

TRANSLATION OF LETTER FROM MONSIEUR LE MAIRE TO MONSIEUR TEXIER 07/12/2018

Re : the matter of Joseph GWOZDZ

Mr Secretary General,

On 12 November you sent an e-mail to Mr Noël Vivion, local councillor, in response to some of his questions on the subject mentioned above.

I consider it important to give you the facts in my possession in order to allow a better understanding of the situation.

I would also like bring to your attention certain points concerning your assertions.

First of all, I consider that a copy of this e-mail could have been addressed to me. This is a question of the quality of the relationship between the Préfecture and the mayor, of which trust should be the foundation.

Concerning the first point mentioned, that is, the restaurant licence, this has never been in any way contested by me, because I signed this document myself, after Monsieur Gwozdz presented me with his permis d'exploitation (*permit to operate a restaurant granted on completion of appropriate course). For information, he holds neither a category 3 nor 4 drinks licence.

Concerning the complaints relating to noise nuisance generated by Mr Gwozdz' establishment (these complaints having been sent to Madame Texier at the Préfecture on 6 August, by e-mail), I must remind you that, by virtue of my police powers under article L2212-2 of the Code Général des Collectivités Territoriales (local government act) I am qualified to receive complaints, and required to take all measures necessary to preserve public order - all the more so since in this case there is a Préfectoral bye-law which applies, that of 19 June 2007. I remind you that from 30 July 2018, despite my letter banning him from broadcasting music by means of speakers situated outside, Mr Gwozdz persisted in doing so on two further occasions.

These musical evenings were offered to a clientele in a marquee which had not been registered as an establishment fit to receive the public, where the food served is not – as indicated – fast food, but partly traditional cuisine (see his website www.erljoseph.com), with all that this implies regarding numbers catered for, kitchen hygiene and provision of sanitary facilities. It should be noted that the establishment to which this marquee is attached was originally a dwelling.

Third point : you say that the business owner confirmed to you that he had made contact with the DDT (Department of the Environment) and the SDIS (Fire and Security Service) in order to obtain autorisation to install a marquee on a temporary basis during the summer. On this matter, I must reply that at no juncture (before I asked him to correct the irregularity of his situation with regard to the planning act on 11 September 2018) did Mr Gwozdz have any such permission from the DDT or the SDIS. It would have been preferable for you to

have obtained this information at source, i.e. from Mr Serge Petit, Head of the Planning Unit of the DDT, and from Mr David Pichereau, Deputy-Head of the Prevention Service of the SDIS, both of whom could have provided you with the necessary information, which would have been the same information they gave to me.

In terms of planning regulations, Mr Gwozdz is well-known - this is the third occasion on which he has been obliged to request retrospective planning permission.

For your information, the planning application he subsequently submitted has been considered by the sub-committees for accessibility and for security, and both have given an unfavourable verdict.

Mr Noël Vivion and his son François are the only members of our Council to support the position of Mr Gwozdz. The other 8 councillors support my action. They have not forgotten that the signatories of the petition accused them of discrimination too.

On reading the above, I hope that you will understand that in fact it is the other businesses in our commune which are the victims, since they abide by the rules.

Let us be clear, Mr Secretary General – I am not interested in fuelling a quarrel in my commune, but you must admit that a mayor, representative of the state, has an obligation to ensure that the law and public order are upheld. This is my only motivation in this matter.

Obviously, I am at your disposition to discuss this matter face-to-face or to provide any further details which you may consider necessary.

In the meantime, Mr Secretary General, yours sincerely