



PARISH OF ST HELIER



<b>Minutes of the Parish Assembly</b>	
<b>Wednesday 15 July 2020 at 7.00 p.m.</b>	
<b>Assembly Room, Town Hall</b>	
<b>51/20</b>	Welcome and Apologies –
	Apologies: Procureur Peter Pearce, The Dean, Deputy Stephen Ahier and Malcolm L’Amy.  The Constable advised those present that the Parish Assembly is being broadcast electronically..
<b>52/20</b>	<b>Item 1: To approve the Minutes of the Parish Assembly held on 24 June 2020</b>
	<b>Proposer:</b> John Baker, <b>Seconder:</b> Jason Turner The minutes were adopted
<b>53/20</b>	<b>Item 2: To consider an application by Salt and Pepper Pots Limited holder of fourth category licence in respect of premises known as Marina Metro Hotel, Havre Des Pas for a Bailiff’s Annual Entertainment permit to introduce ticketed events featuring popular artists, such as folk, rock, and jazz bands, DJ’s, comedians, magicians and celebrity speakers;</b>
	<b>Proposer:</b> David Reid, <b>Seconder:</b> Stephen Smith  Geoff Mayger, Manager of the Marina Metro Hotel and Salt and Pepper Pots Ltd, explained the company were seeking a Bailiffs Entertainment Permit, as they wished to extend the hotels offering. The hotel normally opens for 10 months a year; it is felt there is a market for providing ticketed entertainment to non-residents, which would enable them to open all year round. Mr Mayger explained that the current law was outdated and that grey areas existed around the type of entertainment that can be provided.  Ian Gray, a representative from Seymour Hotels Ltd asked what the impact would be to residents who live in the area from the coming and goings of customers to the hotel, as currently the hotel provides entertainment for its residents and therefore the residents are already within the premises and don’t have to arrive or leave.  Mr Mayger explained that the company held a fourth category licence for many years, which already enabled them to serve both residents and non-residents with drinks, inside until 1am in the morning and outside the premises on their alfresco area which is open from 7.30am to 12 midnight. There has never been any complaints received in relation to noise issues, as the company manages the area well.  John Baker stated he was concerned for residents in the area, as where he lives two companies, the Radisson and Tiffin had made applications at which they said the type of entertainment provided wouldn’t affect residents in the area. In his experience over time the parameters of the entertainment shift, the premises open windows and noise emanates from the buildings. Mr Baker asked the applicant where the closest private residents lived and how far the sound emanates; could the applicant also confirm that no entertainment would take place on the alfresco area.  Mr Mayger stated there were properties either side and residents living in the area, but that if any noise emanates, it tends to go straight out to sea.  On being put to a vote the application was approved unanimously
<b>54/20</b>	<b>Item 3: To consider an application by Nude Food Body Limited holder of third category licence in respect of premises known as Nude Food, Pirouet House, Union Street, for a Bailiff’s Annual Entertainment permit to provide chilled DJ and acoustic (single or two piece band) music on a Friday and Saturday evening between the hours of 5:00pm and 11pm;</b>
	<b>Proposer:</b> Lucy Morris, <b>Seconder:</b> Jackson Lowe  Lucy Morris spoke on behalf of an application from Nude Food Body Limited who is applying for a Bailiffs Entertainment Permit.

	<p>Alison Baker asked what type of music is chilled DJ music and would like confirmation that it wouldn't be full on disco. Lucy Morris explained chilled music is a type of music that would complement the company's health food offering. The music was such that it would enable those eating to be able to have a conversation, as it was café music. Due to the location of the premises, which is not in the centre of town they were finding they needed to extend their offering to attract more customers.</p> <p>John Baker stated he was concerned for residents in the area, as where he lives two companies, the Radisson and Tiffin had made applications at which they said the type of entertainment provided wouldn't affect residents in the area. In his experience over time the parameters of the entertainment shift, the premises open windows and noise emanates from the buildings. Mr Baker said he could understand that with less people in town, as a number of offices are still working from home, business were having to adapt. In his view there were a lot of residential premises in the area and residents should be able to open their windows without having to experience noise from businesses in the area. He stated that one singer with a guitar and amplifier could sound like a band.</p> <p>Lucy Morris explained that any music would operate through the restaurants current sound system. They had tested the level of the noise created by standing outside the premises and there had been no noise emanating from the premises. There was nobody living above the premises, as it is a gym.</p> <p>Mr Baker questioned whether the business would open its windows in the summer, Lucy explained there was no requirement to do so as the premises was fully air-conditioned, but she could understand the comments.</p> <p>Procureur Geraint Jennings stated he could see there was a second application to extend the opening hours. If that application were unsuccessful, would the applicant still be seeking a Bailiff's Entertainment Permit? Lucy Morris explained that the building is made of concrete and so it lacks atmosphere and so if her application for an extension of opening hours was not approved she would still be looking to provide entertainment within the hours of her current licence.</p> <p>On being put to a vote the application was approved unanimously</p>
55/20	<p><b>Item 4: To recommend to the Licensing Assembly an ex-parte application by Nude Food Body Limited, holder of a third category licence in respect of Nude Food, Pirouet House, Union Street, to vary the licence by amending the opening hours to 10pm Sunday to Thursday and, 11pm Friday and Saturday;</b></p>
	<p><b>Proposer:</b> Lucy Morris, <b>Seconder:</b> Jackson Lowe</p> <p>Lucy Morris spoke on behalf of an application from Nude Food Body Limited to amend the companies opening hours. She explained that she had made a mistake when making her previous application, as she did not realise the Court would make such specific conditions and that she did not want to restrict her business model to such tight parameters. .</p> <p>There were no questions from the floor and on being put to a vote the application was approved unanimously</p>
56/20	<p><b>Item 5: Recommend to the Licensing Bench an application by Steven Findlay Quin holder of a third category licence in respect of premises known as Drifters, Havre des Pas, to extend the ambit of the licence to cover on a temporary basis, as a result of the COVID19 Pandemic an additional area in front of premises previously occupied by Caribbean Vibz, for which the applicant holds a Choses Publiques Permit;</b></p>
	<p><b>Proposer:</b> Catherine Macnamara, <b>Seconder:</b> Jayson Crump</p> <p>Steven Quin made an application by Drifters, Havre Des Pas to extend their licence to cover an extended alfresco area.</p> <p>Procurer Geraint Jennings asked how the company proposed to service the new area with drinks. Mr Quin explained they had created a few steps down from their existing alfresco area to be able to cater for the new area.</p> <p>Ian Gray a representative from Seymour Hotels Ltd asked for confirmation that Drifters would be looking to operate similar hours as Caribbean Viz. Mr Quin confirmed this to be the case</p>

	<p>On being put to a vote the application was approved unanimously</p>
57/20	<p><b>Item 6: Recommend to the Licensing Bench an application by S &amp; F Limited holder of a first category licence in respect of premises known as Blue Note Bar, 20 Broad Street, to extend the ambit of the licence on a temporary basis due to the COVID19 Pandemic, to an area of land in Broad Street. The land is separate to their existing Alfresco area, but in line with their licensed premises;</b></p>
	<p><b>Proposer:</b> Tomasz Tura, <b>Seconnder:</b> Elwira Gniatek</p> <p>Tomasz Tura a representative from The Blue Note Bar requested an extension of an alfresco area on a temporary basis to help increase custom because of the pandemic.</p> <p>Procurer Geraint Jennings asked how the new area would be serviced. The applicant explained it would be waiter service in in with the government guidelines. Mr Jennings commented on the narrowness of the pavement area and asked for confirmation that the walkway would be clear at all times and that staff would be careful when carrying drinks across it.</p> <p>Mr Tura explained the pavement was 2.5 meters wide and that there was plenty of space for people to cross; he gave assurance as to the professionalism of his staff in managing the area.</p> <p>Alison Baker asked if the applicant could confirm whether the extended area is to be placed on the road, or was it on an unloading bay or disabled bay. Mr Tura stated it was on the road and if Broad Street re-opened, the area would need to be removed. The applicant was asked if he wished to remove the bollards in situ. The applicant stated he would prefer they remained as they provided some division between the areas.</p> <p>Mr Baker stated some members of the Shadow Conseil Municipal would like to see the road closed permanently, but if it were only closed at certain times of the day would this mean the applicant couldn't use the area at all.</p> <p>Clarification was provided that this is a temporary application, but most extension of licenses to cover alfresco areas, licence the area of land, but are tied to the restrictions that the Parish make in relation to Chose Publique permits. Therefore, if the road only closed on certain days or certain times, the Parish could issue a revised Chose Publique permit, which would be forwarded to the Court and would allow use in line with the permit.</p> <p>Mr Tura stated he was keen to support the Parish with its ventures and if the road was closed permanently he would be interested in having the area on a permanent basis,</p> <p>On being put to a vote the application was approved unanimously</p>
58/20	<p><b>Item 7: To consider applications by Vinifera Limited_holder of third and sixth category licences in respect of premises known as Vinifera, 4 Broad Street,</b></p> <p><b>a) to extend the ambit of the licence to an alfresco area attached to the premises, or</b></p> <p><b>b) to extend the ambit of the licence to an area of land for alfresco, not attached but directly opposite and in line with the premises; with only one application being granted a Choses Publiques Permit and being submitted to the Licensing Bench.</b></p>
	<p><b>Proposer:</b> Tomasz Tura, <b>Seconnder:</b> Elwira Gniatek</p> <p>Amar Boudjaoui from Vinifera Limited stated he was applying for his licence to be extended to cover an alfresco area. Two different plans have been submitted, (plan a) which would be his preferred option and would adjoin the premises and (plan b) which is being offered by GHE, but would not be ideal as it is away from his shop and would cause problems with power supplies, the serving of drinks and his Insurers</p> <p>Procureur Geraint Jennings said he was trying to make sense of the plans and was he correct, that if option (a) was approved it would mean the removal of 2 public benches. Mr Boudjaoui said he was correct in thinking a bench would need to be removed, but that he had made it clear he was prepared to</p>

	<p>pay for the removal and repositioning of the bench. It was likely that if the benches were not removed he would be unable to provide alfresco.</p> <p>John Baker asked how pedestrians would get past, he gave an example of Old Street where two business have had alfresco's approved and it has created a smaller area for pedestrians to get past. He felt option (a) to be most appropriate as long as there was access for the public, wheel chairs and prams to get through.</p> <p>On being put to a vote, application (a) was approved unanimously</p> <p>Option (b) was put to the vote with four people agreeing and 5 against.</p> <p>The Constable provided the Assembly with additional clarification and asked the Assembly to reconsider. He stated that although the Assembly thought they may be assisting the applicant with approving one application and rejecting the other, if GHE didn't give agreement to option (a) then the applicant might find himself without option (b) either. The Constable said that option (b) may need to be considered as a temporary measure until such time, if required he could bring the matter before the States.</p> <p>Mr Boudjaoui stated option (b) has problems with the his Insurers, carrying drinks across to the area and the costs involved as the area being offered is twice the size as the area initially requested. The applicant stated that if he didn't secure an alfresco area the business may have to close.</p> <p>Ian Gray asked the applicant if they could confirm that they were struggling as a result of Covid and that if they couldn't increase their area outside they would go bankrupt. The applicant confirmed he would need to wait and see.</p> <p>Mr Baker asked the applicant if they had received reasoning from GHE as to why option (a) couldn't be approved. Mr Boudjaoui confirmed he had received no official notification providing reasoning's behind the decision. The applicant stated it seems a foregone conclusion that I can't have what I want.</p> <p>Mr Baker said he was totally against alfresco areas being placed against public monuments, which were there for the public to enjoy.</p> <p>The Constable asked for the vote to be taken again, on being put to a vote, application (b) was approved with 12 votes in favour and 2 votes against.</p>
	<p>The Constable reminded all those that had spoken in respect of the Licensing applications that they were entitled to address the Extraordinary Sitting of the Licensing Assembly, which would sit at 9:30am Tuesday 28 July to hear the applications. Anyone listening at home who would like to address the Licensing Bench would need to give at least 7 days written notification to the Judicial Greffier of the fact they wish to apply to be heard in person or by a solicitor and the Licensing Bench may at its absolute discretion hear from them or their representative</p>
	<p>The date of the next scheduled Parish Rates Assembly is Wednesday 29th July 2020</p>