

Representations

Representation 1 – Planning Department

Good afternoon,

I am writing to you with regard to the above address following receipt of a licencing consultation request.

The Planning Department wishes to **object** to the proposed licence on the basis that this would fail to meet the licencing aim of preventing public nuisance.

The site is within a residential area, with existing flats located above the premises and a large residential block of flats adjacent (The Wardorf Apartments). We consider that opening until 03.00am would give rise to an unacceptable level of noise and disturbance which would detrimentally impact upon the amenity of neighbouring residents. The previous licence allowed the premises to open until 00.00 and we would object to any hours proposed beyond this given the residential location of the site.

We have recently granted planning permission under reference 20/1072/FH for *the continued use of premises as restaurant (A3) Hop Kweng restaurant to be replaced by Rosemont restaurant, new glazing and full width fixed canopy to front elevation outside seating and tables to front and side*. This application did not require a change of use and therefore opening hours were not secured via planning condition. I am currently unable to check the original planning history of the building for evidence of any restrictive opening hours via planning condition. This information may be available on the micro phish in the Civic Centre although this was an old planning permission so there is no guarantee.

I would also like to note that the proposed ground floor plan for the licence differs from that approved under the planning application. The licencing plan shows a bar area in the centre of the room. If the applicants wish to also use the premises as a bar, a new planning application would need to be submitted as they currently have planning permission to use the premises as a restaurant.

Please let me know if you require any further information.

Kind regards,

Issy

Issy Hills
Planning Officer

Representation 2 – Environmental Health Department

Hi.

Environmental Health **objects** to the proposed variation of the licence, on the grounds of failing the licensing objective of preventing public nuisance.

The premises is classified as a restaurant under planning terms and the increase hours, is more reflected of a late night pub/bar/club venue.

This area is considered a mix residential use and therefore the increase hours will cause unnecessary and unacceptable level of noise and disturbance to nearby residential properties. Such noise would include: general noise generated by the coming and going of patrons, which can be made worse, if alcohol has been consumed, the general noise associated with taxi services and the general noise associated with people smoking outside the premises.

Kind regards

Mr. Wai Tse
Environmental Protection Specialist

Representation 3 – Whitecliff's Residents' Association

Dear Briony,

It has now been brought to our attention that a late night licensing application has been received for, The Rosemont Restaurant & Cocktail Bar, 1 Majestic Parade, Sandgate Road, Folkestone.

Haven't the local residents in the vicinity of these premise, (we also include the Scuba bar!) already suffered enough over the years, and still your licensing dept consider in inflicting yet more misery upon the majority of of the local population.

Isn't the fact that we are all are all having to endure COVID -19, and the associated worries, hardships that come with this added threat, more than enough for any sane person to deal with.

It seems that if this application is allowed in a predominantly residential area it will be classed as a monumental step back in the regeneration of Folkestone.

All of the efforts that were made to rid ourselves of the infamous Bank Bar, and the subsequent financial costs incurred in doing so will account for nothing, if this application is granted.

Many residents have already signed a petition asking for a late night licensing review, (petition numbers curtailed due to the Corona virus) .

When here we go again it's like a red flag to a bull, since the lockdown all local residents have enjoyed a level of peace and tranquility with the earlier closing times, at least we can now enjoy a nights sleep.

We have been informed that ASB figures for Jan, Feb, March were around 120, figures, however since July August and Sept numbers have rocketed to nearly 900 Can I suggest a large percentage of these incidents are undoubtedly alcohol related.

These figures will without doubt increase, once restrictions are lifted, even more unless measures are taken to control late night licensing hours.

Even one of our prominent local ward councillors has stated that the Majestic Parade already has high incidence of ASB, largely due to a certain Kebab Bar being allowed to stay open to around 3am selling alcohol, the owners as you will be aware are the people preparing to open the Rosemont Restaurant.

So eventually once the Virus is over does this mean that as local residents we will all have to endure not only drunken groups congregating mainly on the pavement area at this end of the town from 1-3 am as we did from the Scuba bar every weekend summer and winter but also from the Rosemont not only at weekends but weekdays into the early hours.

On behalf of Whitecliffs Residents we strongly object on the grounds of ASB, crime and disorder making a public nuisance.

One also mustn't forget vandalism that will no doubt accompany the drunken groups that we already attract.

It's quite the norm now to see upturned flower planters in Sandgate Road !

Dennis Podd
Whitecliffs

Representation 4 – Leas Cliff Residents' Association

Dear Ms Williamson

Thank you for forwarding Mr Erdogan's statement in furtherance of his application for a Variation of the Rosemont Restaurant Premises Licence.

We welcome the fact that Mr Erdogan has **recognised the sensitivity of his earlier application** and wish to reassure the Applicant that there is support for opening The Rosemont Restaurant but there remains concern amongst many members of The Leas Residents Association at the request for the **Premises Licence be extended to 01:30am on Friday and Saturday nights.**

Despite, the variation in Licensed operating hours, from 03:00hrs to 01:30hrs none of the Restaurants in Folkestone operate beyond 11:00pm on Friday or Saturday evenings with clearance by 11:30pm. **There are no late night Licensed Restaurants in Folkestone only Bars and Night Clubs** and the inference musty be drawn that there has to be a reason why the Rosemont Restaurant would be the only such Licensed Restaurant in Folkestone, intent on remaining open for full restaurant services until **01:30am**. This, in itself, begs the question about the likely clientele and the **disturbance such people would cause both entering and exiting the restaurant at these late hours.**

The area immediately surrounding the Rosemont Restaurant is **largely residential or comprised of hotels** and disturbance is already caused to both Hotel guest and residents by the presence of the Folkestone Kebab shop with a 03:00hrs licence, which is in the same ownership as the Rosemont Restaurant. The area is also part of the main coastal route into Folkestone and occupies a prominent position to the East of the Castle Hill roundabout with wide pavements and access to The Leas, the Town Centre and harbour and Castle Hill Avenue, **most of which are residential, making it difficult to or impossible, to control noise beyond the confines of the restaurant itself.**

People eating out and going home at a reasonable hour, may at times be noisy but are mostly coming to the end of the evening entertainment. People who wish to continue eating and drinking, albeit via table service, until 01:30 in the morning are more likely to be seeking night-time entertainment and this would mean them decanting to other late-night venues in the Town centre, or more likely, the Harbour area. **This inevitably brings with it noise and rowdy behaviour throughout the town centre disturbing the sleep of very many residents.**

Whilst the Applicant has been considerate of the fear expressed by many residents and adjacent businesses, The Leas Residents Association remains opposed to The Variation proposed by Mr Erdogan for **extended opening hours on Friday and Saturday nights till 01;30hrs on the ground of the protection and safety of local residents** and that the promotion of family friendly evening economy activity is in no way served by this proposal. We strongly suggest that the Council agrees a late night opening time of 11:30pm for this particular Premises, recognising that the Applicant has the right to seek an extension to these hours when the establishment has demonstrated the safe operation that is so clearly intended.

The Leas Residents Association recognises that the Council will be reviewing its Licensing Policy before the end of the year and therefore anticipating any outcome would be contrary to good practice.

Again, there is considerable support for opening the Rosemont Restaurant as a healthy part of the Evening Economy, but not as **a late night drinking establishment.**

Yours sincerely,
Philip Carter
Coordinator Leas residents Association.

Representation 5 – Whitecliffs Resident

Good evening,

I am writing further to my initial letter opposing this application which was posted to the Licencing Dept (copy attached just in case it was never received).

I now understand that the owner of the premises has submitted a variation to the original application reducing the closing time from 3am to 1.30am.

Whilst I fully support any new business to open in our town, I am extremely concerned that this restaurant, which the owner describes as a family eating venue, has felt the need to seek to be open until the early hours of the morning.

Mr Erdogan cites a number of local restaurants with current licencing hours until midnight/1am, however I am sure that in fact these venues actually close at the more reasonable hour of 11.30pm.

I reiterate my previous comments that the premises is situated in a primarily residential part of the town surrounded by the homes of many people including young families whose quality of life would be severely affected by customers leaving the venue in the early hours of the morning.

My block, Whitecliffs, regularly suffers from public nuisance incidences of people exiting from the existing late night drinking premises and traversing along Castle Hill Avenue, The Leas and the Road of Remembrance area. The police are regularly involved in late night issues. Another late night bar in the area can only add to the disturbances and anti-social behaviour with a detrimental effect on the lives of many residents who surely have a right to expect an undisturbed night's sleep in their own homes.

I therefore strongly object to the granting of this licence in its current form on the grounds of public nuisance, anti-social behaviour and preventing crime and disorder and remain hopeful that the licensing dept will restrict the hours to the more reasonable time for a family venue of 11.30pm.

Kind Regards

Mrs Anne Warriner
Whitecliffs

Representation 6 – Local Resident

To the Licensing Officer

Reference: WK/202035110 Rosemont Restaurant & Cocktail Bar, 1 Majestic Parade, Sandgate Road, Folkestone, Kent, CT20 2BZ.

I am writing to object to the variation of the license for the above property. The variation details state that the hours will be extended until 1am during the week and 3am during

the weekend. Under the Licensing Objectives I believe there are serious issues with the extension of these hours from those given to the original license and it should be refused.

My main concern is the clause regarding Protection of Public Harm. This venue is in a highly residential area. It is surrounded by flats on a tree lined avenue. Folkestone and Hythe District Council has already set a precedent by taking action over a very similar property which bookends Majestic Parade, at 2 Castle Hill Ave. After years of complaints and investigations in 2018 the council revoked the license of this venue on various grounds including Protection from Public Harm. A venue that wishes to play music and serve alcohol until 3am is not suitable for a residential area it will affect the local residents in their homes. For example due to the law on smoking inside patrons will be drinking outside while smoking this increases noise levels which as road noise decreases later in the evening will disturb the rest of local residents. This was proven in the case of the Bank Bar by various visits from the duty officer from the environmental health team. The need to keep external doors and windows closed to prevent noise spreading becomes null and void when people are constantly leaving the building to smoke and returning. This again increases the noise pollution. By fact that the venue will be the only late night venue in the vicinity it is likely that it's patrons will arrive it what is often describe as a "pre-loaded state" meaning they have already consumed alcohol elsewhere they journey between establishments is often loud and can involve behaviour that damages local property, leads to public disorder. This again was shown to be the case with the Bank Bar. Despite any signs asking patrons to leave the buildings quietly and respect the surrounding this is a very unlikely outcome as most who leave pay no heed to the signs. In addition to the end of the opening hours there is also peak times to consider. If the venue becomes popular and limits on numbers are applied especially given the current implications on overcrowding and public safety this is likely to result in queueing or crowding around the front of the building. Again this will lead to raised noise levels and the possible of anti-social behaviour in a highly residential area. All the above points have been evidenced from the activities at the venue at 2 Castle Hill Avenue. While of course this is a different licensee the position of the venue it virtually identical and it is the unsuitable placement of a late license in a highly residential area which leads to most of these issues despite any efforts of the owners and license holders.

In addition to these points it is also important to raise the thorny issue of TEN being made available to the venue. A temporary Event Notice allows this venue to open for later than 3am for events again in a residential area. This should be considered when looking at this application closely as these events can increase ASB hugely.

It is also important to consider the impact later opening hours and the likely increase in public nuisance and public disorder will have on our local police. We know that services are being deployed in a range of important ways not just boots on the ground so to speak, therefore late-night issues will put extra stress on a limited number of officers available to deal with crime in our area. I understand that the proposed licensee for this venue already has a late license for a venue on Majestic Parade where anti-social behaviour has been witnessed and reported. I am certain that the police calls or 101

records would be available to support this. This also leaves me wondering as I was under the impression that the licensee needs to be present when the venue is open how it is possible to be in two venues at once?

I trust that issues raised above related to the Licensing Objective Preventing Public Nuisance and the fact that the precedent has been set on a highly similar case leaves the Licensing Officer in agreement that this extension is unsuitable. However, should this go forward to a hearing please do keep me informed as I would be willing to speak.

I would also like to remind the officer that under the Human Rights Act 1998 Article 1 Protocol 1:

“people have a right to peaceful enjoyment of their property, “
Granting this license would lead to an infringement of this right for a large amount of Folkestone and Hythe District Council Residents.

Yours Faithfully

Zoe Bowden & Gavin Baker