner
Contact:	Telephone: 020 7641 7816 Email: chayes@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	07 January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application form	29 June 2016
5	Plans	07 July 2016
6	Representation from Dr Joshua Sofaer	20 July 2016
7	Representation from Mr Norman Jacobs	20 July 2016
8	Representation from Hannah Moody	25 July 2016
9	Representation from Councillor Roberts	25 July 2016
10	Representation from Mrs Liz Callingham	25 July 2016
11	Representation from Mr Duncan McCall	25 July 2016
12	Representation from Mr Martin Callingham	25 July 2016
13	Representation from Environmental Health	26 July 2016
14	Representation from Mrs A M Ritchie	27 July 2016
15	Representation from Mr Pierre-Yves Guerber	02 August 2016
16	Representation from Mr Bijan Seghatchain	04 August 2016
17	Notice of hearing e-mails	16 August 2016
18	Conditions agreed with Police	12 September 2016
19	Conditions proposed by Environmental Health	13 September 2016
20	Emails from applicant amending the application	20 September 2016
21	Email from Dr Joshua Sofaer with additional information	23 September 2016
22	Email from applicant with additional information in support of the application	23 September 2016

Proposed Plans



WILLIAM TOZER
architecture & design

Architect: REBA chartered
East Four 33 curragh street london w11 8sz
t +44 (0)20 7334 6555 f +44 (0)20 7437 7775
enquiries@wtad.co.uk www.wtad.co.uk

Legend and fire strategy plan

- smoke detector
- heat detector
- escape route
- Fire action notice
- indicator / control panel
- break glass call point
- fire extinguisher / fire blanket
- emergency light individual fitting

Area within which licensable activities will take place.

Rev	Date	
H	stage I: post completion - issued for information - client - council - licensing	07.07.18
G	stage I: post completion - issued for information - client - council - licensing	23.03.12
F	stage K: construction - issued for construction - client - contractor - building control - safety planning supervisor	01.02.07
E	stage F: production information - issued for tender - client - contractor - building control - client	09.01.07
D	stage D-F: production information - issued for information	03.01.07
C	stage C: outline proposals - issued for information - client - architect - safety planning supervisor - contractor - client	15.12.06
B	stage C: outline proposals - issued for information - client	14.12.06
A	stage C: outline proposals - issued for information - client	07.12.06
-	stage C: outline proposals - issued for information - client	29.11.06

For Information
issued for health and safety file

This drawing is to be read in conjunction with all Consultants information.
All dimensions to be checked on site.
Do not scale, except for plotting purposes.
This drawing is protected by copyright.

JOB NUMBER	067	FILE#
JOB TITLE	Fernandez & Wells 73 Beak Street	
DRAWING TITLE	Floor Plan: ground floor proposed	
SCALE:	1:100 @A4	
DATE:	November 2006	
DRAWING NO.	A/02/101	REV
		H

There is a full electrical fire alarm system incorporating automatic fire detection covering the whole building including the bar.

- The indicator/ control panel for the system is sited in the covered access/ escape way.
- Break glass call points and smoke /heat detectors incorporating sounders sited as indicated on plan.

There is no cooking other than via 3 sandwich toasters sited behind the main counter. These are under constant staff observation and covered by an adjacent heat detector.

There is emergency lighting to the rear escape covered alleyway.

Fire extinguishers and fire blankets are sited in the positions indicated on plan.

Applicant Supporting Documents

Supporting information provided by Mr Rick Wells (Fernandez & Wells):

It's almost ten years since the first Fernandez & Wells opened its doors on Lexington Street. With its hanging hams in the window, rustic sandwiches piled on the counter and daily soups and stews, it quickly endeared itself to Soho residents and workers alike. A few months later its Soho twin opened around the corner on Beak Street, this time focussed on coffee as well as cakes and simple lunchtime fare. A licence to sell wines by the glass at Lexington Street completed the package and indeed provided the model for Fernandez & Wells going forward.

The success of these two original 'shops' was the basis for a steady expansion to other areas – Somerset House on the Strand, Exhibition Road in South Kensington, with Denmark Street and Duke Street in Mayfair the most recent additions.

Preserving the integrity of the buildings is most important and has always been part of the Fernandez & Wells brand, keeping it simple, letting the structure and materials speak for themselves.

The same applies to the food and drink offering, with good quality core products, freshly made and served by friendly and knowledgeable staff. The model is essentially a European style café, where you can enjoy simple food and drink throughout the day and into the evening. Dishes such as 'taktouka', a North African inspired dish of spicy tomato and roasted peppers served with eggs and sourdough toast, grilled chorizo omelette, or toasted cheese (to name but a few) can be enjoyed at any time.

The success of this model has inspired us to do the same at Beak Street. Indeed over the years many customers have urged us to stay open longer into the evening, continuing to serve coffee and cake, but also providing more substantial fare with a glass of wine to be enjoyed after work, pre-theatre or just as a congenial meeting place for supper.

As a small independent business we are happy to meet that need and by extending the offering at Beak Street continue to serve and be part of the dynamic and creative community that is Soho today.

EGGS

Our free-range Burford Brown eggs are from Clarence Court Farms

- Fried Eggs with Za'atar**
Two fried eggs served with olive oil, a sprinkle of Za'atar and sourdough toast. **5.50**
- Taktoulka**
North African inspired cooked tomato and roasted pepper base, with a poached egg and sourdough bread. **8.75**
- Khita Fried Eggs**
Two fried eggs served with Cecina de Leon and sourdough bread. **6.50**
- Two Fried Eggs with Yoghurt and Harissa**
Two Fried Eggs with Chorizo Fresco or Scottish **8.50**
- Black Pudding from Stuart Grant of Speyside**
Add an egg to any dish **1.75**

OMELETTES

- All served with sourdough toast
- Cheese**
Grated mature cheddar. **5.50**
 - Roast Pepper and Cheese**
Roasted red peppers with Manchego Gran Reserva. **7.25**
 - Tuna and Tomato**
Ortiz tuna with seasonal tomatoes. **8.25**
 - Chorizo**
Traditional style grilled chorizo fresco. **8.25**
 - Cheese and Jambon Noir de Bigorre**
Two-year-old rare-breed ham from the French Pyrenees with grated mature cheddar. **9.50**

TOASTED

- Sourdough with a variety of toppings
- Toast and Jam**
With butter and seasonal jams from England Preserves. **3.95**
 - Banana Sourdough**
With butter and seasonal jams from England Preserves. **4.50**
 - Tomatoes**
Seasonal tomatoes with olive oil and sea salt. **6.75**
 - Egg and Anchovy**
Egg mayonnaise with Ortiz anchovies. **6.75**
 - Sardines**
Ortiz sardines with butter. **8**
 - Beans and Tomato**
Butter beans in tomato sauce with grilled seasonal tomato. **8.95**
 - Toasted Cheese**
Two slices of Poilâne filled with aged cheddar, finely chopped red onion and leek. **6.45**
 - Jamon Iberico**
Hand-carved slices of our Jamón Ibérico with seasonal tomato and a drizzle of olive oil. **8.50**
 - Black Pudding**
Scottish black pudding from Stuart Grant of Speyside and egg mayonnaise in a wood-fired 'Pannozzi'. **5.75**
 - Sausage and Egg**
Two Gloucester Old Spot pork sausages with a fried egg in a wood-fired 'Pannozzi'. **7.75**

PLATES

- 'Broken Eggs'**
Eggs grilled with potatoes and hand-carved slices of Jambon Noir de Bigorre. **12.50**
- Patatas Bravas**
Grilled potatoes with romesco, Padron peppers and aioli. **8.95**
- Imam Bayildi**
Roasted aubergine and seasonal tomato with feta and wild oregano. **6.95**
- Greek Salad**
Seasonal tomatoes, barrel-aged feta, sliced red onion, black olives and wild oregano with olive oil and lemon juice. **8.75**
- Stew**
Served with sourdough bread and olive oil. **6.95**
- Lunchtime only, 12.00 to 3.00pm.**
- Raclette**
Traditional Swiss cheese melted over grilled potatoes and served with cornichons. **8.50**
- with Cecina de Leon**, thin slices of air-cured smoked beef. **12**
- Chickpeas with Morcilla**
Chickpeas cooked in tomato and cumin with slices of grilled Morcilla de Burgos. **8.50**
- Chorizo Fresco**
Traditional sausages seasoned with natural spices, garlic and paprika and air dried. **6.50**
- Roman-style Artichokes**
Served warm from the grill with olive oil. **6.75**
- Morcilla with aioli**
Grilled black pudding from Burgos made using rice and seasoned with cumin. **6.25**
- Padron Peppers**
The most famous produce of Padron in Galicia, only served in season from April to October. **5.50**
- Houmous**
With Greek olive oil and Spanish paprika and served with sourdough toast. **4.75**
- Kalamata Olives**
Organic unpasteurised olives grown on a hillside near Sparta. **4.75**
- Amfissa Olives**
An ancient variety grown on a biodynamic farm in central Greece, these green olives are unpasteurised and have a delicious fresh, lemony taste. **4.75**
- Pistachios**
From the Greek island of Aegina these roasted and salted pistachios are justly famous for their unique flavour. **3.25**
- Marcona Almonds**
Olive Oil Crisps **4.25**
- Olive Oil Crisps** **2.50**

THE HAMS

- Jamón Ibérico de Bellota** half plate **11** / full plate **21**
- Hand-carved slices of 36-month cured ham from Lampino pigs reared by Juan Pedro Domecq, Huelva, Spain.
- Jambon Noir de Bigorre** half plate **8** / full plate **15**
- Two year old rare breed ham from the countryside around Lourdes, in the foothills of the French Pyrenees.
- Prosciutto di Parma** half plate **6** / full plate **11**
- The finest sweet, tender 'riserva' ham from Piero Montali & Sons in Emilia. Cured 28-34 months.

CURED MEAT & CHEESE

- Lomito Ibérico de Bellota** **8.50**
- The highly prized blade end of loin from Juan Pedro's Lampino pigs.
- Cecina de Leon** **7**
- Thin slices of beef, air cured for 12-14 months then smoked over Holm oak.
- Chorizo** **7**
- Traditional chorizo, 100% Basque pig reared by Pierre Oetiza, with smoked paprika and chilli.
- Finochiona** **7**
- Tuscan salami seasoned with wild fennel seeds and pollen by Carlo Pieri, close to Montalcino.
- Jésus du Pays Basque** **7**
- From Basque pigs reared by Pierre Oetiza, a larger salami seasoned with whole peppercorns and rum then cured for up to four months.
- Porchetta** **7**
- Slow-roasted loin and belly of pork rolled with fennel, rosemary, coriander and bay.
- Manchego Gran Reserva** **7**
- Made from raw sheeps' milk and aged for a minimum of 9 months this is one of the best in La Mancha.
- Recommended with our dry, nutty, Oloroso Sherry**
- Cheese Plate** **17.50**
- Our selection of the best of British and French cheeses comes from Neal's Yard Dairy and Fromagerie Mons and changes seasonally. Served with quince paste and sourdough toast.
- Single Cheese Plate** **7**
- See boards or ask our staff for current selection.

FERNANDEZ & WELLS

WINES

Summer | 2016

WHITE		Producer	Region	Bottle	RED		Producer	Region	Bottle
SPAIN									
2015 Rioja Blanco 'Plaros'	Bodega Classica	Rioja Alta	26	2015 Gran Cerdó 'Tempranillo'		Gonzalo Grijalba	Rioja	24	
2015 Xarel·lo Blanc Selecció	Jané Ventura	Penedès	28	2015 Viña Almate	Maestro Tejero	Castilla Y Leon	28		
2015 Mengoba Brezo Blanco	Bodegas Mengoba	Bierzo	30	2013 Rioja Crianza	Hacienda Grimón	Rioja Alta	31		
2015 Txakoli de Guetaria	Bodegas Ameztoi	Basque Region	32	2015 Guimaro Mençá Joven	Pedro Guimaro	Ribeira Sacra	33		
2014 Sameiras Blanco	Antonio Cajide	DO Ribeiro Galica	34	2014 Priorat "S"	Saó del Coster	Priorat	38		
ITALY									
2015 'Cielo Bianco' Catarratto	Azienda Rallo	Sicily	24	2014 Montepulciano d'Abruzzo		Cantina Frentano	Abruzzo	23	
2014 Verdicchio di Matelica	Colle Stefano	Marche	29	2015 Rosso Piceno 'Bacchus'	Agricola Ciu Ciu	Marche	27		
2015 Falanghina Rami	di Majo Norante	Molise	31	2014 Rosso di Caparsa	Agricola Caparsa	Tuscany	36		
2015 Mastri Bianco	La Bianca	Veneto	34	2014 Nebbiolo Coste	Principiano Ferdinando	Piedmont	37		
2015 Sylvaner Cantina Valle	Isarco	Alto Adige	35	2014 Unlthro Di Ampelaia	Elisabetta Foradori	Maremma	1 litre 40		
FRANCE									
2015 Picpoul de Pinet	Château de la Mirande	Languedoc	26	2015 Merlot-Duras		J-Paul et Francois David	Cotes du Tarn	24	
2014 Corbières Blanc	Château Ollieux Romanis	Corbières	28	2015 Côtes du Rhône 'Terre de Mistral'	Vignerons d'Estezargues	Rhône	26		
2015 Muscadet Sur Lie	Domaine de la Pépière	Nantes	31	2015 'La Papié' Cot Rouge	Domaine La Papière	Loire	30		
2015 Roussette de Savoie Cru Frangy	Bruno Lupin	Savoie	35	2015 Cuvée des Gourmets - Gamay	Cave Verdier-Logel	Côtes du Forez, Loire	31		
2014 Sauvignon St Bris 'Exogyra Virgula'	Domaine du Corp de Gardes	Côtes d'Auxerre	39	2013 Domaine D'Aupilliac Rouge	Montpeyroux	Languedoc	38		
SPARKLING									
Glass 125ml Bottle									
SPAIN									
Cava Brut Nature	Dominio de Tharsys	Valencia	5	2015 Merlot-Duras		J-Paul et Francois David	Cotes du Tarn	24	
ITALY									
Prosecco Colifondo Vino Biologico	Casa Belfi	Veneto	6.50	35	2015 Côtes du Rhône 'Terre de Mistral'		Vignerons d'Estezargues	Rhône	26
FRANCE									
Rosé Fritzan	Mas de Daumas Gassac	Languedoc	7	40	2015 'La Papié' Cot Rouge	Domaine La Papière	Loire	30	
ROSÉ									
Glass 125ml Bottle									
FRANCE									
2015 Chateau d'Ollieres	Hubert et Charles Rouy	Côteaux Varois en Provence	5.50	30	2015 Cuvée des Gourmets - Gamay	Cave Verdier-Logel	Côtes du Forez, Loire	31	
SPAIN									
2015 Txakoli Rosado	Bodegas Ameztoi	Basque Region	5.75	32	2013 Domaine D'Aupilliac Rouge	Montpeyroux	Languedoc	38	

FERNANDEZ & WELLS

Organic and/or biodynamic

Licence / Application History

Application	Details of Application / Notice	Date Determined	Decision
12/03169/LIPN	New premises licence	n/a	Application withdrawn
14/06264/LITENP	Temporary Event Notice	30 th July 2014	Allowed

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (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 a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (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.
7. 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.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) 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.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(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 amount 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) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this 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.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above 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.

(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.

Conditions proposed by Environmental Health and agreed by the applicants

9. The premises shall only operate as a Restaurant (i) where the supply of alcohol is by waiter or waitress service only, (ii) which provide food in the form of table meals that are prepared on the premises and are served and consumed at either the counters or leaner using non disposable crockery, (iii) which do not provide any take away service of food or drink for immediate consumption, (iv) which do not provide any take away service of food or drink after 23.00, and (v) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
11. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
12. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. All waste to be properly presented and placed out for collection no earlier than 30 minutes before the schedule collection times.
15. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
16. No deliveries shall be made to the premises between 23:00 and 08:00 hours.
17. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

Conditions proposed by Environmental Health and not agreed by the applicants

18. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 15 persons.

Additional Conditions proposed by the Police and agreed by the applicants

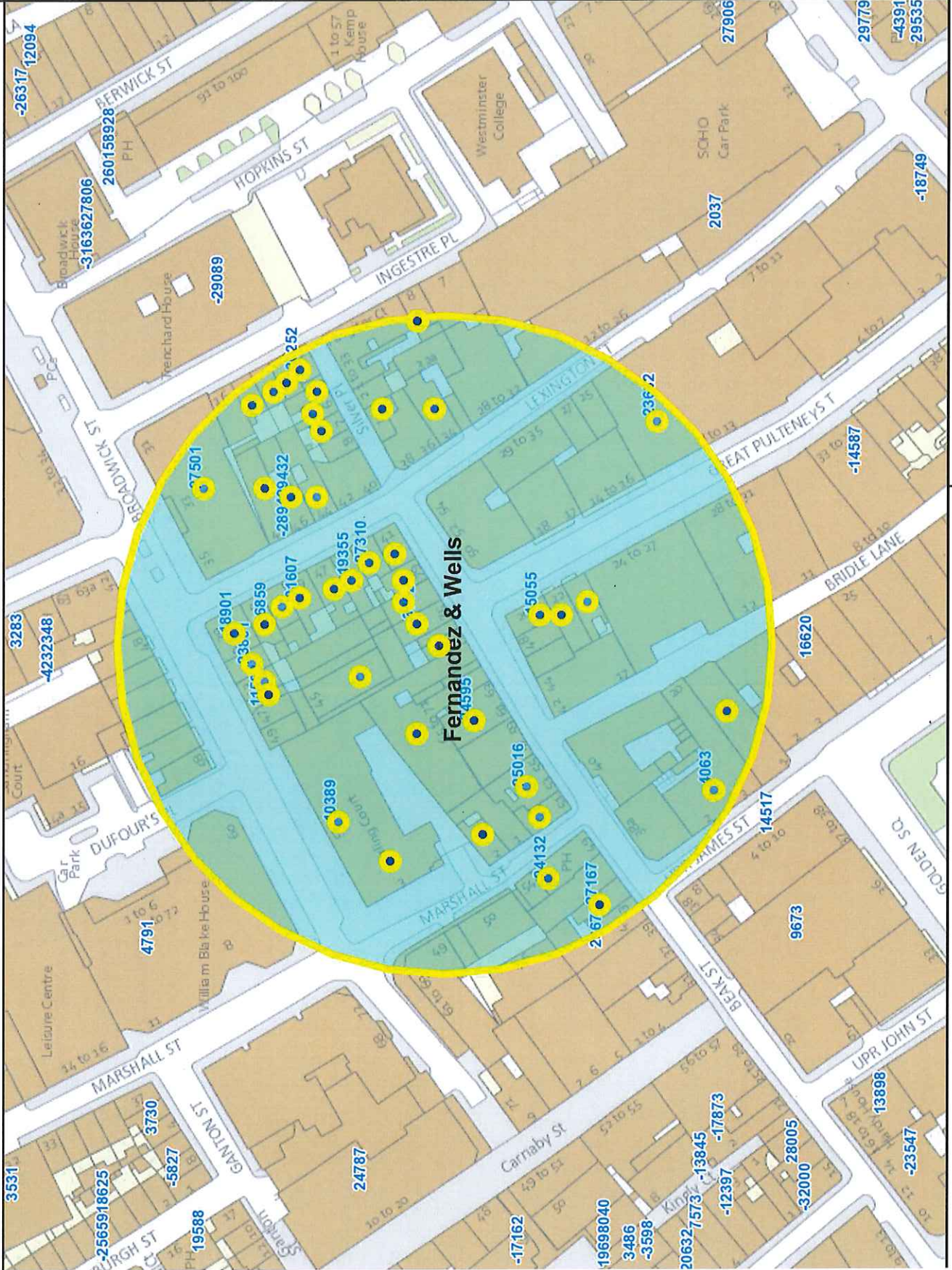
19. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

20. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
21. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
22. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any visit by a relevant authority or emergency service.



Fernandez & Wells 73 Beak Street

City of Westminster



Appendix 5

Residential / Proposed Residential	161
Under Construction	None
Other Uses	None
Proportion Residential of all Uses	None

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Data Source: Uniform Database

Date: 21/09/2016

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Meters

Premises within 75 metres of: Fernandez & Wells, 73 Beak Street

p / n	Name of Premises	Premises Address	Licensed Hours
10389	Comptoir Libanais	59 Broadwick Street London W1F 9QH	Monday to Sunday 08:00 - 23:00
31607	Aurora Restaurant	Basement And Ground Floor 49 Lexington Street London W1F 9AP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-4063	Bob Bob Ricard	Basement And Ground Floor Part 1 - 3 Upper James Street London W1F 9DF	Sunday 07:00 - 03:00 Monday to Saturday 07:00 - 03:30 Sundays before Bank Holidays 07:00 - 03:30
-2894	Andrew Edmunds	Basement And Ground Floor 46 Lexington Street London W1F 0LP	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
11592	Central Convenience Store	43 Broadwick Street London W1F 9QN	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
16859	Bao	53 Lexington Street London W1F 9AS	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
23801	Said London	41 Broadwick Street London W1F 9QL	Sunday 08:00 - 22:30 Monday to Saturday 08:00 - 23:00
24595	Kazu Restaurants 1 Limited	Basement And Ground Floor 61 - 63 Beak Street London W1F 9SL	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
30252	The Book Shop	12 Ingestre Place London W1F 0JF	Monday to Sunday 12:00 - 23:00
-23682	Creston PLC	Third Floor To Fifth Floor Creston House 10 Great Pulteney Street London W1F 9NB	Monday to Friday 00:00 - 00:00
-19355	Mildred's Restaurant	45 Lexington Street London W1F 9AN	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-3792	Ma Plucker	Basement And Ground Floor 75 Beak Street London W1F 9SS	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15055	Sun & Thirteen Cantons	21 Great Pulteney Street London W1F 9NG	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
18901	John Snow	39 Broadwick Street London W1F 9QJ	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
24132	Old Coffee House Public House	49 Beak Street London W1F 9SF	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 23:00
25016	Vinoteca	53 - 55 Beak Street London	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
29432	Academy Club	First Floor Front 46 Lexington Street London W1F 0LP	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
27167	Regent News	Basement And Ground Floor 45 Beak Street London W1F 9SD	Monday to Friday 06:30 - 20:00 Saturday to Sunday 10:00 - 16:00
27501	Itsu	31 Broadwick Street London W1F 0DG	Monday to Sunday 09:00 - 21:30
27310	Fernandez And Wells	Basement And Ground Floor 43 Lexington Street London W1F 9AL	Sunday 08:00 - 22:00 Monday to Saturday 08:00 - 23:30