

PARISH OF ST BRELADE

PARISH ASSEMBLY

Minutes of an Assembly of Principals and Electors of the Parish of St Brelade held at the Parish Hall, St Aubin, St Brelade on Wednesday 24 February 2016 commencing at 19.00 hours.

**President of
Assembly:**

Connétable, Mr Steve Pallett, presided.

**Convening
Notice:**

The Convening Notice was read by the Parish Secretary.

**1. Minutes of
Previous
Assembly:**

The minutes of the previous Assembly of Principals and Electors of the Parish of St Brelade held on Tuesday 8 December 2015, were adopted, and signed following a proposition by Mr Richard Haycock which was seconded by Mr Peter Norman.

**2. Election of
Officers du
Connétable**

The Connétable called for nominations to fill the position of Officier du Connétable for the Vingtaine des Quennevais for a term of three years.

Centenier Michel Bougeard proposed Mr George May to be elected to the position. This nomination was seconded by Deputy Graham Truscott.

Mr Ian Le Sueur proposed Mr Damian Boschat to be elected to the position. This nomination was seconded by Centenier Susan Fox.

There were no other nominations.

The Connétable declared both Mr May and Mr Boschat elected as Officiers du Connétable for the Vingtaine des Quennevais for a term of three years. The Connétable congratulated both gentlemen and advised that the date to appear before the Royal Court of Jersey to take the Oath of Office was Friday 4 March 2016 at 10.00 hours.

**3. Election of
Vingtenier**

The Connétable called for nominations to fill the position of Vingtenier for the Vingtaine de Noirmont for a term of three years.

Centenier Bougeard proposed Mrs Jane Drew to be elected. This nomination was seconded by Mr Ian Le Sueur. There were no other nominations.

The Connétable declared Mrs Drew duly elected as a Vingtenier for the Vingtaine de Noirmont for a term of three years. The Connétable congratulated Mrs Drew in her absence and advised that the date to appear before the Royal Court of Jersey to take the Oath of Office is Friday 15 April 2016.

4. Licensing

In accordance with Article 5 (1) of the Licensing (Jersey) Law, 1974, as amended, the following application was considered for recommendation to the Licensing Assembly:

Name:	Alexandra Louise Ostroumoff
Categories:	3 rd (Restaurant)
Business Address:	Portelet Bay Café St Brelade

The Connétable asked Advocate Pierre Landick, who is acting for Mrs Ostroumoff, to say a few words.

Advocate Landick advised that he was representing the application for Portelet Bay/Beach Café. He advised that although there are a couple of companies involved in the ownership of the business, the License has been applied for in Mrs Ostroumoff's sole name. The previous Portelet Holiday Village closed approximately 15 years ago and the café had been derelict ever since. During this time tourism then slackened off and now efforts are being made within the Island to revive and enhance the tourism offering. Portelet Bay is a well-known tourist beach but lacked a café and public toilets. The Tourism Development Fund contributed £14,000.00 towards creating toilets for the café and for anybody visiting the beach. A condition of the grant is that when the café is open, the toilets must also be open to the public. He added that the business should be encouraged and supported in that regard. Advocate Landick also advised that Mr Ostroumoff was also a partner in business.

Advocate Landick added that at the end of December 2014 the Ostroumoff's bought the premises and have since invested a lot of time and effort into the enterprise and opened the café in July 2015. It has already been possible to drink alcohol on premises through Bring Your Own (BYO), though this is not ideal and is a dis-incentive for those wishing to relax and not wanting to be inconvenienced by turning up with bottles, cans etc. It can also create a policing grey area as with a BYO people who might become unruly create a dubious area of accountability for the café owner. He mentioned that it would be beneficial to have a dedicated alcohol License for the establishment for, if nothing else, the efficiency of Policing the drinking of alcohol. Advocate Landick commented that the Fire Service advised that the premises were suitable for 100 persons, 60 indoors and a potential 40 outdoors following certain enhancement works. Lighting had been added by the proprietors on the steps situated on their land down to beach. Steps had also recently been taken to accommodate nearby residents concerns over the smoke emanating from the pizza ovens on the premises.

The establishment is planned to open in any event from or near to 3 March until the end of October 2016, 7 days a week high season Monday-Saturday 0930-2200 and Sunday 0930-1600/1800 hrs.

The Connétable then read excerpts from the reports received for the application.

The Engineers stated that there was no vehicular access to the property and that access was by steps from various points, there were several residential properties nearby. The café itself is a single storey building, with internal and external seating and toilet facilities. There were no persons residing on premises and therefore no noise risk of noise. Due to the location of the café, surrounding premises were unlikely to be find noise a nuisance as long as the café is thoughtfully run.

The Fire Service report stated occupancy remains at 100 persons. Several improvements have been requested such as exit signs and appropriate fire-fighting equipment. They requested that they are advised of any changes to the layout of the kitchen.

Environmental Health were generally satisfied for the grant of a License and would advise the sanitary accommodation sufficient for 200 persons, this was prior to them receiving comment from the Fire Service.

The Connétable then asked if there were any questions or comments.

Mrs Cheryl Brint mentioned that the steps were not fully lit, only the bottom half was lit, she asked if this was safe. Mrs Brint was advised that the proprietors had lit the steps that are on their property but are not able to interfere with the public footpath owned by the development. It had been noted that white strips had been painted by the developers on their steps. Mrs Brint also asked if the customers are aware of where they can walk. She was advised that additional notices could be erected but that all customers had been advised since the opening of the café.

Mr Julian Bernstein commented that the café was great for locals and visitors alike, people should be sensible and should take a common sense approach to BYO. The public beach is a beautiful location and he felt that it is exceptionally important for staff to scour the beach for rubbish and glass to prevent an incident occurring as it is a long way to get back to safety if an accident occurred. He was however unsure how the Fire Service could get to the café across the beach. He further commented that McDonalds have their staff scour the area around their locations and felt this should be seriously considered. He was advised that this is already a current policy however as currently it is a BYO, they cannot check who takes glass on to the beach. It was confirmed that people are not able to buy anything in glass from the café and take it onto beach and they would ensure that people are seated to drink and would be served at the table so that they could not take glass on to beach.

Mr Jeremy Harris stated that he is opposed to the application. Firstly as it is a “beach café” for the convenience of beach goers, the granting of a License will change the nature of the business. This was indicated by the opening hours which were advised by Advocate Landick. Secondly, he stated that as the location is a residential area, access to the café is not straightforward as it is situated on the beach. He stated it was quite a walk to get to, with customers traipsing through a residential area or from the Portelet Bay pub down a stony

path. He was advised that it was appreciated by the café that it was a residential area however the public footpath leads down to the beach from this area. "Café" is a broad term nowadays and the business reflects this, they will continue to run the café as best they can. They themselves have received reports that properties are now being rented in the area that previously were difficult to market, due to the café being there, however the fact remains that there is a public footpath leading to a public bay. Mr Harris wished to specify that he is not objecting to a "café".

Mrs Gill Mercury advised that she lives in the Curlew development beside the public footpath. She stated that there are no lights from the development to the top of the steps, during the BYO summer season on 2 or 3 occasions people had wandered onto the private grass area in front of the development. She acknowledged that this is not the proprietors problem but there are signs up that are ignored and she did not appreciate when, after 10.00pm their privacy is invaded. This was acknowledged and Mrs Mercury was advised that they were sorry to hear of this. The proprietors would be happy to erect more signage stating such things as "please respect our neighbours". They do try to encourage people when the tide is low to use the other steps towards the pub as these steps are also a right of way and the public are able to access them. The proprietors stated that if they are granted a Liquor License they will then have more control over how much people can drink. There have been thankfully no alcohol induced incidents to date, but with a License they can categorically refuse to serve a member of the public who is intoxicated.

It was then asked who would be responsible if a person has an accident at the top of the steps, with Advocate Landick commenting that people are responsible for their own safety. The same could be suggested for any of the establishments in St Ouens Bay where if a person were to fall onto the beach and injure themselves, it is primarily their own responsibility. He stated there are signs in place and others will be added. He reminded the Assembly that Portelet Bay is not a "residential" beach although it had not had as much tourism during the previous 15 years due to lack of resources but the café is now an enhancement to the facilities available and to the Tourism Infrastructure. He further added that the Licensing Assembly will ultimately decide, but that just before Christmas the Licensing Assembly issued a judgement dealing with 5 applications where towards the end of the sitting the Bailiff stated that the Licensing Law took into account the public interest. The spending of money and investment was likely to be a factor if it is clearly in the public interest. In the context of spending money or the investment in property the Assembly would take that into account. He stated that there were few hard and fast lines but the new Licensing Law could be emerging shortly that would stress the point of public interest, The Ostroumoff's have put money into the infrastructure in Jersey on a public beach and hope that those who live nearby would also benefit.

Mr Ian Le Sueur wished to confirm there had been no issues with the café since it commenced BYO, however prior to the opening of the café the Honorary Police had received several calls regarding the public drinking on the beach. He believed this License should help with that and that the Honorary Police will have sufficient powers as the Licensing Law will be on their side to help them deal with any alcohol related problems. Mrs Ostroumoff recalled that when they

purchased the café it was still full of old furniture and a great deal of broken glass which was clear evidence of parties. Mr Ian Le Sueur asked that they continue to run a tight ship, as he didn't fancy walking up and down those steps! Mrs Ostroumoff also confirmed that there was no Entertainment Permit attached to the café.

Mrs Penny Fogarty advised that she fully supported the application as the café had brought this most beautiful beach to life. The beach had been empty for years and now it is vibrant with young parents and children. She stated that there are so few places to sit and have a glass of wine and watch children play and felt that it is an amazing facility for locals too. She really feels people should be positive as the proprietors have worked very hard and have done so well with the proof being a full beach ever since they have opened.

Mrs Anna Carter also supported the application and wished to add to what Mr Le Sueur had said about the beach and the change to the beach since the café had opened. Mrs Carter had moved to Portelet in May 2008 and uses the beach all the time and swims every evening and knows the environment. The parties, noise and mess have almost ceased with the café has becoming a deterrent to children and teenagers to make fires and have parties. The only result is that it has enhanced the café.

Mr Alistair Layzell supported the application. He has walked the step path for approximately 55 years and felt there was a strong public interest case to be made. When marketing the Island the product must be right, and involve a range of restaurants and attractions from Michelin down. The café added to this diversity. He wished to make the point that BYO is unsatisfactory and that the café's intimacy is in its favour as it means that they are able to ask their clients to be respectful by leaving quietly.

Deputy Murray Norton stated that the proprietors have been open and engaging at all times with members of Economic Development Department, Tourism and Culture Department and various other departments. Their door is always open and they are working extremely hard to support what they are doing. The head of Visit Jersey had stated that Portelet Bay is probably one of the best sites in the Island for him to market. H.E. Lieutenant Governor has been seen regularly dining and he enjoys the café and its fantastic surroundings. Deputy Norton feels it deserves success and supports the application.

Deputy Graham Truscott believed that their entrepreneurialism should be applauded and congratulated. He asked if closing at 10.00pm meant last orders would be at 9.30pm. He was advised that when the proprietors provided lighting for the steps their Places of Refreshment hours were extended, however they haven't opened till 10.00pm as yet and the times will be reviewed. Within the granting of a License they would have 30 minutes grace to get people off of the premises. If they want to close earlier they could as it is a long day and is certainly late enough. They also close earlier on Sundays.

Mr Michael Jackson commented that it is inevitable that around café operations there would be rubbish on the beach and asked if they would carry on clearing up the beach. He also stated that at closing time most restaurants throw out their

glass and asked if this is going to be done here, as the noise would not be pleasant for residents. He also asked if the toilets are still public toilets and who maintains them. He was advised that the café run and maintain the toilets themselves and they are open to the public when the café is open. The staff themselves always look on the beach for litter from the café. They are sensitive to the night time disposal of glass and in most cases this would be moved in the morning as it difficult at night to walk up the steps with full bins of glass.

There were no further questions or comments.

Recommendation of the application to the Licensing Assembly was proposed by Anna Carter and was seconded by Charles William Berresford. Following a vote by a show of hands the item was supported by 45 votes in favour with 6 votes against.

5. **Licensing**

Item withdrawn – Charrian Stores

6. **Refurbishment of Parish kitchen vote a sum not to exceed £28,250**

The Connétable explained the background to the proposition.

The kitchen has been as it currently is for many years. It has passed Health and Safety requirements in recent times but this is likely to be put in question before too long. It is hoped that we can provide a fit and proper kitchen for a busy parish. Within the sum being requested is the cleaning of the kitchen floor, work by Sheet Metal Fabrications including an extractor fan etc., electrics with a new board being required and various changes to electrical supplies. Plumbing, the new kitchen itself and replacing crockery, cutlery and a contingency were also included. He stated that chairs in the hall also needed replacing as they were substandard often with nails sticking out from the fabric. He asked Procureur, Mr Peter Norman, who had done a lot of work in the supply of the necessary quotes to explain the process to date.

Mr Norman thanked the Parish Secretary and Mr Bernstein for helping and apologised for taking so long to come to an Assembly. Mr Norman advised that he was not a chef but had done kitchen training in the past with Deputy Norton and had a good idea of how a kitchen should operate. He agreed that the Parish kitchen needs bringing up to date and stated that a positive of the new design is that all equipment is transferable should that be a future requirement.

Mr Bernstein commended the Procureurs and Parish for having the foresight to take the job forward. The current kitchen is at the end of its working life and it is difficult to keep clean as units cannot be moved. He has used the kitchen for the past 12 years regularly and feels there is a definite need to upgrade the kitchen including the cookers, cutlery, crockery and glassware. The new kitchen will be clean and smart and he is pleased it is now going forward as it needs to be done.

Mrs Sarah Ferguson asked in regards to the £4000 quoted, what type of chairs were being purchased. She has recently been looking at the cost of a cooker for a hotel and asked if the Parish had looked into induction hobs. She was advised there were no plans to supply induction hobs. Mr Bernstein commented that induction has its advantages if the correct pots are used as it works by magnetism but the current kitchen however, does not get overly heated as there are lots of

windows and it is a large space. He stated that induction hobs are very expensive to purchase. The Parish Secretary advised that the chairs were being purchased to include a large discount to the Parish. They were originally costed at approximately £50.00 per chair and the caretaker had been consulted as she usually the person who has to move the chairs for various events. She had requested that the chairs were lightweight and stackable. Mrs Ferguson asked if they were like the current chairs to which she was advised they were not and that they were called banquet chairs. Mrs Ferguson wished to try a chair before they were purchased.

Mr Richard Haycock advised that for an induction hob the Parish would require special pots so that would need to be costed as well.

Mrs Anne Pallett advised that induction hobs have advanced in recent times and is now a good source of heat for cooking whereas generally in past it used to be gas that was preferred.

Deputy Norton felt that induction cooking was the way forward in most new restaurants. It could be worth the initial cost outlay and worth investigating. He felt that another Parish Assembly could be held in short order if we need to re-investigate.

Mr David Levitt commented that this is a Parish Hall not a restaurant and all sorts of pots and pans are brought to the Parish by people turning up to use the hall and most wouldn't be able to use them if we only had induction. It was advised that the safety requirements of the Fire Service are less with induction cookers than others.

Mr Truscott questioned the provision of a new kitchen as he commented that the last meal Mr Bernstein provided was memorable. Although he is in favour of updating it he asked when it was done, if the Parish would be able to cater for the Christmas Senior Citizen lunches. The Connétable advised that the Senior Christmas lunches were more about cost and efficiency rather than the size or state of the kitchen but he would happily consider future options.

Mr Arthur Morley asked if the chairs were stackable, this was confirmed.

Centenier Bougeard asked whether the caretaker, Janet Austin, had been consulted regarding the kitchen. He was advised that she had been and had played her role in providing comments and was now fully aware of what was being proposed.

Mr Bernstein recommended getting a sample of the chairs as they are not always as comfortable as they appear.

Mr Michael Videgrain advised that the kitchen was last refurbished 25 years ago in 1991/92, he supported that it needs work, and felt that the induction hobs should be looked into it a bit deeper. He felt that the chairs did not fall under the wording on the agenda. The current chairs were purchased from a donation and they cost £6,000.00 new from a donation of £8,000.00. He called for the Assembly to take the chairs out of the vote and to leave the amount as it appears

for the refurbishment of the kitchen only and to come back to an Assembly for the chairs at a later date as he was worried about the quality.

Mr Robert Weston advised that he could not find a good chair for less than £45.00 per chair. He also stated that the kitchen supplier's "pencils had to be sharpened" as UK suppliers could do the work for less. The Connétable advised that the quotes given were exceptionally good as Mr Norman has bartered somewhat with the suppliers in regards to the estimates given by contractors. These estimates were considered very reasonable by the Connétable and Procureurs.

Mr Michael Jackson stated that UK contractors were working on the restaurant adjacent to his premises on the Bulwarks and that he had heard that they were supplying the kitchen at half of the cost locally and would the Connétable consider using a UK contractor for the work at the Parish Hall. He also asked whether the UK contractors working in St Aubin had the necessary licences. The Connétable commented that if UK contractors were considered for the work within the Parish Hall the Parish would need to elect a new Connétable! Deputy Norton, who was also the Assistant Minister at EDTSC also advised that there were two big UK companies working in the area at the moment, Licenses were checked on arrival into the Island with all "white vans" being stopped at the harbour and relevant permits checked.

Mr Videgrain proposed the there is no change in the amount of money to be voted but to exclude the chairs from the proposal until further investigations are made as he considered it didn't fall into the wording of the agenda item. This was seconded by Mr Levitt.

Mr Jackson also proposed to spend the original amount on the kitchen refurbishment only. It was agreed that all members of the Assembly were aware of what they were voting for in regards to Mr Videgrain's original proposition.

In a vote by a show of hands 19 persons were in favour, with 0 persons voting against.

In thanking the remaining 21 persons for their attendance the Connétable declared the meeting closed at 20.20 hours.

Signed: _____

Steve Pallett
Connétable

Dated: _____