



Final expanded representation – Application 168722, Bonita

From [REDACTED]
Date Fri 31/07/2026 14:54
To Licensing <licensing@dorsetcouncil.gov.uk>
Cc [REDACTED]

 5 attachments (688 KB)

002Representation_Bonita_Variation_168722 (3).docx; 30-min-extraction.eml; March-Re_Subject_EN_2025_00504 – Front elevation works (photos attached).eml; Re_Ventilation complaint some-time.eml; Update-abatement_notices.eml;

Caution - Attachments:

Do not open attachments in this email unless you are sure the email is genuine (please see the intranet for more guidance).

Dear Aileen,

Further to your email confirming receipt of our representation and inviting us to expand upon the effect of the variation on the licensing objectives, please find attached our consolidated and expanded final representation concerning Application 168722, Bonita, 10 Custom House Quay.

Please treat the attached document as the final version of our existing representation. It supersedes the shorter written version previously supplied while preserving the original submission date and status of our representation.

The document provides detailed evidence of the actual effect of the present evening operation and explains why the materially broader permissions sought raise concerns under the prevention of public nuisance objective. It also sets out the precise fallback hours and conditions requested if the Sub-Committee is not with us on refusal.

We are collating the supporting evidence identified at the end of the representation, including our chronological diary, relevant Environmental Protection and Planning Enforcement correspondence, photographs, and an index of recordings. Environmental Protection and Planning Enforcement. Our photographs, chronological records and audio/video material are being collated and can be supplied separately in accordance with any hearing directions. Please confirm the deadline and preferred method for submitting that additional evidence.

Could you please confirm:

1. That the attached representation has been received and logged in full as our final representation.
2. Whether you would like the supporting evidence pack submitted immediately or under separate hearing directions, and whether any further evidence deadline will apply.
3. That we will be provided with the applicant's current amended application, the referenced premises plan, confirmation of everything withdrawn and the final schedule of agreed conditions.

Kind regards,



FORMAL REPRESENTATION

Application to Vary the Premises Licence

Bonita (formerly TJ Café)
10 Custom House Quay, Weymouth, Dorset DT4 8BG

Premises Licence	152682
Variation Application	168722
Submitted by	[REDACTED]
Affected premises	[REDACTED]
Primary licensing objective	Prevention of Public Nuisance
Representation deadline	Midnight, 4 August 2026

Primary request: refusal of the variation

Executive Summary

This representation concerns the prevention of public nuisance. It is not an objection to a café, a restaurant, Weymouth Harbour or the success of a neighbouring business. We have lived [REDACTED] [REDACTED] for approximately five years and have always accepted the ordinary sounds and activities of a working harbour.

The concern is the material change from a longstanding daytime café, ordinarily closing in the afternoon, to an intensive evening restaurant operation supported by commercial extraction, ventilation and air-conditioning plant installed immediately beside our home, garden and guest accommodation.

Since approximately 20 May 2026, the present operation has caused prolonged mechanical noise, vibration and cooking odours. These effects have materially reduced the use and enjoyment of our home and garden and have affected the environment in which we operate [REDACTED]. Environmental Protection has investigated and we have been informed that four abatement notices have been served. Copies and clarification of their precise scope have been requested through the Freedom of Information process. Remedial works and the associated planning assessment remain unresolved, and there has been no sustained period demonstrating that the present operation can function without nuisance.

Licensing has invited us to explain how operation during the requested hours has affected us. This document answers that request with direct observations, contemporaneous diaries, photographs and correspondence. However, the present pattern—generally closing at approximately 22:00–23:00—has not tested the full permissions sought, including alcohol sales until midnight, customers remaining until approximately 00:30, off-sales and removal of the existing food-led safeguards.

The Council's public licensing record shows opening hours of 07:00–18:00. Licensing has advised that it does not consider those hours capable of criminal enforcement because their origin during the conversion process cannot now be established, but has also confirmed that they can only lawfully be removed through a variation. We therefore do not allege a prosecutable breach of those hours. We ask the Sub-Committee to decide whether removing them without effective replacement safeguards would promote the prevention of public nuisance.

The application would attach broader permissions to the premises, not merely to the present operator or its stated intentions. It could permanently alter the character of this historically quieter end of Custom House Quay and could be relied upon by future operators.

There is also no clearly identified refuse-storage arrangement within the premises capable of supporting a materially intensified and later operation. Increased alcohol use, off-sales and later customer occupation would be likely to create additional bottles, refuse and late handling activity unless the licence contains precise controls.

For the reasons below, we respectfully request refusal of the variation. If the Sub-Committee is not with us on refusal, we ask it to impose clear, enforceable and materially protective hours and conditions.

Determination Sought at a Glance

Primary position: Refuse the variation. The present evening operation has not yet been demonstrated to function without public nuisance, and materially broader permissions should not be granted while the existing nuisance and remedial position remain unresolved.

Fallback position only: If the Sub-Committee is not with us on refusal, grant no unrestricted removal of opening hours and impose the precise terminal hours and conditions set out in section

11. The fallback is provided to assist the Sub-Committee and does not indicate that we consider the variation acceptable.

1. Purpose and Scope of the Representation

1.1 This representation is made by [REDACTED] owners and resident operators of [REDACTED] which immediately [REDACTED] of Bonita at 10 Custom House Quay.

1.2 Our principal concern is the licensing objective of the prevention of public nuisance. References to planning, conservation, fire safety and Environmental Protection are included only where they form part of the factual context or affect the reliability of the baseline against which the variation is being assessed. We recognise that those matters are governed by separate statutory regimes.

1.3 We understand that the applicant has agreed to withdraw late-night food/refreshment and regulated music from the application. We also understand that Environmental Health has agreed conditions requiring no amplified music externally, no external speakers, speakers to face into the building and external lighting to remain low level. We acknowledge those concessions. This representation does not rely upon any withdrawn element. Its central concerns remain the proposed later alcohol-related operation, later customer occupation, off-sales, removal of food-led safeguards, removal of the published opening hours and changes to the licensed premises plan.

1.4 We do not ask the Licensing Authority to punish the applicant for matters being addressed elsewhere. We ask it to take a preventative approach to the foreseeable effect of the permissions that would remain attached to this particular premises.

2. Historical Daytime Café Use and Character of the Area

2.1 The premises has historically operated as a café. During the five years we have lived [REDACTED], the former business generally closed during the afternoon, commonly at approximately 15:00–16:00. The Council's public licensing record shows opening hours of 07:00–18:00.

2.2 The neighbouring E-Bike Café continues to reflect the established daytime café pattern. This end of Custom House Quay contains a mix of cafés, restaurants, guest accommodation and residential occupation. It has not historically functioned as a late-night drinking destination.

2.3 We purchased and operated our home in full knowledge that it stood beside a cafe and opposite a public house licensed until 01:00. We did not experience comparable continuous plant noise, vibration or cooking odour from the former cafe. In practical terms, the rear of the former cafe was effectively silent in relation to mechanical extraction and air-conditioning. The present operation has changed that baseline to audible plant noise for potentially most of our waking day - up to approximately 14 hours. This comparison is important: our complaint is not ordinary harbour activity or sensitivity to commercial neighbours; it arises from the changed equipment, intensity, duration and character of the present operation.

2.4 Historical use is not relied upon as a separate licensing rule or as an attempt to prevent change. It is evidence of the baseline amenity, the previously compatible relationship between the uses and the scale of change now proposed.

3. Change in Operation and the 1 December 2025 Meeting

3.1 On 1 December 2025, [REDACTED] met representatives of the incoming business. [REDACTED] told [REDACTED] directly that the premises would be closed by approximately 22:00 and

acknowledged that this end of the harbour becomes quiet. A restaurant-led model materially more limited than the present variation was described.

3.2 [REDACTED] attended and independently recalls the same discussion. We understand that he will record it in his own representation. We do not suggest that an informal discussion creates a binding licence condition. Its relevance is that the permissions now sought are materially broader and later than the model presented to directly affected neighbours.

3.3 Since approximately 20 May 2026, Bonita has operated as an evening restaurant, generally closing at approximately 22:00–23:00. The business has therefore already departed substantially from the former afternoon café pattern, while not yet demonstrating operation throughout the full later period now sought.

4. Response to Licensing’s Request for Evidence of Impact

4.1 Licensing wrote to us stating that the premises had already been operating under the requested hours and inviting evidence of how this had affected the licensing objectives. We welcome that invitation. The following evidence explains the actual impact of the current evening operation.

- A continuous low-frequency mechanical hum and vibration audible and perceptible in our garden and inside parts of our home.
- Cooking odours entering the garden and areas of the house, including occasions when the impact has reached the basement at the front.
- The need to eat indoors with doors and windows closed during warm weather rather than use the garden and gazebo as we previously did.
- Retreating to the front basement to reduce exposure, although the effects have not always been avoided there.
- Mechanical noise affecting the bedroom, kitchen, landing, bathroom and the rear-facing parts of the guest house.
- Delaying sleep, turning the television or music up to mask the hum and arranging our evenings around the time the plant stops.
- Being unable simply to leave during the disturbance because we live and operate the guest house from the same property and must remain available for guest arrivals, administration and daily operations.
- Using our garden on only three occasions since the present operation commenced, despite it previously being a central part of our home life and guest-house routine.
- Concern about the environment experienced in rear-facing guest rooms and the risk to a business built around providing a peaceful and relaxing stay.

4.2 These are not isolated impressions. They have been recorded in contemporaneous diaries, photographs, audio/video material and correspondence with the Council. Environmental Protection’s investigation and the service of four abatement notices confirm that the complaints required formal regulatory attention.

4.3 We accept Licensing’s statement that it has not received evidence of noise specifically caused by customers purchasing alcohol. That is not the nuisance primarily experienced to date. The present nuisance arises from plant and cooking activity associated with the premises while it operates into the evening.

4.4 The absence of established customer noise under the present, more limited pattern does not demonstrate that the full variation will be harmless. The relevant question is whether the broader permissions are likely to prolong or intensify the operation of the premises, including associated air-conditioning and other plant, during a more sensitive late-night period.

5. The Present Operation Has Not Tested the Full Variation

5.1 From our observations and records, Bonita generally closes at approximately 22:00–23:00. We have not observed a sustained period in which alcohol is sold until midnight every day and customers remain until approximately 00:30.

5.2 Nor has the current operation tested the broader model enabled by off-sales and removal of the existing food-led safeguards. Our understanding is that the existing licence is on-sales and meal-led. The precise status of any external area must be confirmed from the approved premises plan; we therefore do not state conclusively that all outdoor alcohol consumption is presently prohibited.

5.3 Removal of the food-led restriction and permission for off-sales could facilitate a more flexible drinking-led operation, including vertical drinking and increased use of outside areas. That is materially different from a seated daytime café or meal-led restaurant.

5.4 From our observations, under the present pattern the extraction and air-conditioning appear generally to be switched off at about the same time when the premises closes, commonly at approximately 22:00-23:00. The current operation has therefore not provided a representative test of the air-conditioning operating alone after extraction has stopped, or of either unit continuing while customers and staff remain during the proposed later period. The period between 23:00 and 00:30 is likely to have lower background noise and greater sensitivity for sleeping residents and guests.

5.5 On 10 July 2026, after we asked whether monitoring equipment observed on Bonita's roof had been installed by Dorset Council or commissioned privately, and whether measurements were representative of the effect in our bedroom, Jane Williams replied: "This is their consultants' work in preparation for their planning application." The equipment was therefore part of work for the applicant's intended planning submission, rather than Council or Environmental Protection monitoring. We have not been supplied with the consultant's report, methodology or results and cannot establish whether it measured conditions at [REDACTED] distinguished the air-conditioning from other plant, tested it when the extraction was off, or established the relevant background-noise baseline.

5.6 On 21 July 2026, when asked whether the ventilation and air-conditioning would switch off at the same time as the extraction following the proposed food cut-off, Jane Williams replied: "Likely to be 30 mins after as they will need to clean down. Going forward though the noise level should be minimal." This appears to anticipate that some plant may continue for approximately 30 minutes during cleaning, but it does not identify which equipment would continue, set an enforceable switch-off time, define "minimal", or refer to a measured level at [REDACTED]. It therefore provides no reliable assurance that the air-conditioning will be switched off with the extraction or that any residual late-evening noise will be acceptable.

5.7 The issue is therefore not confined to the final period between 23:00 and 00:30. Removal of the opening hours and a materially later operation could regularise the use of external plant for up to approximately 14 hours a day. A reduced or "minimal" sound is not the same as restoring the previous quiet baseline. The duration and cumulative effect of any residual low-frequency or tonal noise must be assessed at The Wadham and demonstrated to be acceptable, rather than assumed.

5.8 Closing the doors, windows and bi-fold frontage may reduce customer noise but, in warm weather and at full occupancy, may increase reliance on the external air-conditioning. As that unit has not been tested separately after the extraction stops or during the proposed later period, a closed-frontage condition is insufficient without a worst-case assessment at The Wadham. Dorset Council's 2026-2031 policy similarly treats closed openings and assessment of ventilation and air-conditioning plant as separate noise controls.

6. Four Abatement Notices and Unresolved Remedial Work

6.1 Jane Williams informed us in writing that four notices had been served on the managers of La Bonita "for odour and the cumulative issue of plant noise." She stated that the timeframe was three months because allowance was required for the planning process and for installation preparation and commissioning. Copies of the notices and clarification of whether any individual notice specifically covers the air-conditioning unit have been requested through the Council's FOI process. We therefore rely upon Jane's description of their broad subject matter but do not make unsupported claims about the precise wording or the individual equipment covered by each notice.

6.2 Jane further stated that a planning application would be required to make suitable changes to the plant to reduce noise and odour, and that Environmental Protection would be consulted on whether the plant would cause a loss of amenity. She expressed the hope that, once the replacement or altered plant was installed, we and our guests would no longer be disturbed. This confirms that the required scheme has not yet been approved, installed, commissioned or demonstrated to be effective, and that the present operation has already caused disturbance requiring formal intervention. The notices are not relied upon as punishment or as a substitute for the Licensing Authority's own decision; their relevance is evidential and preventative.

6.3 Jane Williams has stated that the notices themselves do not relate to or impact upon the proposed variation and that only the matters requested to be varied may be considered. We understand that distinction. Our submission is narrower: later alcohol-related customer occupation may prolong the operation of air-conditioning or associated plant, and the existing formal nuisance history is relevant evidence when assessing that foreseeable risk.

6.4 The February 2026 Home Office guidance states that public nuisance is not narrowly defined and may include unreasonable effects upon people living and working nearby, including noise, noxious smells and reduction of living and working amenity. It also emphasises prevention and recognises that other legislation may not always address every concern. We ask the Sub-Committee to apply that preventative approach to the specific characteristics of this premises and its immediate neighbours.

7. Loss of Use and Enjoyment of Our Home and Garden

7.1 [REDACTED] is not merely business premises. It is our home, our workplace and a Grade II listed building dating from 1766. Our enclosed courtyard garden was previously a peaceful private space where we ate, relaxed, completed guest-house administration, waited for arriving guests and spent time with friends.

7.2 Harbour sounds have always been part of our life: church bells, gulls, boats, occasional conversation, traffic and bottle collections. They are transient. The continuous mechanical hum, vibration and repeated cooking odours are fundamentally different because they persist for many hours and are generated immediately beside the areas in which we live and work.

7.3 The plant is positioned approximately one metre from our boundary wall and around eight feet from parts of our home and guest accommodation. The enclosed courtyard geometry appears to concentrate the effect. Our Grade II listed status also limits the alterations we can readily make to our own property to mitigate a nuisance created next door.

7.4 Since the present operation commenced, we have used the garden on only three occasions. We have changed where we eat, where we sit, when we go to bed and how we ventilate the house. The loss is sustained and practical, not simply a dislike of a sound.

7.5 [REDACTED] is operated to provide a home-from-home environment in which guests can feel relaxed. Rear-facing rooms and shared amenity are directly relevant to that promise. Even before

a negative review occurs, we must take seriously a foreseeable risk to the experience of guests and to the reputation of a small independent accommodation business.

8. The Published Opening Hours and Schedule 8

8.1 The Council's public licensing register records opening hours of 07:00–18:00. We relied upon that published information when seeking to understand the existing licensing position.

8.2 On 21 July 2026, Aileen advised that Licensing does not believe those hours are capable of criminal enforcement because it cannot establish why or on what legal basis they were added during conversion under the former licensing regime. She also stated that there is no current case law determining the standing of such opening hours, that they are not conditions or licensable activities, and that the only lawful way to remove them from the face of the licence is through a variation.

8.3 We therefore do not ask the Sub-Committee to determine that Bonita has committed a criminal offence by operating after 18:00. Nor do we present the published hours as an unquestionably enforceable condition.

8.4 The issue for this application is prospective. The hours remain recorded on the licence and the applicant seeks their removal. Licensing has confirmed that the Sub-Committee now has the opportunity to determine the variation in light of relevant representations. We ask it not to remove the hours without replacing them with clear terminal hours and appropriate safeguards.

8.5 The longstanding afternoon café use remains relevant factual evidence even if the published hours are not criminally enforceable. It establishes the previously compatible pattern of operation and the magnitude of the proposed change.

8.6 Licensing's explanations demonstrate that aspects of the inherited licence are uncertain and internally difficult to interpret. That is a reason to produce a clear and enforceable licence through this determination, not to remove the only stated opening hours and leave the premises without an effective terminal hour. Any varied licence should state unambiguous opening, alcohol, food-service, plant switch-off and customer-departure times.

9. Planning, Conservation, Premises Plan and Fire Context

9.1 We recognise that premises licensing, planning, listed-building control, fire safety and statutory nuisance are separate regimes. This representation does not ask the Licensing Authority to determine planning or conservation breaches.

9.2 The external plant, internal works and frontage have been the subject of planning enforcement since November 2025. On 30 June 2026, Jason Bird confirmed that the owners and agent were required to amend the extraction details, that Conservation would be involved once the planning application was submitted, and that he would monitor the matter. Following our earlier report of the new bi-fold frontage to this Grade II listed building, he confirmed that he and Building Control had visited and that the builder said planning permission and Listed Building Consent would be submitted. We rely on this only to show that the final extraction and frontage arrangements remained unresolved, not to ask Licensing to determine planning compliance.

9.3 The variation application expressly states "Add an updated plan enclosed", and the completed checklist confirms that copies of the application and plan were sent to responsible authorities and others where applicable. We therefore acknowledge that an updated plan was submitted with the application. However, the 19-page application copy made available to us contains the completed form but not the referenced plan. We have consequently been unable to verify whether it clearly and accurately identifies the existing and proposed licensed boundaries, internal layout, external seating and customer areas, toilets, circulation, emergency exits, rear openings, external plant and

refuse storage. The referenced plan, together with any later revision, should be supplied to the parties and placed before the Sub-Committee, and the final approved plan should be incorporated clearly into any varied licence.

9.4 Our particular concern is the rear elevation because it faces directly into [REDACTED] [REDACTED] and the rear-facing parts of our home and guest accommodation. There is a small opening adjacent to the toilet area which appears to be a fanlight, ventilation opening or inspection/access hatch. We cannot identify its precise purpose without an accurate plan. If it is openable, it could provide a direct route for noise or odour into our courtyard. It should be identified on the plan and should not be used for routine ventilation.

9.5 Fire-safety concerns have been raised with the relevant authority. We do not ask Licensing to replace the fire authority, but later customer occupation and a changed layout make it important that the responsible authority is working from an accurate plan.

9.6 We understand that the Certificate of Lawfulness relates to a café/restaurant use rather than a bar use. The precise planning effect is a matter for the Planning Authority, and we do not ask Licensing to enforce planning law. However, retaining a seated, food-led restaurant condition would both reflect that established use and directly promote the prevention of public nuisance by preventing the premises developing into an unrestricted vertical-drinking bar.

9.7 No adequate dedicated refuse-storage area has been identified within the premises. A licence attaches to these premises and must be capable of operating independently of storage or waste arrangements at another business. A later and more alcohol-led operation would increase bottles and refuse and creates a foreseeable risk of late movement, disposal, odour and noise unless storage and handling are expressly controlled.

9.8 Collectively, these matters demonstrate that significant aspects of the physical and operational arrangements remain unresolved while the applicant seeks materially broader permissions. They reinforce the need for a cautious, preventative licensing decision.

10. Permanent Effect on the Premises and Harbour Character

10.1 A premises licence attaches to the premises. The permissions would not be limited to the current operator, to the model described in informal discussions or to the applicant's present intentions.

10.2 If granted, later alcohol sales, later customer occupation, off-sales and removal of food-led safeguards could be relied upon by a future operator seeking a more intensive bar-led model. The decision could therefore alter the character of this quieter end of the harbour well beyond the current business.

10.3 The present pattern of closing at approximately 22:00–23:00 does not establish a demonstrated need for regular midnight operation. More importantly, it does not demonstrate that operation until 00:30 can occur without public nuisance. The evidence available points in the opposite direction: the more limited evening operation has already seriously affected neighbouring amenity and required formal Environmental Health action.

11. Requested Determination

11.1 Our primary request is that the Sub-Committee refuse the variation. The applicant has not demonstrated that the present operation can function without public nuisance, still less that materially broader and later permissions would promote its prevention.

11.2 Refusal would not prevent the premises continuing to trade under its existing licence. Nor would it prevent a future variation application after remedial works have been completed, independently assessed and demonstrated to be effective over a sustained period.

11.3 We acknowledge the applicant's withdrawal of late-night food/refreshment and regulated music and the conditions agreed with Environmental Health concerning external amplified music, speakers and lighting. Those concessions are helpful but do not resolve the principal issue: unrestricted removal of opening hours could enable alcohol sales and customer occupation substantially later than the historical and present pattern, with associated plant and dispersal continuing into the quietest period.

11.4 If the Sub-Committee is not with us on refusal, we ask it to impose the following precise fallback hours. These are put forward to assist the Sub-Committee and are not an indication that we consent to the variation:

- Every day: last orders for hot food by 21:30; all food service and all cooking requiring extraction to cease by 22:00; the extraction system, air-conditioning and all other external plant to be switched off by 22:00; and the premises to close with all customers departed by 22:30.
- No non-standard extension of these hours except through a lawful Temporary Event Notice or further variation.

11.5 We also request the following conditions, or wording of equivalent effect approved by the Licensing Authority:

1. The premises shall remain a seated, food-led restaurant. Alcohol shall be sold or supplied only to customers seated at tables and taking a substantial table meal, and shall be ancillary to that meal. Vertical drinking shall not be permitted.
2. No alcohol shall be removed from a table or carried beyond the clearly designated and controlled external seating area shown on the approved plan. Alcohol shall not be consumed while standing outside that area.
3. If off-sales are permitted, they shall be limited to seated customers within that clearly defined external seating area or to sealed containers for consumption away from the immediate vicinity. No open container shall be taken beyond the designated area.
4. The external seating area shall close and be cleared of customers by 22:00 every day. It shall be actively supervised while in use, and patrons shall be required to behave quietly and orderly.
5. No amplified music shall be played externally; no speaker shall be placed externally; and internal speakers shall be positioned and directed into the building so as not to project music outside.
6. All external doors, openable windows and the full bi-fold frontage shall remain closed from 21:00 except for immediate access or egress; the bi-fold frontage shall not be kept partly or fully open for ventilation. Nothing in this condition shall obstruct emergency egress, conflict with fire-safety requirements or authorise works requiring planning permission or Listed Building Consent.
7. Any openable fanlight, window, access hatch or inspection hatch in the rear elevation adjacent to the toilet area shall remain closed whenever the premises is open to customers and during staff preparation, cleaning and clearing-down, except in an emergency or where the fire authority requires otherwise. It shall not be used for routine ventilation.
8. External lighting shall be low level, directed away from neighbouring accommodation and positioned to prevent glare or light intrusion.
9. No cooking requiring mechanical extraction shall begin or continue after the applicable cooking cut-off time. The extraction system shall not be operated for an additional late-night cleaning or clearing-down period beyond the stated switch-off time.

10. Before the variation is first exercised, a noise and ventilation assessment by a suitably qualified acoustic consultant shall be approved in writing by Environmental Health. It shall assess all plant separately and cumulatively at [REDACTED] and the nearest noise-sensitive premises under a realistic worst-case warm-weather, full-occupancy scenario with all doors, openable windows and the bi-fold frontage closed, and specify any required settings, hours and mitigation. The plant shall then be operated only in accordance with the approved scheme and without unreasonable disturbance.
11. All external air-conditioning, extraction, ventilation and associated mechanical plant serving the customer or kitchen areas shall be switched off by the applicable time above and shall remain off until 08:00.
12. All refuse, bottles and recyclable material generated by the premises shall be stored securely within the footprint of the licensed premises in a designated area shown on the approved plan. The operation shall not depend upon storage at another business or premises.
13. No disposal, transfer or movement of bottles, refuse or recyclable material externally, and no commercial waste collection, shall take place between 22:00 and 08:00.
14. A written dispersal procedure shall be maintained and implemented. Staff shall ask customers to leave quietly and shall prevent drinks being taken outside the designated licensed area.
15. The licensed plan shall identify accurately the boundary of the licensed premises, all internal and external customer areas, the designated external seating area, toilets, circulation routes, emergency exits, rear openings, external plant and the designated refuse-storage area. No external drinking or service area shall be used outside the approved boundary.

11.6 These fallback conditions are not an acceptance that the variation should be granted. They are requested only to ensure that, if any part is allowed, the licence contains meaningful safeguards rather than leaving the premises with broad permissions and reliance upon future complaints and enforcement.

12. Conclusion

12.1 The former daytime cafe coexisted with our home and guest house without comparable interference. At the rear, the practical baseline was effective silence from extraction and air-conditioning. The present evening operation has introduced prolonged mechanical noise, vibration and cooking odours for potentially up to approximately 14 hours, fundamentally changing our ability to use and enjoy our property.

12.2 Licensing asked for evidence of actual impact during the later operation. This representation provides it. The evidence is supported by contemporaneous records and formal Environmental Health intervention.

12.3 The current operation has not tested the full variation. It generally closes at approximately 22:00–23:00, retains a more limited meal-led model and has not demonstrated sustained alcohol sales until midnight with customers remaining until 00:30.

12.4 Four abatement notices, unresolved remedial works, unanswered questions about the separate air-conditioning unit and an outstanding planning assessment mean there is no reliable evidential basis for concluding that broader late-night permissions would prevent public nuisance.

12.5 We respectfully request that the variation be refused. That is a proportionate and preventative response. It preserves the applicant's ability to operate under the existing licence and to return with a future application if and when the existing nuisance has been resolved and the proposed operation can be supported by evidence.

Supporting Evidence Available

Ref.	Evidence
A	Chronological diaries from May–July 2026 recording plant operating times, vibration, odours and effects upon the home and garden.
B	Environmental Protection correspondence, including confirmation of the three-month monitoring period, the request for their precise wording, 10 July confirmation concerning the applicant's consultant monitoring and July clean-down response.
C	Licensing correspondence, including Aileen's invitation to expand upon the July 2026 explanation of the opening-hours position and correspondence to Schedule 8.
D	Current premises licence record showing 07:00–18:00 opening hours, permissions, late-night refreshment and existing food-led conditions.
E	Variation application stating that an updated plan was enclosed and that the application and plan were sent to responsible authorities. The plan itself, together with any latest amended application, operating hours and agreed conditions, when supplied.
F	Planning-enforcement correspondence, including Jason Bird's confirmation that the extraction details required amendment, planning and Listed Building Consent were to be submitted, and Conservation would be consulted.
G	Photographs showing the former and current rear roof arrangement, the rear boundary, garden, home and guest accommodation, and the relevant layout.
H	Audio/video recordings and monitoring information where accepted by the Licensing Authority.
I	Independent representations from other affected parties, including Richard's account of the 1 December 2025 meeting.

Signed: _____

[REDACTED]

[REDACTED]

Date: _____

From: Jane Williams
Sent: Tuesday, July 21, 2026 08:53
To: [REDACTED]
Subject: Fw: Re: Extraction air con

Likely to be 30 mins after as they will need to clean down. Going forward though the noise level should be minimal.

Regards

Jane

Sent from [Outlook for Android](#)

From: [REDACTED]
Sent: Tuesday, 21 July 2026 08:18:58
To: Jane Williams <jane.williams@dorsetcouncil.gov.uk>
Subject: Extraction air con

Hi Jane,

I spoke with [REDACTED] and he gave me an update on the conditions you've passed on to licensing. Hope you had a lovely time on holiday and enjoyed your break.

Just one point we wanted to clarify. With the request for no food after 11pm, does that mean the ventilator and the air-conditioning unit will switch off at the same time as the extraction unit?

The extraction noise is noticeable, but we haven't really heard the air-con running on its own. After 11pm any remaining noise becomes more obvious, so we wondered whether the air-con might have been overlooked simply because the focus has been on the extraction unit.

No rush at all — we just want to make sure we understand how everything is set to run after 11pm.

Thanks,

[REDACTED]

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From: Jason Bird
Sent: Wednesday, March 18, 2026 09:41
To: [REDACTED]
Subject: Fw: Re: Subject: EN/2025/00504 – Front elevation works (photos attached)

Hi [REDACTED]

I have been out on site, as has building control, I have met the builder, who informs me that planning permission and the subsequent Listed Building Consent associated with it will be submitted. I will checking back with them and the planning submissions to chase this.

Kind Regards

Jason Bird
Planning Enforcement Officer
Place
Dorset Council



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From: [REDACTED]
Sent: 18 March 2026 08:02
To: Jason Bird <[REDACTED]>
Subject: Subject: EN/2025/00504 – Front elevation works (photos attached)

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Hi Jason,

Further to my previous correspondence under case reference EN/2025/00504, I wanted to provide a brief update following recent observations.

I have attached photographs showing works currently underway to the front elevation of 10 Custom House Quay.

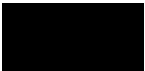
From what can be seen:

- the front window/shopfront appears to have been altered to a modern opening/bifold-style arrangement
- the frontage is currently screened with tarpaulin
- the colour/finish of the frontage also appears to be changing

Given the Grade II listed status of the building, I wanted to ensure these frontage changes are noted as part of the ongoing review.

Please let me know if anything further would be helpful.

Kind regards,



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From: Jason Bird
Sent: Tuesday, June 30, 2026 17:30
To:
Subject: Fw: Re: Ventilation complaint

Dear [REDACTED]

As a matter of course the conservation team will be involved once the planning application is submitted.

Now that the business owners and their agent are required to amend details for the extraction, I am sure you can appreciate that this may take a bit of time as the agent has other tasks for clients he will be working on and I have a very complex and varied case load. I will set a date for myself to expect a satisfactory update from the agent. Once I have an update, I will be in touch.

Sharing a timeline or timetable would not set reasonable expectations for anyone, but rest assured I will be monitoring this.

Many thanks

Jason Bird
Planning Enforcement Officer
Place
Dorset Council

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From: [REDACTED]
Sent: 29 June 2026 18:53
To: Jason Bird [REDACTED]
Subject: Re: Ventilation complaint

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Dear Jason,
Thank you for your reply.

I appreciate your confirmation that Planning and Environmental Health are now working together and that Jane Williams' advice will inform the planning process.

My concern regarding Conservation is not intended to delay matters further—quite the opposite. As this case involves alleged unauthorised works to a Grade II listed building, including alterations to the building's exterior and the installation of external extraction equipment, I am keen to ensure that the heritage aspects are properly considered without causing any further delay.

Could you therefore confirm whether the Conservation Team will now be consulted as part of the consideration of the retrospective planning and Listed Building Consent applications? If not, I would be grateful if you could explain how the heritage impacts of the works will be assessed.

I would also appreciate confirmation of the current timetable for submission of the retrospective planning and Listed Building Consent applications, as these unauthorised works have now remained in place for several months and continue to have a significant impact on our home and business.

Thank you for your assistance. I look forward to hearing from you.

Kind regards,

Sent from [Outlook for iOS](#)

From: Jason Bird [REDACTED]
Sent: Monday, 29 June 2026 18:22:23
To: [REDACTED]
Subject: Re: Ventilation complaint

Dear [REDACTED]

The case was registered to myself on 20/11/2025, during December and the early part of this year I have had annoyingly had periods of sickness which in all honesty I would rather not have had. On that note I will not explain myself further, nor should I have to.

But during the early part of the year, I have done work on the case when I could and visited in early March. I have also had conversations with business owner direct.

From perspective of having the planning submissions in I have to give the agent for the contravener reasonable time to submit to get it right. When I send an email I set a date to chase up the correspondence and asking updates, again giving them reasonable time.

If the planning application is turned down for whatever reason, there are options, the first would be to submit an application that gets the Listed building consent right. A formal enforcement notice is the last resort should all forms of rectification fail. An enforcement notice would not be issued should the agent for the business fail to meet a deadline that I send them.

I have not consulted the conservation team as the works were very evident and clear.

In terms of working with the environment team, then yes of course we will work with them. And I have already been speaking to Jane Williams who is writing to the business owner to inform them of the findings. I assume Jane will write to yourself as well. In terms of planning, the advice from Jane is very relevant and important.

The business owner will then have to adjust the planning application to get the extraction noise and odours corrected.

Many thanks

Jason Bird

|  [Dorset Council](#)

Planning Enforcement Officer
Place
Dorset Council

[dorsetcouncil.gov.uk](https://www.dorsetcouncil.gov.uk)

[!\[\]\(76571bca9499390beeae0a355d0e74a9_img.jpg\) Facebook](#) [!\[\]\(252c453ce8bf12288303f5e0aad9760a_img.jpg\) Instagram](#) [!\[\]\(446f8e4f0cf83bbdc6ff4e80979b1eae_img.jpg\) x](#)

From: [REDACTED]
Sent: 29 June 2026 17:40
To: Jason Bird [REDACTED] Jane Williams [REDACTED]
Subject: Re: Ventilation complaint

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Hi Jason,

Thank you for your reply.

I do need to express a serious concern. Planning Enforcement have been aware of these works since October 2025, which means the operator has now been carrying out unauthorised alterations to a Grade II listed building – including changes to the frontage and installation of mechanical plant – for eight months without consent. The plant is now causing statutory nuisance, and Environmental Health are preparing formal action.

Despite this, no deadline has been set for the submission of the Listed Building Consent applications, which effectively allows the operator to continue indefinitely while the impact on our home and guesthouse worsens.

Could you please confirm:

1. Whether a deadline will now be set for the submission of the applications.
2. Whether enforcement action will be taken if the operator does not meet that deadline.
3. How Planning intend to coordinate with Environmental Health given the statutory nuisance arising from unauthorised works.
4. Whether Conservation have been formally involved regarding the alterations to the listed frontage.

We would be grateful for clarity, as the absence of a timeframe has already resulted in eight months of unauthorised works and significant daily impact on our home and business.

Kind regards,

[REDACTED]

Sent from [Outlook for iOS](#)

From: Jason Bird [REDACTED]
Sent: Monday, 29 June 2026 17:00:00
To: [REDACTED] Jane Williams [REDACTED]
Subject: Re: Ventilation complaint

Good afternoon [REDACTED]

I am Following on from my last email on the 27th of May and your recent submission to the planning enforcement mailbox.

The agent for the business owners is still working on the plans; this can sometimes be a lengthy process and needs to be correct to be approved. I am sure they will be submitted shortly. I am in constant communications with the agent.

Kind regards

Jason Bird
Planning Enforcement Officer
Place
Dorset Council

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From: [REDACTED]
Sent: 27 May 2026 11:27
To: [REDACTED] Jane Williams [REDACTED]
Subject: Re: Ventilation complaint

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Hi Jason,

Thank you for the update and for speaking with the operators.

As you know, we first raised concerns in early October and the works have continued throughout this period whilst applications were still anticipated. The impact on our home and guesthouse has become increasingly difficult now the mechanical plant is operational, so we would be grateful if the Listed Building Consent applications and wider heritage position could be progressed and clarified as promptly as possible.

We appreciate your continued involvement and would be grateful to be kept updated on any developments.

Kind regards,

Sent from [Outlook for iOS](#)

From: Jason Bird [REDACTED]
Sent: Wednesday, May 27, 2026 10:59:44 AM
To: [REDACTED] Jane Williams [REDACTED]
Subject: Re: Ventilation complaint

Good morning,

Just a quick update. I have been in contact with the operators of the building, after a lengthy discussion I am now awaiting listed building consent applications to be submitted. These can sometimes be a lengthy process, but I will be checking the progress.

Kind regards.

Jason Bird
Planning Enforcement Officer
Place
Dorset Council



[REDACTED]
dorsetcouncil.gov.uk

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From: [REDACTED]
Sent: 19 May 2026 09:45
To: Jane Williams [REDACTED]
Cc: Jason Bird [REDACTED]
Subject: Re: Ventilation complaint

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Morning Jane,

Thank you for your email and for clarifying the position, it is very much appreciated.

I understand the distinction regarding the residential element of the property and appreciate your guidance. Our concern is primarily the impact on our own living accommodation, particularly our

bedroom and Room 2 at the rear of the property, which is used by our family and by our daughter [REDACTED] where the humming from the recently installed mechanical unit is already noticeable internally.

For the past five years the rear of the property has remained a peaceful area for us away from the busy harbour frontage, which is why we are concerned about the potential impact should the unit continue operating for longer evening periods once the business becomes fully operational.

I have also been in contact with Planning Enforcement regarding the wider works and alterations at the property since October last year, including the recently installed unit and window alterations, and understand retrospective planning and listed building applications are expected to be submitted. I have also raised the noise concern directly with the business.

I would be grateful if you could begin the investigation process and provide the diary sheets for completion. I will continue monitoring and recording the frequency, duration and severity of the disturbance as advised.

Many thanks again for your assistance.

Kind regards,

[REDACTED]

Sent from [Outlook for iOS](#)

From: Jane Williams [REDACTED]

Sent: Tuesday, May 19, 2026 8:57:21 AM

To: [REDACTED]

Subject: Ventilation complaint

Morning [REDACTED]

Thank you for your contact.

I have reviewed the Planning application portal and there does not appear to be a recent application I would therefore refer you to planning enforcement about this matter - including the new mechanical ventilation. [Planning enforcement - Dorset Council](#).

In the meantime, we can investigate the intrusion of noise, however, this needs to be associated with the residential element of your guesthouse and not the effect on guests as they are not permanently on site.

We would request the keeping of our diary sheets to indicate when and how this affects you. The process ensures that the source is engaged by writing to them about the complaint. If you would like us to carry out an investigation, please return to me and I can start the process.

Kind regards
Jane

Jane Williams
Environmental Protection Team Leader
Housing, Communities & Prevention
Dorset Council

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From: Jane Williams
Sent: Tuesday, July 07, 2026 16:28
To: [REDACTED]
Subject: Fw: Update

Just wanted to update you to advise the 4 notices that were served today on the managers of La Bonita for odour and the cumulative issue of plant noise. The timeframe for this is 3 months as we need to consider the length of the planning process and the installation preparation and commissioning.

I am aware that they have already started to gather information for a planning application which will be required to make the suitable changes to the plant to reduce noise and odour. I am sure these will be able to be viewed in due course, once validated in the planning portal for Dorset Council.

As part of the planning process EP is consulted for their opinion non whether the introduction of plant and equipment are to cause a loss of amenity (a lesser standard of proof than a Statutory nuisance and it is hoped that this will then ensure once installed that you and your guests will no longer be disturbed.

Kind regards

Jane

Jane Williams (Mrs)
Pronoun - She/Her
Environmental Protection Team Leader
Housing, Communities & Prevention
Dorset Council

[REDACTED]
dorsetcouncil.gov.uk

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CHRONOLOGICAL DIARY AND SUPPORTING CHRONOLOGY

Bonita (formerly TJ Café)

10 Custom House Quay, Weymouth

Affected property

[REDACTED]

Prepared by

[REDACTED]

Period covered

6 October 2025 to 3 August 2026

Document status

Consolidated master chronology and diary

Last updated

4 August 2026

1. Purpose and method

This chronology records events concerning Bonita at 10 Custom House Quay and the effects experienced at The Wadham. It brings together the regulatory history and the detailed nuisance diary so that the sequence, duration and cumulative impact can be considered as a whole.

The original handwritten diary, email, photograph, audio or video file and Council correspondence remain the primary evidence. This document is a consolidated account and does not convert a later recollection into a contemporaneous observation.

The chronology has been compiled conservatively. Where two accounts give different dates or where a handwritten time is unclear, both points are preserved and the uncertainty is stated rather than silently resolved.

Evidence-status legend

Status	Meaning
DIRECT OBSERVATION	A dated observation recorded by [REDACTED] usually at or near the time.
CORRESPONDENCE / RECORD	An email, Council record, photograph timestamp or third-party communication.
RECONSTRUCTED	Recovered from later chat notes or a later summary; check against the original before quoting as contemporaneous.

Status	Meaning
PROVISIONAL / INCOMPLETE	A date, time or detail remains uncertain, incomplete or awaiting confirmation from the original evidence.

2. Master chronology

Entries are ordered by the date of the event. Wording has been kept factual. Where an account was reconstructed, supplied later, reported by another person or remains provisional, that status is stated expressly.

October 2025

6–10 October 2025 — Initial Licensing enquiries

CORRESPONDENCE / RECORD

Event / observation: █████ sought licence information for 10–11 Custom House Quay. Dorset Council indicated that no relevant variation had yet been made and directed enquiries through the Council process.

Evidence / source: Email correspondence recovered from the October 2025 thread.

7–8 October 2025 — Planning / Licensing enquiry by █████

CORRESPONDENCE / RECORD

Event / observation: █████ emailed Planning, Licensing and Enforcement about possible unauthorised works or change of use at 10–11 Custom House Quay. Planning Enforcement replied that the matter should be reported online so the current use and any breach could be assessed.

Evidence / source: Email correspondence dated 7–8 October 2025.

November 2025

3 November 2025, approximately 09:19 — Rear-roof works photographed

DIRECT OBSERVATION

Event / observation: █████ spoke to Gary and contractors about works on the flat-roof/rear area. Gary said he knew the building was Grade II listed but the work ‘needed doing’. A photograph of the rear service-roof area carries a timestamp of approximately 09:19.

Impact / action: The photographs established the physical baseline before the later, larger commercial extraction installation.

Evidence / source: Dated photograph and later account; Figure F1/F1a in the licensing evidence.

7 November 2025 — Works continuing at the rear

DIRECT OBSERVATION

Event / observation: [REDACTED] recorded that works had been taking place for several days; the roof had been opened, the interior appeared to have been stripped and contractors appeared to be installing air-conditioning or other mechanical equipment.

Evidence / source: Contemporaneous email / dated log referenced in later correspondence.

13–14 November 2025 — Conservation and enforcement enquiries

CORRESPONDENCE / RECORD

Event / observation: Ann Collins requested the property address. Dorset Council then confirmed that no recent planning or listed-building-consent application had been identified for the former TJ premises, and a Planning Enforcement report was submitted.

Evidence / source: Email chain dated 13–14 November 2025.

18 November 2025 — External mechanical unit reported as installed

DIRECT OBSERVATION

Event / observation: [REDACTED] reported that an external mechanical unit had been installed on the flat roof, approximately eight feet from the bedroom window, and raised concern about future noise and the absence of an identified planning or listed-building application.

Evidence / source: Email/report dated 18 November 2025; photographs retained.

20–21 November 2025 — Planning Enforcement case registered

CORRESPONDENCE / RECORD

Event / observation: Dorset Council registered Planning Enforcement case EN/2025/00504 concerning external works at 10 Custom House Quay. Jason Bird later stated that the case was registered to him on 20 November; [REDACTED] follow-up and Council acknowledgement were dated 21 November.

Evidence / source: Planning Enforcement correspondence and case reference EN/2025/00504.

26 November 2025 — Environmental Health contact before plant operation

CORRESPONDENCE / RECORD

Event / observation: [REDACTED] contacted Environmental Health and Planning Enforcement about the external unit. Jane Williams indicated that diary sheets could be used if noise arose, but the Environmental Health case was held/closed at that stage because the plant was not yet operating. A night-time background-noise survey was also being considered.

Impact / action: This records that the concern was raised before the later nuisance began, while also recognising that there was no operational noise to assess at that time.

Evidence / source: Environmental Health / Planning emails dated 26 November 2025.

December 2025

1 December 2025 — Meeting with incoming operators

RECONSTRUCTED

Event / observation: █████ met representatives of the incoming business. Gary said the premises would close at approximately 22:00 and acknowledged that this end of the harbour becomes quiet. Air-conditioning, extraction, relocated toilets and the planning position were discussed.

Impact / action: █████ independently recalls the same discussion. It is retained as contextual evidence, not as a binding licence condition.

Evidence / source: Later written accounts by █████ and █████; included in the final licensing representation.

7–12 December 2025 — Building Control / Conservation contacts

CORRESPONDENCE / RECORD

Event / observation: Building Control contact Andy explained that his role was confined to Building Regulations. Further contact was made with Planning/Conservation; Susan McClue/McGlew advised that an enforcement enquiry should be submitted or passed the matter to Enforcement.

Evidence / source: Recovered email sequence dated approximately 7–12 December 2025.

15–16 December 2025 — Jason Bird resumed case enquiries

CORRESPONDENCE / RECORD

Event / observation: Jason Bird confirmed that the case had returned to him after leave and that he would try to inspect. █████ supplied or confirmed photographs dated 14, 18 and 27 November and raised internal toilet, extraction/ventilation and drainage/soil-pipe works.

Evidence / source: Planning Enforcement correspondence dated 15–16 December 2025.

18 December 2025 — Fire / Building Control follow-up

CORRESPONDENCE / RECORD

Event / observation: The Fire Service was informed and a further follow-up was sent to Jason. A Building Control meeting/site discussion is also recorded around this date.

Evidence / source: Later chronology and December email references.

January–February 2026

March 2026

18 March 2026 — Frontage works and Jason Bird response

CORRESPONDENCE / RECORD

Event / observation: █████ recorded scaffolding/front-elevation works, including a bi-fold-style opening and changes to colour/finish. Jason replied that he and Building Control had been on site, had met the builder, and had been told that planning permission and subsequent Listed Building Consent would be submitted. He said he would chase the submissions.

Supporting evidence to variation application 168722

Evidence / source: Email and photographs dated 18 March 2026.

April–17 May 2026

May 2026 — Detailed nuisance diary begins

18 May 2026 — First clearly recorded extraction disturbance

DIRECT OBSERVATION

Event / observation: The extractor was clearly heard within the kitchen and bedroom for the first time. The noise was immediately noticeable and intrusive. [REDACTED] and [REDACTED] were away working on their flat for most of the day and returned at approximately 03:00; on entering the rear garden, the continuous humming was clearly audible.

Impact / action: They could not comfortably sit in or enjoy the garden.

Evidence / source: Contemporaneous diary sent to Jane Williams.

20 May 2026 — Environmental Health contact and evening impact

DIRECT OBSERVATION

Event / observation: [REDACTED] spoke with Jane Williams after being asked to record the disturbance. Jane was sympathetic and advised that enquiries had been made with Planning and Licensing. During the evening, the humming noise and cooking odours were again experienced.

Evidence / source: Contemporaneous diary and Environmental Health contact; case reference DFY765577568 is recorded elsewhere and should be checked against the original acknowledgement.

21 May 2026, approximately 18:15 — Garden and indoor impact

DIRECT OBSERVATION

Event / observation: After a busy working day, [REDACTED] tried to relax in the garden and planned a barbecue. The hum was audible above birdsong and general harbour noise. Alexa music at approximately level 7 did not mask it, and cooking smells were noticeable outside.

Impact / action: They abandoned the garden and went indoors; the hum remained audible with the kitchen door closed.

Evidence / source: Contemporaneous diary sent to Jane Williams.

22 May 2026, 06:15 to approximately 23:05 — Light, hum and vibration

DIRECT OBSERVATION

Event / observation: At approximately 06:15, noise was heard from the premises' toilet area. A bright light had been left on overnight and shone up the side elevation, affecting [REDACTED] and [REDACTED] sleep. [REDACTED] and [REDACTED] were away approximately 11:00–13:45. On returning, the low-frequency hum remained audible above birdsong and the vibration was felt through the body and property. The system ceased at approximately 23:05.

Impact / action: Plans to sit outside were abandoned again.

Evidence / source: Contemporaneous diary sent to Jane Williams.

Supporting evidence to variation application 168722

23 May 2026 — Opening day; bedroom and sleep disturbance**DIRECT OBSERVATION**

Event / observation: After being away for much of the day, [REDACTED] returned to find the garden unusable. At approximately 21:45, the hum was clearly audible in the kitchen with the doors closed and was compared with an aeroplane waiting to take off. In the bedroom, after the television was turned off at approximately 21:30, the hum was immediately intrusive. After about eight minutes the television was turned back on; even at volume 14 the hum remained audible. The system ceased at approximately 21:40.

Impact / action: They were fully awake and found it difficult to return to sleep during the start of the guest house's busiest season.

Evidence / source: Contemporaneous diary sent to Jane Williams.

24 May 2026, approximately 06:00 onward — Day-long intrusion**DIRECT OBSERVATION**

Event / observation: [REDACTED] intentionally woke at 06:00 to have quiet garden time before the plant began. The ventilation started at approximately 08:45. During room changeovers and laundry, hum and vibration were experienced through the landings and bathrooms. In the evening, moderate music did not mask the extractor while they tried to sit outside and cook steak.

Impact / action: They went back indoors; the hum remained audible with the kitchen door closed.

Evidence / source: Contemporaneous diary sent to Jane Williams.

26–27 May 2026 — Planning / Licensing plan enquiries**CORRESPONDENCE / RECORD**

Event / observation: [REDACTED] raised the moved kitchen, relocated toilets, external plant and whether the premises-licence plan reflected the current layout. On 27 May, Jason Bird said he had contacted the operators and was awaiting Listed Building Consent applications.

Evidence / source: Emails dated 26–27 May 2026.

27 May 2026 — Daytime sleep disturbance and persistent evening food odours**DIRECT OBSERVATION**

Event / observation: The fan started at approximately 09:01. During the afternoon, [REDACTED] attempted to have a nap but was unable to sleep and ultimately went into the basement to rest. Later, while sorting her summer wardrobe and moving between the bedroom and kitchen with music playing, she recorded a smell of food and garlic bread at approximately 20:25. The odour was still present at approximately 21:10.

Impact / action: [REDACTED] was unable to rest in the bedroom and moved to the basement. The evening cooking odour remained noticeable for at least 45 minutes.

Evidence / source: Contemporaneous handwritten diary located and reviewed on 4 August 2026.

28 May 2026 — Noise throughout the property and strong cooking odours**DIRECT OBSERVATION**

Supporting evidence to variation application 168722

Event / observation: The fan started at approximately 08:50. While completing guest-room changeovers, [REDACTED] could hear the mechanical sound throughout the property. At approximately 11:40, when she went into the kitchen to make a cup of tea, she recorded a smell of burnt cheese. At approximately 14:59, while putting rubbish outside, the smell of garlic was so strong that she closed the bedroom windows and internal doors. Tracie was away for a substantial part of the day, so no continuous assessment was possible.

Impact / action: The sound was audible across the guest house during working hours, and the odour affected the ability to keep bedroom windows open.

Evidence / source: Contemporaneous handwritten diary located and reviewed on 4 August 2026.

Evening of 30 May and 31 May 2026 — Away from the property

DIRECT RECORD

Event / observation: [REDACTED] were away during the evening of 30 May and on 31 May. They were therefore unable to make a reliable assessment of noise or odour conditions at the property during those periods.

Evidence / source: Contemporaneous handwritten diary located and reviewed on 4 August 2026.

29–31 May 2026 — Council follow-ups

CORRESPONDENCE / RECORD

Event / observation: [REDACTED] followed up with Jane/Licensing and made further Planning/Conservation enquiries after receiving no substantive response within the expected period.

Evidence / source: Email metadata and later chronology.

June 2026

3 June 2026 - Plant switch-off recorded

DIRECT OBSERVATION

Event / observation: The extraction or mechanical plant was recorded as switching off at approximately 22:00.

Impact / action: The entry records that the mechanical operation continued into the late evening.

Evidence / source: Contemporaneous handwritten diary located and reviewed on 4 August 2026.

4 June 2026 - Long operating period and bedroom/garden odour

DIRECT OBSERVATION

Event / observation: The plant started at approximately 09:40 and switched off at approximately 21:35. At approximately 14:38, [REDACTED] walked into the bedroom and found that it strongly smelt of cooking; she left the room and closed the windows. At approximately 16:20, while watering the garden, she noticed onion and garlic odours.

Impact / action: The odour affected both the bedroom and use of the garden, and required the bedroom windows to be closed.

Supporting evidence to variation application 168722

Evidence / source: Contemporaneous handwritten diary located and reviewed on 4 August 2026.

5 June 2026 - Persistent onion and garlic odour affecting basement and bedroom

DIRECT OBSERVATION

Event / observation: At a time recorded as 07:00, while working, [REDACTED] noted an onion smell. During an online meeting in the basement she experienced a strong garlic odour, which she recorded as continuing through much of the day. The handwritten notes include times of approximately 14:36, 14:52, 16:01 and 16:04. They record the bedroom as stinking, the windows having to be closed, and a window later being opened again to air the room. [REDACTED] also recorded that she had still received no substantive Council update.

Impact / action: Cooking odour affected the basement work area and the private bedroom over a prolonged period. The bedroom could not be ventilated normally without allowing further odour in, and later had to be aired.

Evidence / source: Contemporaneous handwritten diary located and reviewed on 4 August 2026, together with the contemporaneous 5 June chat note. The exact order of the four afternoon times is retained as written and should be checked against the original page before any verbatim quotation.

6 June 2026 - Extraction audible in bedroom until 22:51

DIRECT OBSERVATION

Event / observation: The extraction fan was recorded as operating throughout the day. [REDACTED] and [REDACTED] went to bed at approximately 22:17, and the mechanical noise remained audible in their bedroom. It switched off at approximately 22:51.

Impact / action: The operation continued into normal sleeping hours and affected the bedroom even after they had gone to bed.

Evidence / source: Contemporaneous handwritten diary located and reviewed on 4 August 2026.

6 June 2026 - Strong drain odour near the E-Bike Cafe witnessed from a vehicle

WITNESS ACCOUNT / LATER RECOLLECTION

Event / observation: While [REDACTED] was collecting [REDACTED]'s mother from Weymouth railway station, he drove past the drain outside or close to the E-Bike Cafe. A strong drain odour entered the vehicle and [REDACTED] mother asked [REDACTED] to close the window. This was an external odour encountered while passing the neighbouring premises; it was not a drain smell recorded inside [REDACTED]

Subsequent information: [REDACTED] recalls that Wessex Water later attended and cleared the drain. The precise attendance date, the exact drain cleared and whether the attendance was directly linked to the odour experienced on 6 June should be confirmed from any available correspondence, photographs or Wessex Water record before being stated more firmly.

Relevance: The entry is retained as local drainage and environmental context. It is not relied upon as proof that Bonita caused the odour.

Evidence / source: [REDACTED] account and [REDACTED] mother's contemporaneous reaction, as later recalled by [REDACTED]. Wessex Water attendance remains to be independently confirmed.

Supporting evidence to variation application 168722

7-9 June 2026 - Away from the property

DIRECT RECORD

Event / observation: [REDACTED] were away from [REDACTED] and were therefore unable to assess noise or odour conditions during these dates.

Evidence / source: Contemporaneous handwritten diary located and reviewed on 4 August 2026.

11 June 2026 — Wet day; indoor noise and garlic odour

DIRECT OBSERVATION

Event / observation: It was wet and the garden was not used. While changing duvets and servicing rooms, the ventilation hum was audible. At approximately 13:40, the bedroom was closed because of a garlic smell. [REDACTED] went to bed at approximately 20:00 and kept the window closed because of the noise. The fan stopped at approximately 21:40, after which the window was opened.

Evidence / source: Contemporaneous diary notes recovered from the June chat.

12 June 2026 — Guest-house work, garden avoidance and switch-off

RECONSTRUCTED

Event / observation: While cleaning bathrooms and servicing guest rooms, the low-frequency hum was audible in rear-facing rooms. A new garden-fountain pump made little difference. Gardening was avoided or moved to the early morning before the fan began. At approximately 21:30, the noise seemed louder in the kitchen with the door closed. [REDACTED] listened outside; the ventilation switched off at approximately 21:34 and both noticed the relief immediately. At approximately 22:02, [REDACTED] went into the garden to reposition solar lights. Without the mechanical hum, the garden felt peaceful and she remained outside longer than intended.

Impact / action: The entry records loss of normal garden use, having to wait for switch-off before opening the bedroom window and settling for bed, and the marked contrast once the plant stopped.

Evidence / source: Assistant-written diary draft based on [REDACTED] contemporaneous notes.

13 June 2026 — Garden use before start; whole-house impact

RECONSTRUCTED

Event / observation: [REDACTED] used the garden from approximately 08:00–09:30 and ate breakfast outside before the ventilation started. The system began at approximately 10:00. While painting, [REDACTED] worked at the far end of the garden with the fountain operating and the radio at high volume; the hum remained noticeable whenever she returned closer to the house. After around 2.5 hours, she described the noise as relentless through the rear of the house, including the bedroom, kitchen and Rooms 1, 2, 4, 5 and 7. At approximately 14:06, a burnt-garlic-bread odour was noticed in the garden. At approximately 20:30 she went to bed; after the television was switched off, the hum remained audible with the bedroom window open. A radio was used at low volume while she waited for the plant to stop. Her note records switch-off at approximately 21:33.

Impact / action: Enjoyment was markedly greater before the plant started. Once it was operating, ordinary garden and bedtime routines required masking noise or waiting for switch-off.

Evidence / source: Contemporaneous user notes and a diary draft produced from them.

Supporting evidence to variation application 168722

14 June 2026 — Cumulative mechanical-noise note**DIRECT OBSERVATION**

Event / observation: Before Bonita's ventilation was switched on, [REDACTED] noted the Royal Dorset Yacht Club air-conditioning cycling on and off. The point was recorded as context for cumulative mechanical noise, not as a separate complaint about the Yacht Club.

Evidence / source: Contemporaneous diary note.

15 June 2026 — Garden curtailed; garlic odour in Room 2**RECONSTRUCTED**

Event / observation: After returning the previous day from a three-day motorhome break, [REDACTED] deliberately got up early to use the garden before the plant began. At exactly 10:00 the extraction/ventilation started and her quiet time outside ended after approximately two hours. At approximately 13:45, a strong garlic smell was present in Room 2 despite the room having been unoccupied and ventilated; the odour had to be cleared before the next guest arrival. The plant generally continued until approximately 21:40, covering most waking hours.

Impact / action: [REDACTED] avoided the garden, bedroom and kitchen during operation, delayed ordinary household tasks and found that rest and bedtime were increasingly governed by plant switch-off. The motorhome provided the only meaningful respite, but leaving was possible only when guest bookings allowed.

Evidence / source: Detailed diary wording recovered from Tracie's notes and later supplied for consolidation.

Approximately 16 June 2026 - Garden work abandoned and radio used to mask noise (date to confirm)

DIRECT OBSERVATION - DATE REQUIRES CONFIRMATION

Event / observation: [REDACTED] recorded sitting in the garden from approximately 08:00. The extraction began at approximately 10:00. She tried to work in the garden but could not continue and became very upset. In the evening she went upstairs at approximately 20:45; [REDACTED] was asleep by approximately 21:15, and the radio was used to mask the mechanical noise. The note records a later time of approximately 22:15 in connection with finally settling for the night.

Impact / action: The start of the plant ended productive use of the garden and the noise affected the household at bedtime.

Evidence / source: Contemporaneous handwritten diary dictated on 4 August 2026. The entry appears in sequence before 17 June, but the exact date and the final bedtime wording should be confirmed from the original page.

17 June 2026 - Plant continued until 22:45

DIRECT OBSERVATION

Event / observation: The extraction fan did not switch off until approximately 22:45. Windows and doors were kept closed. [REDACTED] noted that it was fortunate the weather was wet, reducing the need to ventilate the property or use the garden.

Impact / action: The plant continued late into the evening and prevented normal opening of windows and doors.

Evidence / source: Contemporaneous handwritten diary located and reviewed on 4 August 2026.

19 June 2026 — Full chronological diary entry

DIRECT OBSERVATION

Full diary entry supplied for consolidation:

Today was a busy turnaround day ahead of a fully booked weekend, with good weather forecast and all guest rooms occupied for the coming nights.

The first guest departed at approximately 8:00am and I began cleaning immediately. Throughout the morning I prepared Rooms 1, 2, 3, 4, 5 and 7 for arriving guests. The work involved stripping beds, cleaning bathrooms, vacuuming, dusting and preparing the rooms for new arrivals.

At approximately 9:30am, the extraction system from the neighbouring premises started operating. From that point onwards, the continuous hum, drone and roar of the fan became audible throughout the rear of the property. The noise could be heard while working in guest rooms, moving between floors and carrying out cleaning duties. It remained a constant background presence for the remainder of the day.

At approximately 11:00am, while cleaning the second-floor rooms, I noticed the first smell of cooking onions entering the property from the neighbouring business.

By approximately 11:25am, all but two rooms had been cleaned and prepared for arriving guests. Throughout the morning, the extraction noise remained audible while I worked. At this point I had been working since 8:00am without having eaten anything, and the strength of the onion smell entering the guest rooms while I was cleaning made me feel quite nauseous. I cannot say precisely how long the odour persisted, as I chose to go downstairs at that moment to take a short break and get away from the smell. The combination of physical exertion, lack of ventilation and the strong cooking odour made it difficult to continue working comfortably.

Earlier in the morning I had been able to manage the odour entering the property by closing windows at the rear of the house and opening windows at the front, creating airflow through the building to help remove the smell. This was only possible because the guest rooms were vacant during changeover. On a normal operating day, when some rooms are occupied and others are not, it is often not possible to manage ventilation throughout the property in the same way.

As I moved between the rooms, I found myself continually checking whether the smell had entered and whether I needed to alter windows to improve airflow. Having spent the morning cleaning and preparing the rooms, it was frustrating to find myself worrying about cooking odours entering accommodation that had only just been cleaned. Rather than concentrating solely on preparing the rooms for arriving guests, part of my attention was focused on trying to manage the effects of the neighbouring premises.

Because I both live and work within the building, this is not something I can easily walk away from. The noise and odours form part of my working day as well as my home life. By late morning I was already feeling stressed by having to think about ventilation, smells and noise whilst carrying out what was already a physically demanding day of room turnarounds.

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At approximately 11:30am, I came downstairs for a short break and an egg on toast prepared by [REDACTED]. However, even during this break I was unable to open the kitchen windows or doors for fresh air because of the ongoing extraction noise. As a result, the kitchen felt hot, enclosed and stuffy, and I did not experience the usual sense of respite or recovery that a short break would normally provide. Ordinarily, on a warm day, I would sit in the garden or open the kitchen windows to cool down and relax briefly, but neither option felt possible due to the noise.

As well as providing ventilation for guest accommodation, keeping windows open is an important part of being able to work comfortably within the property. The guesthouse extends over five floors and room turnarounds involve continuous physical activity, including carrying laundry, making beds, cleaning bathrooms and moving repeatedly between floors. This work generates considerable heat, particularly during warmer weather. Natural airflow through open windows is therefore important not only for guests but also for our own wellbeing whilst working. The extraction noise and cooking odours create an ongoing conflict between the need to keep windows open for fresh air and the desire to keep noise and smells out of the property.

I also chose not to sit in the garden, despite the pleasant weather and the seating area we have created specifically for relaxation and enjoyment. The continuous extraction noise made the prospect of sitting outside unappealing, so I remained indoors instead.

At approximately 2:18pm, [REDACTED] had gone to collect my mother from the train station. She was travelling from Surrey to spend the weekend with us.

Having been cleaning and preparing guest rooms since 8:00am, I was physically tired after more than six hours of continuous work. Ordinarily, before my mother's arrival and before welcoming guests later that day, I would have taken the opportunity to rest for a short period. On a warm afternoon this would usually mean either sitting quietly in the garden or lying down in my bedroom for a short sleep.

However, I did not feel able to do either. The continuous extraction noise made the garden an unpleasant place to sit and relax, while the same persistent hum was audible within my bedroom. As a result, I was unable to comfortably rest in either location.

My mother arrived from Surrey later in the afternoon to spend the weekend with us. She is [REDACTED] years old and had travelled down by train. I had been looking forward to her visit and was particularly excited to show her the garden, as we have always shared a love of gardening and spending time outdoors.

During the afternoon I also spoke with [REDACTED]. During our conversation, the issue of waste disposal at Bonita Pasta Club was discussed. I explained that I had previously observed what appeared to be commercial waste being placed into the large public bins located on the harbour front. [REDACTED] advised that he had also witnessed similar activity on numerous occasions during his daily walks around the harbour area.

We returned later in the day and had dinner in the dining room at the front of the house.

My mother retired to bed at approximately 8:00pm in the basement accommodation. As the television downstairs is located close to her room, [REDACTED] and I went upstairs to our bedroom to watch television.

At approximately 8:14pm, upon entering our bedroom, there was a strong smell of burnt garlic bread within the room. The odour was immediately noticeable and unpleasant.

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Once again, we were faced with the dilemma of whether to close the windows to prevent further cooking odours entering the room or leave them open to allow the existing smell to disperse. It was unclear which option would be most effective.

■ had spent much of the previous day ironing my clothes, which were still laid out in our bedroom awaiting putting away. I was concerned that the clothing would absorb the burnt food odour that had entered the room.

At approximately 8:49pm, while completing this diary entry, I returned to the bedroom intending to have a shower and prepare for bed. Upon entering the room, the smell of cooking was immediately apparent. The room smelt strongly of cooking oil, garlic and food preparation odours. Despite already noticing the smell of burnt garlic bread earlier in the evening, the odour remained present and unpleasant within the room.

At the end of a long working day, after cleaning guest rooms, preparing for arriving guests and spending much of the day managing the effects of noise and odours, I found it frustrating that even the simple act of taking a shower and preparing for bed was affected. Instead of feeling that I could relax in a clean and fresh bedroom, I was once again confronted with cooking smells entering my private living accommodation.

As I prepared to shower, I was conscious that I would shortly be clean and ready for bed, yet the room itself smelt strongly of cooking odours. This created the unpleasant feeling that the smells from a neighbouring commercial premises had become part of my own living environment.

Both ■ and I were extremely tired by this point and wanted to prepare for bed. However, as has become our routine since the extraction system began operating, we anticipated having to wait for the fan to be switched off before being able to turn off the television and attempt to sleep.

Over recent weeks, we have found ourselves informally timing our evenings around when the extraction system ceases operating. Rather than going to bed when we feel tired, we often remain awake until the fan is switched off because the noise is still audible within our bedroom and throughout the rear of the property.

The fan has frequently ceased operating at around 9:40pm. However, on this occasion it remained running until exactly 10:01pm. It was only once the extraction system had been switched off that the property felt noticeably quieter and more conducive to relaxation and sleep.

The extraction noise remains audible within our bedroom, meaning that our ability to settle down for the night is often influenced by when the neighbouring business ceases trading rather than when we ourselves wish to retire for the evening.

Overall, today demonstrated the continuing impact of the extraction noise and cooking odours on our home and business. The issues affected guest room preparation, ventilation of the property, physical comfort whilst working, our ability to use the garden, my ability to rest during the day, the enjoyment of my mother's visit, the condition of our living accommodation and our ability to relax and prepare for sleep in the evening.

Evidence / source: Full diary wording supplied by ■ for consolidation on 3 August 2026, relating to events recorded for 19 June 2026.

VERIFY / GAP: An earlier working summary stated that ■ mother sat in the garden for approximately ten minutes and commented on the extraction noise despite wearing hearing aids. That detail is not

included in the full diary text supplied for this revision and should not be relied upon formally unless the original note or a witness statement confirms it.

20 June 2026 — Odour reaches bedroom and basement

DIRECT OBSERVATION

Event / observation: At approximately 09:30 [REDACTED] and her mother left for the shops before the fan was on. They returned at approximately 11:00 and coloured her mother's hair in the kitchen with the door closed; her mother could hear the extraction hum even without her hearing aids. At 13:34 her mother showered in the bedroom and noticed a strong burnt-cooking smell. At 15:39, while they tried to have a gin and tonic in the garden, the humming and a strong burnt-food/toast smell were present. The smell continued until at least 16:20, when [REDACTED] came up from the basement and said it had reached that far and he had thought toast was being cooked.

Impact / action: They returned to the kitchen, closed the door and used music to disguise the hum; they ate in the front dining room. After a beach walk they returned at approximately 20:10, her mother went to bed around 20:30, and at 20:45 [REDACTED] again noticed cooking smells outside. The bedroom window could not comfortably be opened.

Evidence / source: User-provided contemporaneous notes dated 20 June.

21 June 2026 - Early garden use ended when extraction started

DIRECT OBSERVATION

Event / observation: [REDACTED] used the garden during the morning before the mechanical plant started. The extraction came on at approximately 10:00. She then spent part of the day in the lounge writing up diary entries, although she would have preferred to work in the garden, and later went out for the day.

Impact / action: The continuing operation displaced normal use of the garden and moved work and leisure indoors or away from the property.

Evidence / source: Contemporaneous handwritten diary located and reviewed on 4 August 2026.

26 June 2026, approximately 11:30 - Environmental Protection site visit and indication of formal action

DIRECT OBSERVATION / RECOLLECTION OF CONVERSATION

Event / observation: Jane Williams attended [REDACTED] to assess the reported noise and odour impacts. In the hall, before inspecting the affected areas, Jane explained that the outcome would depend on her own assessment. [REDACTED] then showed her the rear garden and the close relationship between the garden, bedroom windows and the mechanical plant. [REDACTED] recalls that, within approximately two minutes of being in the garden, Jane said words to the effect of, "This is not right."

Jane continued the visit from the garden, bedroom, kitchen and Room 5 and viewed the extraction equipment. [REDACTED] contemporaneous note also records discussion about the extraction arrangement and filtration, and that Jane would speak with Planning.

During a later conversation in the lounge, [REDACTED] recalls Jane saying that she would be issuing an abatement notice. This is recorded carefully as [REDACTED] recollection of the conversation, not as a verbatim transcript or

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as a substitute for the notices themselves. Jane's later written confirmation on 7 July 2026 that four notices had been served provides the documentary record that formal action followed.

Impact / action: This was the first recorded Council assessment from within the affected property. [REDACTED] understood from Jane's comments during the visit that the conditions she experienced warranted formal action.

Evidence / source: [REDACTED] contemporaneous note and recollection of the visit; follow-up correspondence; Jane Williams' email dated 7 July 2026 confirming that four notices had been served. The phrase attributed to Jane is recorded as words to the effect and should not be presented as a verbatim quotation.

27 June 2026 — Written summary following EP involvement

CORRESPONDENCE / RECORD

Event / observation: [REDACTED] supplied a written account that the business had opened around 20 May, was operating into the evening to approximately 22:00–23:00, and that noise, vibration, lack of filtration and cooking odours affected the garden, bedroom and kitchen.

Evidence / source: Email dated 27 June 2026.

Night of 28–29 June 2026 — Extraction left operating overnight

DIRECT OBSERVATION / REPORTED CONVERSATION

Event / observation: The extraction system remained operating from the evening of 28 June into the early morning of 29 June. [REDACTED] kept the television on in an attempt to mask the continuous mechanical noise but were unable to sleep. At approximately 04:30 they left the property because they had become extremely stressed by the disturbance. On the morning of 29 June, [REDACTED] spoke to Gary, who confirmed that the extraction had been left on overnight.

Impact / action: There was no night-time respite. [REDACTED] and [REDACTED] lost a full night of sleep and felt compelled to leave their home at approximately 04:30. The incident demonstrates the effect of continuous plant operation during normal sleeping hours.

Evidence / source: Contemporaneous handwritten diary located and reviewed on 4 August 2026; [REDACTED] account of his conversation with Gary on the morning of 29 June 2026.

29 June 2026 — Intrusive extraction during guest-room work

DIRECT OBSERVATION

Event / observation: Following the overnight disturbance, [REDACTED] worked in the guest rooms and recorded that the extraction remained very intrusive throughout the day.

Impact / action: The disturbance continued during guest-house work after the preceding night's loss of sleep.

Evidence / source: Contemporaneous handwritten diary located and reviewed on 4 August 2026.

29 June 2026 — Multi-department follow-up

CORRESPONDENCE / RECORD

Event / observation: [REDACTED] copied Environmental Protection, Planning Enforcement, Licensing and Conservation into further correspondence, noting that Planning had been aware of the works since October/November 2025 and that the retrospective applications remained outstanding.

Evidence / source: Email dated 29 June 2026.

30 June 2026 — Jason Bird planning update

CORRESPONDENCE / RECORD

Event / observation: Jason said the owners and agent were required to amend the extraction details. He stated that Conservation would be involved once the planning application was submitted, that he would set a date for an update from the agent, and that he would monitor the matter. He did not give a timetable.

Evidence / source: Jason Bird email dated 30 June 2026.

July 2026

2 July 2026 — Licensing notified of evening operation

CORRESPONDENCE / RECORD

Event / observation: [REDACTED] informed Licensing that the premises had been operating beyond 18:00 on a daily basis since approximately 20 May and sought clarification of the current licence, hours and plan.

Evidence / source: Email dated 2 July 2026.

3 July 2026, approximately 13:30 onward — Independent odour complaint

CORRESPONDENCE / RECORD

Event / observation: [REDACTED] reported strong, persistent garlic and greasy cooking odours from Bonita penetrating his home. He first noticed the odour at approximately 13:30 and emailed Jane Williams. Jane replied that she was on the cusp of serving abatement notices for noise and odour.

Impact / action: This is independent corroboration that cooking odour affected another nearby home.

Evidence / source: [REDACTED] Jane Williams email chain dated 3 July 2026.

3 July 2026 — Licensing-record clarification

CORRESPONDENCE / RECORD

Event / observation: Licensing said the opening hours shown on the licence did not align with the licensable hours and that the operator would submit a full variation, including an updated plan. Licensing also said it had found no record of an earlier full or minor variation for the changed layout, kitchen, extraction/ventilation, external plant or trading style.

Evidence / source: Licensing email dated 3 July 2026.

4 July 2026 — Refuse taken towards public litter bins

RECONSTRUCTED

Event / observation: [REDACTED] description of a timestamped video records black refuse bags being taken from the premises and placed in public litter bins.

Evidence / source: User's description of video dated 4 July 2026; original file not yet reviewed in this master document.

7 July 2026 — Four abatement notices and variation viewable

CORRESPONDENCE / RECORD

Event / observation: Jane Williams informed [REDACTED] that four notices had been served on the managers of La Bonita for odour and the cumulative issue of plant noise. She said the compliance period was three months to allow for planning, installation preparation and commissioning. Licensing also confirmed that the variation application was now viewable.

Impact / action: The precise wording and equipment covered by each notice were not supplied; later FOI correspondence sought clarification.

Evidence / source: Jane Williams and Licensing emails dated 7 July 2026.

8–9 July 2026 — Variation and listed-building correspondence

CORRESPONDENCE / RECORD

Event / observation: [REDACTED] exchanged information about the proposed variation, existing licence and premises plan. [REDACTED] replied that the conversion had been undertaken without Listed Building Consent and that he had complained in March.

Evidence / source: Emails/messages dated 8–9 July 2026.

10 July 2026 — Full chronological diary entry

DIRECT OBSERVATION

Full diary entry supplied for consolidation:

I have not been keeping up with the diary entries recently because repeatedly documenting the noise and odour nuisance is making me feel quite depressed. However, the problems have continued.

This morning, [REDACTED] and I carried out the guest-room turnarounds while listening to the usual continuous hum from the neighbouring premises.

Fortunately, we left the property at approximately 11:30 a.m. and did not return until around 4:00 p.m.

After returning, we completed our guest check-in. The house was extremely warm because this was one of the hottest weekends of the year and also one of the busiest weekends we have had so far.

At approximately 4:15 p.m., I decided to lie down and try to sleep in the basement because I was not feeling very well. The basement was naturally cooler than the rest of the house, and my daughter was working there with the window open. There was a pleasant, gentle breeze coming through the window, which made the room feel more comfortable.

However, from approximately 4:15 p.m. until 6:45 p.m., while I was lying there trying to rest, I could repeatedly smell strong cooking odours coming through the open window. The smells were predominantly garlic and what appeared to be Bolognese or tomato-based cooking sauce.

The usual mechanical hum from the neighbouring premises was also present throughout this period.

Later, because I was still not feeling 100%, I wanted to sit quietly in the garden and get some fresh air. However, I found that I could not relax there because the continuous hum was so emotionally draining and intrusive.

I felt that I had no choice but to go back indoors and try to find somewhere else in the house where I could get some respite. However, my bedroom was not a suitable alternative because the hum can also be heard there.

On one of the hottest and busiest weekends of the year, when I was already feeling unwell and needed somewhere quiet to rest, I found myself moving around my own home trying to find somewhere that offered relief from the noise and odour. I could not comfortably use the garden, the basement was affected by cooking smells, and the bedroom was affected by the hum.

I was simply trying to find somewhere in my own home where I could rest and feel some peace, but I was unable to do so.

At approximately 7:38 p.m., [REDACTED] and I were watering the garden when I noticed that monitoring equipment had been installed on the roof of the café, positioned close to the extraction and mechanical equipment.

Conversation with a former owner of the café

THIRD-PARTY ACCOUNT — VERIFY

Today, I also spoke with a friend who previously owned the café for approximately 20 years.

She explained that, while she owned the premises, the drains had to be professionally blasted or cleared at least once every year because the drainage serving the property was not sufficient to cope properly with the level of cooking and food waste generated by the business.

She also told [REDACTED] that she was the former owner or licence holder who had applied for opening hours to be attached to the premises licence. This is recorded as her account and should be checked against the original licensing application, conversion and licence records.

She explained that the premises had previously traded under several names, including Harbourside Bistro and Number 10. Before operating as a café or bistro, the property had also been used as a gym and exercise studio, and before that it had been used for storing tomatoes.

She said that the kitchen used during her ownership was situated at the rear of the property.

She said that they had made very few alterations to the property while operating the business, apart from installing some additional electrical fittings.

She also said that she did not use the fan during her ownership.

Because there was no suitable storage area within the premises for commercial rubbish, she paid for the business waste to be collected daily.

This is relevant because I have personally observed Bonita staff on numerous occasions carrying bags of rubbish away from the premises and placing them in the main public bins.

Evidence / source: Full diary wording supplied by [REDACTED] for consolidation on 3 August 2026, relating to events on 10 July 2026; photographs of the roof monitoring equipment are retained.

Verification note: Statements attributed to the former owner record what [REDACTED] was told. Obtain a signed witness statement or other documentary support before relying on those statements as independently established fact.

10 July 2026, approximately 21:45 — Later addendum: strong cooking smell in front basement

DIRECT OBSERVATION

Event / observation: A strong smell of cooking from Bonita was noticeable inside the basement at the front of [REDACTED] later in the evening.

Impact / action: The observation showed that odour was not confined to the rear garden or rear rooms.

Evidence / source: Separately recorded contemporaneous diary wording dated 10 July 2026.

10 July 2026 — Fire Service concerns raised

CORRESPONDENCE / RECORD

Event / observation: [REDACTED] emailed Dorset & Wiltshire Fire and Rescue Service about the changed frontage/bi-fold doors, internal layout, escape route and the proposed later operation.

Evidence / source: Email dated 10 July 2026.

11 July 2026 — Garden odour witnessed by [REDACTED] mother

DIRECT OBSERVATION / WITNESS COMMENT

[REDACTED] had been out for most of the day travelling to Cornwall to collect her mother. When they returned home, [REDACTED] wanted to sit with her in the garden.

The extraction fan was operating, although it appeared slightly quieter and less pronounced than usual. [REDACTED] could not say why and did not know whether the equipment was operating at a different setting.

[REDACTED] had spent time in the basement earlier in the day and experienced a considerable amount of cooking odour. The exact time, duration and character of that odour remain to be confirmed by [REDACTED].

At approximately 19:52, while [REDACTED] and her mother were sitting in the garden, a strong smell of burnt cooking came from the neighbouring premises. [REDACTED] mother, who had worked in catering for many years, also noticed it and commented that there appeared to be a constant smell of burnt food.

Impact / action: The burnt-cooking odour, one of the main recurring odours experienced from the premises, affected their ability to sit comfortably and enjoy the garden after being away from home all day.

Evidence / source: Full diary wording supplied by [REDACTED] on 3 August 2026, relating to events on 11 July 2026; mother's comment recorded as a witness comment.

11 July 2026 — Variation notice / premises closed at 22:59**DIRECT OBSERVATION**

Event / observation: [REDACTED] inspected the frontage and could not see a pale-blue variation notice clearly displayed. A timestamped photograph/video at approximately 22:59 records the premises shut and the notice positioned in the doorway. Licensing confirmed that her representation was valid and asked for more evidence of how the requested operation affected the licensing objectives.

Evidence / source: Observation, user-described timestamped media and Licensing correspondence dated 11 July 2026.

10–13 July 2026 — Monitoring identified as applicant's consultant work**CORRESPONDENCE / RECORD**

Event / observation: Jane Williams replied that the roof equipment was the consultant's work in preparation for the applicant's planning application, rather than Council/Environmental Protection monitoring.

Evidence / source: Email thread initiated 10 July; later records identify Jane's reply as 10 or 13 July.

13 July 2026 — Fan operation and repeated basement odour**DIRECT OBSERVATION**

Event / observation: [REDACTED] has confirmed that the first observation block relates to 13 July. It records the fan starting at 09:00; an odour at 12:04 lasting approximately ten minutes; garlic-bread odour at 17:24; a strong garlic-bread odour in the basement at 19:53 and again at 20:00; and the fan switching off at 22:00.

Impact / action: The entry records approximately thirteen hours of fan operation and repeated cooking odour reaching the front basement during the afternoon and evening.

Evidence / source: Screenshot IMG_9116.png of [REDACTED] Apple Notes record, with [REDACTED] date clarification supplied on 31 July 2026.

14 July 2026 — Full chronological diary entry supplied**DIRECT OBSERVATION — DATE/TIMING CONFLICT TO VERIFY**

While carrying out the guesthouse turnaround, [REDACTED] noticed a burnt smell, similar to burnt toast, at approximately 11:00–11:30.

[REDACTED] and [REDACTED] left the property at approximately 12:30–13:00 and, in this diary account, did not return until approximately 20:00.

After returning, intermittent cooking odours affected the property, including noticeable smells of garlic, onion and other strong cooking-related odours. The smells continued on and off throughout the evening.

Evidence / source: Full diary wording supplied by [REDACTED] on 3 August 2026, relating to events on 14 July 2026.

VERIFY / CONFLICT: This account of being away from approximately 12:30–13:00 until 20:00 conflicts with a separate Apple Notes record attributed to 14 July that records a basement odour at 13:57, and with photographs attributed to [REDACTED] at approximately 15:51. Preserve all versions until the original notes, photograph metadata and any calendar or message evidence establish the correct date and sequence.

14 July 2026 — Additional Apple Notes observations attributed to this date

DIRECT OBSERVATION

Event / observation: A separate observation block headed '14th July' records the fan starting at 09:00, cooking odours throughout the morning while █████ worked downstairs, an oily/doughy-food smell that made her feel sick, and the basement smelling again at 13:57.

Impact / action: The entry confirms that cooking odour reached the front basement during daytime operation as well as affecting the rear rooms and garden.

Evidence / source: Screenshot IMG_5982.png of █████ Apple Notes record; the displayed note metadata reads 14 July 2026 at 13:58.

14 July 2026, approximately 15:51 — Harbour-front and notice photographs

DIRECT OBSERVATION

Event / observation: Dated photographs showed a quiet frontage, no visible customers and the neighbouring E-Bike Café already closed. █████ notes describe Bonita as empty inside and outside. The extraction system was audibly operating. The notice appeared positioned on or immediately inside the entrance door and its visibility depended on the door position.

Evidence / source: Photographs and captions dated 14 July 2026.

14 July 2026 — Additional detailed operational summary supplied later

RECONSTRUCTED / DIRECT-OBSERVATION SUMMARY — CONFLICTS PRESERVED

A further detailed summary attributed to 14 July records the extraction system starting promptly at approximately 09:00, ending the quiet of the morning and causing █████ to feel immediate tension and anxiety.

While completing the guest-house turnaround, the rear windows in Room 2 were closed in an attempt to reduce the intrusion of the mechanical noise. At approximately 10:18, a strong meaty or Bolognese-type odour was said to have filled the house while breakfast was being prepared, and breakfast was eaten with the kitchen door closed because of the smell.

The summary records cooking odours continuing through the morning. While █████ carried out laundry and guest-house work in the basement, an oily, doughy cooking smell entered the workspace and made her feel nauseous.

At approximately 13:51, █████ went to the frontage to photograph the variation notice. The neighbouring E-Bike Café appeared completely closed with its furniture stacked away; the harbour frontage was generally quiet; no customers were visible outside Bonita; and approximately four people believed to be staff were visible inside. The extraction system remained audibly in operation despite the limited visible customer activity.

From approximately 13:57 until about 14:27, a strong cooking odour was again recorded in the front basement for around thirty minutes, significantly affecting comfort while █████ was working.

Evidence / source: Detailed summary supplied by █████ in this chat on 4 August 2026, together with the Apple Notes and frontage photographs already indexed.

Supporting evidence to variation application 168722

VERIFY / CONFLICT: This account conflicts with the separate full diary entry stating that [REDACTED] left at approximately 12:30–13:00 and did not return until approximately 20:00. It also differs slightly from the 15:51 photograph time. Preserve all versions until the original note, photo metadata, calendar and messages establish the correct sequence. Do not merge the accounts into a single seamless chronology without that verification.

15 July 2026 — Fan start, indoor odour and house affected on return

DIRECT OBSERVATION — SOURCE NOTE TO LINK

At approximately 09:13, the extraction system began operating.

During breakfast, a strong meaty or Bolognese-type cooking odour was noticeable inside [REDACTED].

[REDACTED] and [REDACTED] then left the property during the day. On returning at approximately 14:50, they found that the house smelt strongly of onions and garlic throughout, even though the rear door had remained closed.

Impact / action: The odour was immediately apparent on entering and suggested that cooking smells had penetrated and remained within the property while it was closed. This provides a further example of the difficulty of preventing odour ingress simply by closing windows and doors.

Evidence / source: Summary supplied by [REDACTED] in this chat on 4 August 2026.

15–16 July 2026 — Application amendments / EH conditions discussed

CORRESPONDENCE / RECORD

Event / observation: Environmental Health and Licensing discussed a revised position and conditions, including no amplified music externally, no external speakers, speakers facing into the building and low-level external lighting. Late-night refreshment and regulated/recorded music were later understood to have been withdrawn.

Evidence / source: Environmental Health / Licensing correspondence dated approximately 15–16 July 2026.

20 July 2026 — Planning photographs / follow-up

CORRESPONDENCE / RECORD

Event / observation: Further photographs and concerns were sent to Jason Bird about the rear plant/frontage and outstanding planning and listed-building position.

Evidence / source: Later chronology reference.

21 July 2026 — Plant switch-off and ‘minimal’ noise reply

CORRESPONDENCE / RECORD

Event / observation: [REDACTED] asked whether ventilation and air-conditioning would switch off with the extraction if no food was served after 23:00. Jane replied: ‘Likely to be 30 mins after as they will need to clean down. Going forward though the noise level should be minimal.’

Impact / action: The reply did not identify which plant would continue, define ‘minimal’, give a measured level at [REDACTED] or provide a fixed switch-off time.

Evidence / source: Email from Jane Williams dated 21 July 2026.

Supporting evidence to variation application 168722

21 July 2026 — Licensing explanation of opening hours**CORRESPONDENCE / RECORD**

Event / observation: Aileen explained that Licensing did not consider the 07:00–18:00 opening hours capable of criminal enforcement because it could not establish why they had been added during conversion, but that they could only lawfully be removed from the face of the licence through a variation. She invited evidence of how the present operation had affected the licensing objectives.

Evidence / source: Aileen's Licensing email dated 21 July 2026.

22 July 2026, approximately 14:30 — Strong odour in basement**DIRECT OBSERVATION**

Event / observation: [REDACTED] noticed a very strong and unpleasant smell in the basement at approximately 14:30.

Impact / action: This was a further daytime incident showing that odour continued to penetrate the front basement.

Evidence / source: [REDACTED] retrospective date and time clarification supplied on 31 July 2026.

25 July 2026, approximately 15:50 — Apparent drinks observed outside**DIRECT OBSERVATION**

Event / observation: While walking past La Bonita, [REDACTED] observed three people seated outside with drinks. The drinks appeared to resemble an Aperol Spritz, a mojito and a glass of red wine, although she could not confirm their contents.

Evidence / source: Retrospective diary note written on Monday 27 July 2026 about the observation made on Saturday 25 July 2026.

Context / caution: Approximately two weeks earlier, staff had told [REDACTED] that licensing conditions meant alcohol could not be consumed outside. The 25 July observation appeared inconsistent with what she had been told, but the record establishes only what was seen. Do not state that the drinks contained alcohol or that a breach occurred unless Licensing confirms the legal position.

26 July 2026, approximately 22:00 — Plant switch-off observed**DIRECT OBSERVATION**

Event / observation: The extraction/plant was observed to switch off at approximately 22:00, consistent with the current business often finishing earlier than the latest hours sought.

Evidence / source: Retrospective diary note written on 27 July about the 26 July observation.

27 July 2026 — Retrospective diary update and short break away**DIRECT OBSERVATION — RETROSPECTIVE ENTRY**

Event / observation: [REDACTED] recorded that she had not maintained the chronological diary as regularly over the preceding days because she had been extremely busy. The diary note retrospectively confirmed the 25 July outside-drinks observation and the extraction-fan switch-off at approximately 22:00 on 26 July.

██████████ were managing to get away for Monday 27 July and Tuesday 28 July. ██████████ recorded feeling extremely relieved to have a short break from the continuing extraction noise and cooking odours, which had affected their home, rest time and ability to relax for a prolonged period.

During the period away they were unable to assess plant operation, noise, odour or customer activity at ██████████

Evidence / source: Diary entry written on Monday 27 July 2026 and supplied in full for consolidation on 3 August 2026.

30 July 2026 — FOI route for abatement-notice details

CORRESPONDENCE / RECORD

Event / observation: Jane said the abatement notices were subject to GDPR and not in the public domain, forwarded the request to the FOI team and said some questions related to the intended planning consultation rather than the premises-licence variation.

Evidence / source: Jane Williams emails dated 30 July 2026.

31 July 2026 — Expanded final representation sent

CORRESPONDENCE / RECORD

Event / observation: ██████████ completed and sent their expanded final representation for premises-licence variation 168722, asking Licensing to confirm receipt and that it had been logged in full.

Evidence / source: Final submission email and attached nine-page representation.

August 2026

1 August 2026 — Extraction operation, garden impact and outside drinking observations

DIRECT OBSERVATION

Event / observation: ██████████ returned from beach yoga at approximately 09:05 and hoped to spend time working in the garden. The extraction fan started at approximately 09:30, continued operating throughout the day and switched off at approximately 22:15. During the day, ██████████ also witnessed customers on three separate occasions consuming drinks which she believed to be alcoholic in the front terrace/pavement area. Photographic evidence was taken and retained. The outside seating area is covered by a pavement licence.

Impact / action: The extraction noise immediately changed ██████████ mood and affected her ability to relax and work in the garden. The outside drinking observations were recorded because of concern about whether alcohol consumption in that area was authorised under the existing premises licence.

Evidence / source: Contemporaneous diary entry and photographs dated 1 August 2026.

1 August 2026, approximately 22:08–22:15 — Frontage closed and plant switch-off

DIRECT OBSERVATION / PHOTOGRAPHIC RECORD — EXACT TIMES TO RECONCILE

Weymouth was exceptionally busy on this first Saturday during the early school summer holidays and shortly after payday. Despite the wider visitor activity, late-evening photographs show the neighbouring E-Bike Café closed and Bonita's frontage shut, with no customers visible immediately outside Bonita at the time photographed.

Supporting evidence to variation application 168722

One account records the first wide photograph at approximately 22:08 and the extraction/plant ceasing at approximately 22:11. The existing consolidated diary entry records switch-off at approximately 22:15. These small timing differences must be checked against the original image metadata and contemporaneous note.

Relevance: Read with the wider diary, the photographs provide an illustrative example of an evening when the operation had substantially wound down around 22:00. They support, but do not by themselves prove, the proportionality of a 22:30 fallback closing and customer-departure time.

Evidence / source: Late-evening frontage photographs supplied in this chat and the 1 August diary account.

1 August 2026 — Photographic evidence sent to Licensing

CORRESPONDENCE / RECORD

Event / observation: At approximately 14:02, [REDACTED] emailed the Licensing Department with four photographs taken that day at approximately 13:24. The photographs recorded customers using the external pavement seating area and drinks which appeared to be alcoholic. She asked Licensing to review the evidence and determine whether investigation or enforcement action was appropriate.

Evidence / source: Sent email dated 1 August 2026, subject "Suspected unauthorised alcohol consumption outside La Bonita – 1 August 2026", with four attached photographs.

2 August 2026 — Garden impact, outside activity and wider harbour context

DIRECT OBSERVATION / VIDEO EVIDENCE — TIMES TO LINK

Time spent in the garden again highlighted the continuing loss of enjoyment of the property. [REDACTED] recorded reluctance to use the garden because of the neighbouring operation and observed that the garden was beginning to show signs of reduced use and maintenance.

At approximately 17:30, the E-Bike Café had already closed while Bonita remained open with customers outside consuming drinks that appeared to include wine, beer and cocktails. Video evidence was obtained. The exact contents of the drinks were not personally verified.

At approximately 18:15–18:20, one family group of around five people appeared to be eating outside Bonita, with approximately four to six customers visible inside. A wider video from Custom House Quay towards Bonita showed the surrounding area generally quiet by that time.

Relevance: These observations add to the contemporaneous evidence of actual trading patterns, outside alcohol-related activity and the changing character of this end of the harbour as neighbouring daytime businesses close.

Evidence / source: Photographs and video recorded on 2 August 2026, with the factual sequence later consolidated by [REDACTED].

2 August 2026 — Evening confrontation and statements about Temporary Event Notices

RECONSTRUCTED FROM CONSOLIDATED ACCOUNT — ORIGINAL MEDIA / WITNESS EVIDENCE TO LINK

Following a telephone call from [REDACTED], [REDACTED] went to Rice & Sail and briefly assisted by carrying plates and glasses. She later made video observations from the public highway.

Supporting evidence to variation application 168722

A dark-haired man with a moustache approached [REDACTED] and members of staff became confrontational and followed her. Rather than stop outside [REDACTED] or return directly home, [REDACTED] entered a nearby pub, where she spoke with [REDACTED].

[REDACTED] later returned with [REDACTED]. Members of staff filmed [REDACTED]. There was discussion about filming, under-18s and the staff's claim that the premises were operating under Temporary Event Notices. Staff also stated that the extraction and air-conditioning had already been switched off.

A photograph was taken of the closed premises. [REDACTED] and [REDACTED] waited outside for [REDACTED] to return safely. [REDACTED] later reported comments suggesting that [REDACTED] had been working at Rice & Sail.

Evidence handling: Separate [REDACTED] direct observations, statements made by staff, and the accounts of [REDACTED]. Preserve the original photographs and videos with metadata and do not infer facts not shown or heard.

Evidence / source: Consolidated account supplied in the 3 August 2026 case-transfer material; original video, photographs and witness accounts to be linked.

1-3 August 2026 — [REDACTED] reports discussion with Gary and Ali

THIRD-PARTY ACCOUNT — USE WITH ATTRIBUTION

[REDACTED] reported that Gary and Ali told him the business model discussed at the 1 December meeting had changed. He said they wanted customers who had finished eating, or friends passing by, to be able to join others for drinks.

[REDACTED] raised the example of a group arriving primarily for beer and smoking outside. He also reported that they wished to discuss Environmental Health and [REDACTED] complaints, but that he declined to do so. [REDACTED] stated that his solicitor had prepared and submitted an objection.

Relevance: If accurately recalled, the discussion may support concern that removing the food-ancillary condition could permit a more drink-led style of operation, with potential for longer occupation, outdoor congregation, smoking, conversation and dispersal noise.

Evidence / source: [REDACTED] account later relayed by [REDACTED] obtain [REDACTED] own written account before formal reliance.

Evidential caution: [REDACTED] were not present. The account must be identified as information reported by [REDACTED] and should be supported by his own written statement or correspondence before formal reliance.

3 August 2026 — Temporary Event Notice and outside-alcohol enquiry

CORRESPONDENCE / RECORD

A follow-up enquiry was sent or recorded for Licensing seeking details of all Temporary Event Notices issued during 2026 for La Bonita, including the exact dates and times, licensable activities authorised, whether on-sales or off-sales were permitted, whether the pavement/outside area was included, whether alcohol without food was authorised, applicable conditions, and the number of notices and event-days used.

The enquiry also sought confirmation of whether any TEN covered the observations on 1–2 August and whether outside alcohol sales or consumption were authorised.

Status as at 4 August 2026: No written response from Licensing confirming the existence, scope or validity of any Temporary Event Notice had been located. The operator's reported statement that TENs applied therefore remained unverified. The chronology does not state that no TEN existed; the formal Licensing record is required.

Evidence / source: 3 August 2026 TEN and outside-alcohol enquiry described in the consolidated case material; exact sent email and acknowledgement to be attached.

3 August 2026 — Formal Planning Enforcement escalation sent

CORRESPONDENCE / RECORD

Case EN/2025/00504. A comprehensive follow-up email was sent to Planning Enforcement Officer Jason Bird after no substantive update had been received since his email of 30 June 2026. A further email sent on 20 July had also received no substantive response.

The email requested a point-by-point written response on whether planning and Listed Building Consent applications had been submitted; which applications the owners and agent had been instructed to make; the complete scope of the enforcement case; and whether it covered the frontage, extraction and air-conditioning equipment, ducting, flat-roof works, relocated kitchen and toilets, drainage, internal alterations and possible changes to historic fabric.

It also requested the dates and scope of Planning and Building Control inspections; whether the interior had been inspected; whether an accurate record of the completed works existed; why Conservation had not yet assessed the works; whether Environmental Protection's findings had been passed to Planning and the agent; the planning history and conditions; whether intensification or material change of use had been assessed; and the current enforcement status, priority, deadlines, management oversight, consideration of formal enforcement and any interim restrictions.

The email made clear that the case should not be narrowed to an extractor-only application and requested immediate notification when any planning or Listed Building Consent application was received or registered so that plans, technical reports, heritage information and existing-versus-proposed drawings could be reviewed.

The email was copied to the wider Planning Enforcement and Conservation services, Environmental Protection, Councillor Jon Orrell and [REDACTED]. An automatic acknowledgement was received stating that the relevant inbox was monitored part-time and replies might take longer. This was recorded as an automated receipt only, not a substantive response.

Response deadline: A substantive point-by-point response was requested by Monday 10 August 2026. A general holding reply stating only that the agent was preparing plans would not be regarded as sufficient.

Planned escalation if no adequate response is received: a formal Dorset Council service complaint; request for Planning Enforcement Team Manager oversight and continuity; a separate Environmental Information Regulations request for the enforcement chronology and internal records; copying Councillor Jon Orrell and considering contact with Lloyd Hatton MP; and, after the Council complaint process if unresolved, possible referral to the Local Government and Social Care Ombudsman.

Supporting evidence to variation application 168722

Evidence / source: Formal Planning Enforcement follow-up email sent 3 August 2026, recipient/CC record and automated acknowledgement; exact sent time and attachments to be linked.

3 August 2026 — Provisional identification of air-conditioning equipment

PROVISIONAL TECHNICAL IDENTIFICATION — VERIFY

Event / observation: Photographs of the outdoor air-conditioning unit indicate that it appears to be a Daikin SkyAir commercial system using R32 refrigerant. The casing appears to carry the wording “Advance-Series”. Daikin SkyAir systems are commercial air-conditioning systems commonly installed in restaurants, shops and smaller hospitality premises.

Verification required: The precise model number has not yet been confirmed. It should appear on the manufacturer’s data label positioned on the side or lower part of the unit. Possible model families include RZAG or RZAS units, but no particular model, capacity class or acoustic performance should be stated as confirmed until the data label and manufacturer’s specifications are obtained.

Relevance / action: The exact model is relevant to Environmental Protection, Planning and Licensing because the manufacturer’s documents should provide sound-power and sound-pressure data and allow the air-conditioning unit to be assessed separately from, and cumulatively with, the extraction equipment and other fixed plant.

Evidence / source: Visual identification information supplied by [REDACTED] on 3 August 2026; original equipment photograph to be linked when the model label is photographed clearly.

3. Photograph and video evidence index

This schedule preserves the dates and descriptions recovered from [REDACTED] notes. Each description should be checked against the original media before formal use. “No food visible” means only that food cannot be seen in the particular image or clip; it does not prove that no food was ordered or served.

Date / time	What the media appears to show	Evidential note
25 May, 19:17	People seated outside with drinks; no food visible in the image.	Confirm file timestamp and avoid identifying drink contents without evidence.
20 June, 21:28	One customer visible seated at an outside table; frontage appears quiet.	Confirm whether the image shows the whole licensed frontage.
21 June, time not recovered	People outside with drinks; no food visible in the image.	Recover the original timestamp.
23 June, 17:39	People outside with drinks; no food visible in the image.	Use neutral wording; the image is a moment in time.

Date / time	What the media appears to show	Evidential note
24 June, 21:58	Neighbouring businesses, including Quayside, appear closed; Bonita remains open but appears very quiet; no person eating is visible.	Confirm the precise businesses in frame and retain the original clip.
25 June, 22:07	People outside with drinks; no food visible in the video/image.	Do not state that the drinks were alcoholic unless supported.
26 June, 11:03	People who appeared to [REDACTED] to be staff using the outside area with drinks.	Check whether the timestamp means 11:03 or 23:03 and whether the people can reliably be identified as staff.
4 July, time not recorded here	Black refuse bags being taken from the premises and, in [REDACTED] account, placed in public litter bins.	Confirm what the whole clip shows; do not allege a legal breach without Council confirmation.
11 July, 22:59	Premises shut; variation notice positioned in the doorway.	Check notice visibility and retain photo/video metadata.
14 July, approximately 15:51	Bonita appears empty inside and outside; E-Bike Café appears closed; extraction audible in the associated recording.	Keep the image and audio/video as separate originals if applicable.
Date to confirm, 20:29	[REDACTED] balcony photograph reportedly shows nobody outside Bonita.	Obtain the original from [REDACTED] and confirm the date and viewpoint.
1 August, three separate times not yet recorded	Customers using the front terrace/pavement area with drinks which [REDACTED] believed to be alcoholic; photographs were taken on three separate occasions.	Confirm each original timestamp and filename. Preserve the unedited originals and do not state that a licensing breach occurred unless Licensing confirms the legal position.
1 August, approximately 22:08–22:15	Late-evening wide and closer views show E-Bike Café closed and Bonita's frontage shut; no customers are visible immediately outside Bonita. The associated diary records plant switch-off around 22:11–22:15.	Confirm the date and exact metadata of both images and reconcile 22:08, 22:11 and 22:15. Use as an illustrative evening only, not proof of the

Date / time	What the media appears to show	Evidential note
		pattern every night.
2 August, approximately 17:30 and 18:15– 18:20	Video observations show Bonita open after E-Bike Café had closed; customers outside with drinks; later one family group eating outside, several customers inside and the wider harbour generally quiet.	Link the original videos and timestamps. Describe drinks only as appearing alcoholic unless confirmed. Keep customer counts approximate.

Undated or incompletely dated recollections

May–July 2026 — Evening and hot-weather plant pattern

RECONSTRUCTED

Event / observation: ■■■■ recalls that plant noise was often more noticeable later in the evening, even with windows closed. In hot weather, the air-conditioning appeared to start earlier; when extraction also operated, the combined hum affected the rear garden, kitchen and bedroom.

Impact / action: Garden use was avoided, windows stayed closed despite warm conditions and bedtime was delayed until switch-off.

May–July 2026 — Later checks of the premises

RECONSTRUCTED

Event / observation: ■■■■ recalls at least five checks at approximately 22:00–23:00 when the premises was either shut or people she believed to be staff were outside. She recalls some leaving towards the George pub.

Impact / action: This may show that the full later hours had not been used consistently; it does not establish future demand or prove a breach.

May–July 2026 — Basement and garden impact

RECONSTRUCTED

Event / observation: ■■■■ increasingly used the front basement to obtain distance from the rear plant, although odours also reached it. ■■■■ recalls using the garden only a small number of times because of noise and odour.

APPENDIX G

PHOTOGRAPHIC EVIDENCE

Supporting the definitive representation already submitted

Premises	Bonita (formerly TJ Cafe), 10 Custom House Quay, Weymouth, Dorset DT4 8BG
Variation application	168722
Premises licence reference	152682
Submitted by	[REDACTED]
Affected property	[REDACTED]
Primary licensing objective	Prevention of Public Nuisance
Submission date	4 August 2026

Status: This appendix is submitted as supporting evidence only. It does not replace or amend [REDACTED] [REDACTED] definitive representation already submitted in relation to application 168722.

Photograph schedule and evidential note

The photographs have been selected to give the Sub-Committee a concise visual understanding of the harbour setting, [REDACTED] private amenity space, the proximity of the commercial plant, the physical change at the rear of the premises, the frontage and external seating, and the late-evening operating pattern recorded on particular occasions.

- Captions describe only what the photographs show and why the image is relevant.
- Original files are retained. Where dates or times are known, they are stated; where a date or exact time requires confirmation, this is made explicit.
- No photograph is relied upon as proof of sound level, odour intensity, customer activity or closing time on every occasion.
- No legal conclusion is drawn from a photograph where the relevant authority must determine the position.
- Where a photograph contains members of the public, the submitted image has been selected or cropped so that no identifiable face is shown.

Figure	Subject	Primary relevance
G1	Harbour frontage and local setting	Harbour character and mixed-use context
G2	Open frontage and external seating	Open frontage and outside area
G3	The Wadham's private garden and seating area	Private residential and guest amenity
G4	View from private sleeping accommodation	Proximity to sleeping accommodation
G5	Relationship between the garden, boundary and plant	Garden, boundary and plant relationship
G6	Annotated spatial relationship	Annotated spatial relationship
G7	Earlier and current rear plant arrangement	Physical baseline and material change
G8	Pavement seating beside the neighbouring doorway	External seating and neighbouring doorway
G9	Late-evening frontage and harbour context	Actual late-evening pattern and quieter context
G10	Bonita frontage later the same evening	Closing pattern and 22:30 fallback request

Figure G1 - Harbour frontage and local setting**Date / time****14 July 2026, approximately 15:51****Viewpoint**

Custom House Quay, viewed from across the harbour road

Wide view of Bonita and the neighbouring premises. The photograph shows the mixed cafe, hospitality and residential character of this section of Custom House Quay, including the relationship between Bonita, the neighbouring E-Bike Cafe and No. 10A. It is included as setting evidence. The photograph records one point in time and is not relied upon as proof of customer numbers at other times.

Figure G2 - Open frontage and external seating

Date / time	14 July 2026, approximately 15:51
Viewpoint	Bonita frontage, Custom House Quay

Closer view showing the open bi-fold frontage and tables and chairs positioned on the pavement immediately in front of Bonita and beside No. 10A. The photograph is relevant to understanding the direct physical connection between the internal customer area and the external seating area, and the importance of a clear approved premises plan and effective controls over outside use.

Figure G3 - [REDACTED] private garden and seating area**Date / time****Photograph supplied July 2026****Viewpoint**

Rear courtyard garden, [REDACTED]

The principal outdoor seating and dining area within [REDACTED] enclosed courtyard garden. This area was regularly used for meals, relaxation, guest-house administration and waiting for arriving guests. The photograph demonstrates that the rear courtyard is a genuine private residential and guest amenity space rather than a service yard.

Figure G4 - View from private sleeping accommodation**Date / time****Photograph supplied July 2026****Viewpoint**

Ground-floor bedroom, [REDACTED]

View from the private ground-floor bedroom through the openable window and across the enclosed courtyard garden. The image shows the relationship between sleeping accommodation, the garden and the rear boundary. It is included to demonstrate proximity and viewpoint; the photograph does not itself record the character or level of sound.

Figure G5 - Relationship between the garden, boundary and plant**Date / time****Photograph supplied July 2026****Viewpoint**

Upper rear window at [REDACTED]

Wide view showing [REDACTED] enclosed garden, the boundary wall and part of the current commercial plant immediately beyond it. The photograph demonstrates the close physical relationship between the plant, the private garden and windows serving the home and guest accommodation.

Figure G6 - Annotated spatial relationship

Date / time	Annotation prepared from a July 2026 photograph
Viewpoint	Rear of [REDACTED] and Bonita

Annotated overhead view identifying [REDACTED] private garden, the boundary wall and the commercial extraction equipment. The marked distance of approximately one metre is indicative and should be verified by formal measurement if required. The annotation is included to assist the Sub-Committee in understanding the layout and proximity.

Figure G7 - Earlier and current rear plant arrangement

Earlier rear area



Photograph dated 3 November 2025 at approximately 09:19.

Current extraction and plant



Photograph taken 14 July 2026.

Date / time	Earlier image: 3 November 2025 at approximately 09:19; current image: 14 July 2026
Viewpoint	Rear service-roof area of the neighbouring premises

Comparison of the rear area before and after installation of the current plant arrangement. The earlier photograph shows a smaller standalone unit and open roof hatch. The later photograph shows the larger commercial extraction and associated plant positioned immediately beyond [REDACTED]. The comparison is included as physical baseline evidence; any planning or listed-building conclusions remain matters for the relevant authority.

Figure G8 - Pavement seating beside the neighbouring doorway**Date / time****4 August 2026****Viewpoint****Pavement outside Bonita and No. 10A**

Close detail showing a pavement table and chairs immediately in front of the neighbouring blue door marked 'Fire exit - Keep clear'. The photograph is included only to show the physical relationship between the external seating and the neighbouring doorway, and the importance of a clearly defined authorised footprint and effective management. No conclusion is drawn from this photograph about fire safety or licensing compliance.

Figure G9 - Late-evening frontage and harbour context

Date / time

Approximately 22:08; date to be confirmed from the original device record

Viewpoint

Custom House Quay, viewed from across the harbour road

Wide late-evening view showing the neighbouring E-Bike Cafe closed, Bonita's frontage shut and no customers visible immediately outside Bonita at the time photographed. The image is an illustrative snapshot of the quieter late-evening character of this section of the harbour. It should be read alongside the chronological diary entry recording that the extraction system ceased operating at approximately 22:11 on this occasion. The photograph is not relied upon as proof of the premises' closing time on every evening.

Figure G10 - Bonita frontage later the same evening

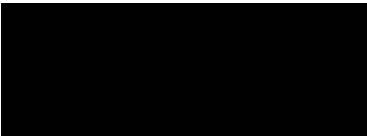
Date / time	Later the same evening; exact time to be confirmed
Viewpoint	Immediately outside Bonita, Custom House Quay

Closer view showing Bonita's folding frontage closed and no customers visible outside, although tables remained on the pavement. Read together with Figure G9 and the diary record of the plant switching off at approximately 22:11, this photograph provides supporting evidence of an evening on which the operation had substantially wound down around 22:00. It is relevant to the proportionality of the fallback request that the premises close and all customers depart by 22:30.

Submission statement

This updated photographic appendix is submitted as supporting evidence to [REDACTED] and [REDACTED] definitive representation concerning variation application 168722. It should be read alongside the chronological diary and the key Environmental Protection, Licensing and Planning correspondence.

For the avoidance of doubt, the photographs do not replace or amend the definitive representation already submitted.



4 August 2026

I live in a house on the quay opposite Bonita. I own the property and it is my sole residence. My representation relates to the following:

1. The prevention of crime and disorder: The sale of alcohol for consumption off the premises and without food would change significantly the way alcohol could be consumed by Bonita's customers, transforming Bonita from a restaurant into a pub which serves food. Whilst reference is made to CCTV and there are plans to monitor and supervise behaviour, the very fact that this would be needed is acknowledgement of a potential problem associated with alcohol use during the day and into the late evening.

2. The prevention of public nuisance: Quiet background music inside Bonita produces a pleasant ambience for those eating there (I know because I have eaten there), but public nuisance would be a potential problem if there were music outside the building while alcohol was consumed separately from a meal. People singing or shouting, even if it were joyful and exuberant, would be noisy and more so if fuelled by consumption of alcohol. Sound carries easily across the water and would certainly constitute a public nuisance for those living opposite, including myself, if the licensing hours were to extend beyond 10.30pm when people are attempting to sleep.

3. Public Safety: Bonita is a small building on a narrow one-way road. It is envisaged that alcohol will be sold for consumption off the premises without any restriction requiring people to be seated at tables while they consume their alcohol with a meal (I understand there is an application for a pavement licence for tables and chairs and I do not object to that). But without any requirement that alcohol be consumed with a meal it would be natural for individuals to stand, drink and mingle in groups with nothing to prevent them crossing the road whilst consuming alcohol to sit on the wall. Dorset Council should be aware of the potential risk of harm from traffic.

4. Weymouth Neighbourhood Plan: I assume Dorset Council will, when making its decision concerning the licensing objectives, need to take into account the Weymouth Neighbourhood Plan which sets out under the heading 'Communities', Aim 1:- Celebrate the unique character and culture of each local neighbourhood Aim 3:- Protect and enhance the distinctive historic character of the conservation areas and other heritage locations. This part of the harbour is characterised by a mix of residential properties, holiday lets, sailing, watersport and fishing activities. Restaurants serve alcohol with food, for example Rice and Sail and Les Enfants. Visiting yachts moor directly alongside these restaurants. The distinctive character of the area is that of people living and enjoying themselves alongside visitors. The area attracts people who wish to eat well for example at the Dorset Seafood Festival, Les Enfants Terribles and The Catch restaurant. La Bonita Pasta Club has the potential to contribute to that foodie culture as a restaurant with a good vibe which serves alcohol to accompany quality food. In this way, the atmosphere and positive reputation of the harbour would be preserved, protected and indeed enhanced. It would be detrimental to the historic character of the harbour if Bonita were to become effectively a pub or bar serving food. This part of Weymouth harbour would be at risk of losing its status as a desirable place to live, visit, moor a boat and eat becoming instead a noisy, troubled area associated with excessive alcohol consumption. I wish Bonita well, but for the above reasons I am objecting to the sale of alcohol other than for consumption with a meal as is the case at present and not later than 10.30pm which I believe would place Bonita on a par with Rice and Sail, and Les Enfants Terribles.

I own an [REDACTED] [REDACTED], the residential property immediately next to Bonita. I make this representation against the proposed variation under the licensing objective of the prevention of public nuisance. I do not object to the premises continuing to operate responsibly as a restaurant.

My concern is that the variation would permit a materially more alcohol-led and intensive operation, extending into the most sensitive nighttime period, without sufficiently precise safeguards for the residents living immediately next door. Proposed change in the character and intensity of the operation

The existing restrictions requiring alcohol to be supplied with a customary main meal have provided an important control over the character and intensity of the premises. The application seeks to remove those restrictions, allow alcohol to be sold without food, introduce off-sales and permit alcohol sales until midnight every day and until 01:00 on New Year's Eve.

This combination would enable the premises to function as a drinking establishment rather than principally as a restaurant. In practical terms, customers attending primarily to drink are likely to remain later, generate more conversation and movement, make greater use of outside areas and disperse in greater numbers late at night.

My concern is not the planning classification of the premises, which I understand is a separate matter. It is the foreseeable effect of the proposed alcohol-led operation on the prevention of public nuisance.

Proximity of residential accommodation Deheers is immediately adjacent to the premises and contains residential apartments used for sleeping and normal domestic occupation. Because of this close relationship, noise that might be acceptable in a commercial location during the daytime can become intrusive late at night.

The period from 23:00 onwards is particularly sensitive because residents are ordinarily trying to sleep.

Outdoor activity and music

The application appears to seek: • Late-night refreshment outdoors until midnight. • Recorded music outdoors. • On-sales and off-sales of alcohol until midnight. • Removal of restrictions on the premises' general opening hours.

The application does not appear to include a clear closing time or capacity for the outside area, a prohibition on outdoor speakers, a condition requiring doors and windows to be closed when music is played, or an effective restriction on customers drinking or congregating outside late at night.

The offered condition that staff will monitor the immediate outside area is too general. It does not specify how often monitoring must take place, what noise standard must be observed, how many customers may use the outside area, or when that area must close. Outdoor conversations, raised voices, movement of furniture and customers entering, leaving or smoking are likely to be particularly audible within the neighbouring apartments. Recorded music outside after 23:00 would add directly to that disturbance. Off-sales, dispersal and litter Permitting off-sales increases the risk of customers consuming alcohol immediately outside the premises or elsewhere on Custom House Quay. This creates an additional risk of

late-night voices, groups congregating, bottles and glasses, litter and disturbance during dispersal.

The proposed notices asking customers to leave quietly are welcome but are not sufficient by themselves. A sign does not provide an enforceable limit on the number of people outside, the hours during which the outside area may be used, or the consumption of alcohol immediately outside the premises

Removal of general opening hours

The apparent proposal to remove the premises' opening-hours restriction is also concerning. Although the hours for particular licensable activities may be specified, the licence should contain a clear time by which customers must leave. Otherwise, noise and disturbance associated with drinking, clearing tables and customer dispersal may continue after the terminal hour for alcohol sales.

Outcome requested I ask the Licensing Authority to refuse the variation as submitted because the combination of unrestricted drinking, off-sales, outdoor activity, music and late hours is not adequately controlled and is likely to undermine the prevention of public nuisance.

If the Authority is not minded to refuse the variation, I request that the existing restaurant and meal-related restrictions be retained and that the following conditions be imposed or agreed:

1. Alcohol for consumption on the premises shall be supplied only to customers seated at tables and taking a substantial table meal, and shall be ancillary to that meal.
2. No off-sales of alcohol shall be permitted. Alternatively, off-sales shall be restricted to alcohol in sealed containers supplied with a takeaway meal, and no alcohol sold for consumption off the premises shall be consumed in the immediate vicinity.
3. The sale of alcohol and provision of late-night refreshment shall cease no later than 23:00, and the premises shall be closed and clear of customers by 23:30.
4. Any external area shall be closed and cleared of customers by 22:00 every day. No alcohol shall be taken into or consumed in an external area after that time.
5. Customers using an external area shall be seated at tables, and an appropriate maximum capacity shall be specified after consideration of the revised premises plan.
6. No live or recorded music, television, amplified sound or speakers shall be provided in any external area at any time.
7. After 21:00, external doors and windows shall remain closed whenever recorded music is played, except for immediate customer access and egress.
8. After 22:00, customers shall not be permitted to congregate immediately outside the premises. Any designated smoking area shall have a specified maximum capacity, no drinks shall be taken into it, and staff shall supervise it.
9. A written noise-management and customer-dispersal plan shall be maintained and implemented whenever the premises is open. It shall cover outdoor areas, smoking, staff monitoring, closing procedures, complaints and the quiet dispersal of customers and shall be available to authorised officers on request.

10. No bottles, glass, waste or refuse shall be placed into or collected from external bins between 22:00 and 08:00.

11. A telephone number for the duty manager shall be made available to neighbouring residents whenever the premises is operating, and all complaints shall be recorded in an incident log.

These measures are directed specifically at the consequences of the proposed variation and are proportionate to the exceptionally close relationship between the premises and neighbouring residential accommodation.

I would be willing to discuss suitable conditions with the applicant, but I do not withdraw my representation unless an agreed set of conditions has been confirmed in writing.

Please acknowledge receipt, confirm that my representation has been accepted as relevant, and notify me of any hearing or proposed amendments to the application. I am willing to attend (or send a representative) and speak at a licensing hearing if required.

4 – [REDACTED]

I write in relation to the above application. We do not object to the continued operation of Bonita as a restaurant and recognise the valuable contribution that restaurant businesses make to the vitality and attractiveness of Custom House Quay. Our concern relates specifically to those aspects of the application that seek to remove the existing licence conditions which currently ensure that the premises operates as a food-led establishment rather than a drinking venue. The application seeks to remove restrictions requiring alcohol sales to be associated with meals and would permit alcohol sales from 09:00 until midnight, together with off-sales of alcohol. Taken together, these changes have the potential to alter the character of the premises from a restaurant-led operation to one functioning more as a bar. It is this potential change in use and character that gives rise to our concerns. In our view, Custom House Quay is characterised predominantly by restaurant, café and dining uses within a mixed commercial and residential environment. Alcohol consumption ancillary to dining is entirely consistent with this character. However, a premises operating principally for the consumption of alcohol may generate a materially different impact through customer congregation, smoking, noise and late-evening dispersal. We are therefore concerned that the proposed removal of the existing restaurant-related controls could increase the potential for public nuisance and adversely affect neighbouring occupiers and nearby residents. Our concern is to ensure that the premises remains restaurant-led and does not evolve into a predominantly drinking establishment. Accordingly, should the Licensing Sub-Committee be minded to grant the application, we respectfully request that consideration be given to retaining or imposing conditions that preserve the restaurant character of the premises, including:

- A requirement that the premises operate principally as a restaurant, with substantial food available throughout trading hours.
- A requirement that alcohol is supplied to customers seated at tables.
- A requirement that, during the later evening period (for example after 21:00 or such other time as the Sub-Committee considers appropriate), the sale of alcohol is ancillary to a table meal.
- A restriction preventing the premises from operating as a vertical drinking establishment.
- Consideration of restrictions on the consumption of alcohol within any external seating area during the later evening period.

We believe such conditions would provide a fair balance between supporting the continued success of the business and safeguarding the character of the area and the amenity of neighbouring occupiers and residents. We would therefore ask the Licensing Sub-Committee to take these matters into account when determining the application. Yours faithfully,

Same interested party (4) – sent in an email on 4 August 2026

Representation to Dorset Council Licensing

Re: Application to Vary Premises Licence – Bonita, 10 Custom House Quay, Weymouth DT4 8BG

Application Ref: 168722

I write as the [REDACTED] commercial premises in relation to the above application.

We do not object to the continued operation of Bonita as a restaurant and recognise the valuable contribution that restaurant businesses make to the vitality and attractiveness of Custom House Quay.

Our concern relates specifically to those aspects of the application that seek to remove the existing licence conditions which currently ensure that the premises operates as a food-led establishment rather than a drinking venue.

The application seeks to remove restrictions requiring alcohol sales to be associated with meals and would permit alcohol sales from 09:00 until midnight, together with off-sales of alcohol. Taken together, these changes have the potential to alter the character of the premises from a restaurant-led operation to one functioning more as a bar. It is this potential change in use and character that gives rise to our concerns.

In our view, Custom House Quay is characterised predominantly by restaurant, café and dining uses within a mixed commercial and residential environment. Alcohol consumption ancillary to dining is entirely consistent with this character. However, a premises operating principally for the consumption of alcohol may generate a materially different impact through customer congregation, smoking, noise and late-evening dispersal.

We are therefore concerned that the proposed removal of the existing restaurant-related controls could increase the potential for public nuisance and adversely affect neighbouring occupiers and nearby residents.

Our concern is to ensure that the premises remains restaurant-led and does not evolve into a predominantly drinking establishment.

Accordingly, should the Licensing Sub-Committee be minded to grant the application, we respectfully request that consideration be given to retaining or imposing conditions that preserve the restaurant character of the premises, including:

- A requirement that the premises operate principally as a restaurant, with substantial food available throughout trading hours.
- A requirement that alcohol is supplied to customers seated at tables.
- A requirement that, during the later evening period (for example after 21:00 or such other time as the Sub-Committee considers appropriate), the sale of alcohol is ancillary to a table meal.
- A restriction preventing the premises from operating as a vertical drinking establishment.
- Consideration of restrictions on the consumption of alcohol within any external seating area during the later evening period.

We believe such conditions would provide a fair balance between supporting the continued success of the business and safeguarding the character of the area and the amenity of neighbouring occupiers and residents.

We would therefore ask the Licensing Sub-Committee to take these matters into account when determining the application.

Thank You.

Regards

██████████

5 – ██████████

FORMAL REPRESENTATION Application to Vary the Premises Licence Bonita (formerly TJ Café) 10 Custom House Quay, Weymouth, Dorset DT4 8BG Premises Licence 152682 Variation Application 168722 Submitted by ██████████ Primary licensing objective Prevention of Public Nuisance Representation deadline Midnight, 4 August 2026 Primary request: refusal of the variation Introduction My wife and I retired to Weymouth (my hometown) in August 2021 and purchased an apartment in ██████████. At this point, there was just an Ebike shop selling coffee on this stretch of the harbour and TJ's café for daytime dining. Discussions with the Gary and Ali Record On 1 December 2025 I met with Gary and Ali Record at The George to discuss their plans for Bonita as it is ██████████ our residential building and naturally raised concerns about noise and nuisance in a quiet part of the harbour. They carefully explained that Bonita was going to be a restaurant offering pasta, charcuterie, etc. with a great wine list. We felt this was going to be a good addition to our peaceful harbourside environment and had no issues with their plan. When we became aware of the licence variation application, we were very concerned as, in effect, it would change the dynamic of a relaxed restaurant to a busy bar with optional food. Consequently, on 27 July I arranged to meet Gary and Ali at Bonita to discuss the matter. Ali mentioned that their sales mix was circa 80% food and 20% alcohol and wanted to increase their alcohol sales. Ali offered an example of 'some existing diners having a friend join for only a glass of wine and enjoy both the company and view'. I replied how 'perhaps 10 lads arrive at 10.55pm, ordered drinks and are outside with bottles of beer at until 11.55pm'. We are also alarmed at the request for off sales of alcohol, which would lead to a drinking culture and an 'outside bar' on the harbour pavement accompanied by music from the restaurant. Clearly it is their aim to move from a restaurant offering dining and alcohol to, if required, alcohol only. Grounds for objection • the proposed fundamental change of the Bonita business model is not in keeping with the peaceful harbourside environment and will lead to further public nuisance. • There are sufficient contained areas on the esplanade for this culture. This area is well controlled by the council and overseen by the police and private security. It should continue to be contained to one sea-front stretch and not extending to the harbour area. • ██████████ and I are harbour facing on the ██████████ Custom House Quay and have a direct sightline to Bonita, 10 Custom House Quay. • Clearly the licence applies to the premises not the owners of the premises. If this application to vary the licence was granted, the focus of the current of future owners could easily have a far more aggressive approach to selling alcohol without any food. • If the licence was granted it would set a precedent, permitting other businesses to make similar amendments to their licences, leading to a significant demise to the peaceful stretch of harbourside environment, where visiting boats can also enjoy a peaceful mooring. Consequently, we wish to formally object to all points requested in the licence variation application. If there is a hearing, I would be prepared to attend. Please can you confirm receipt of this objection and its addition to the application file.

6 – [REDACTED]

Bonita 10 Custom House Quay, Weymouth, Dorset DT4 8BG Premises Licence 152682 Variation Application 168722 Submitted by [REDACTED] Affected premises [REDACTED]

[REDACTED] Primary licensing objective Prevention of Public Nuisance Representation deadline Midnight, 4 August 2026 Primary request: refusal of the variation I make this representation objecting to the variation on the licensing objective of the prevention of public nuisance. I own [REDACTED] [REDACTED] is [REDACTED] from the entrance of Bonita. Change in the character of the premises The present licence ties the supply of alcohol to a table meal. That single restriction is what keeps Bonita a restaurant rather than a bar. Removing it, and at the same time adding off-sales, outdoor use and a midnight terminal hour, is not a minor adjustment; it would change what the premises fundamentally is and how intensively it operates in the evening. Customers attending primarily to drink are likely to stay later, be louder, make greater use of the outside area and disperse in larger numbers late at night. The proposed safeguards are not enforceable The offered assurances that staff will monitor the frontage and ask customers to leave quietly cannot be measured or enforced. They set no capacity for the outside area, no time by which that area must close, no noise standard and no limit on drinking on the pavement. Undertakings of this kind give neighbouring residents no real protection. Removal of the general opening-hours restriction The application also appears to remove the restriction on the premises' general opening hours. Without a fixed time by which customers must leave, disturbance from dispersal, clearing up and people finishing drinks can continue well after the last sale of alcohol. The licence runs with the premises, not the owners Finally, a premises licence attaches to the premises, not to the current owners. Whatever the present operators intend, a future operator could lawfully run a far more aggressive, alcohol-only operation on the strength of the varied licence. The conditions therefore have to be adequate on their own terms, not accepted on trust. Outcome requested I ask the Authority to refuse the variation. If it is minded to grant it, I ask that the meal-related restriction be retained and that, at minimum, conditions be imposed to: 1. permit on-sales of alcohol only to customers taking a substantial table meal, ancillary to that meal; 2. prohibit off-sales, or restrict them to sealed containers supplied with a takeaway meal and not for consumption in the immediate vicinity; 3. require alcohol sales to cease by 23:00 and the premises to be closed and cleared of customers by 23:30; 4. require any outside area to be closed and cleared by 22:00, after which no alcohol may be taken to or consumed there; 5. prohibit amplified sound, speakers, live or recorded music in any external area at any time; 6. fix a terminal hour by which all customers must leave and require a written noise-management and dispersal plan to be maintained and available to officers. Please confirm receipt, that my representation has been accepted as relevant, and notify me of any hearing or proposed amendment.

7 – [REDACTED]

FORMAL REPRESENTATION Application to Vary the Premises Licence Bonita (formerly TJ Café) 10 Custom House Quay, Weymouth, Dorset DT4 8BG Premises Licence 152682 Variation Application 168722 Submitted by [REDACTED]

[REDACTED] Primary licensing objective Prevention of Public Nuisance Representation deadline Midnight, 4 August 2026 Primary request: refusal of the variation I am writing to object to the application to vary the premises licence for Bonita, on the ground of the prevention of public nuisance. My wife and I own [REDACTED], and our building is [REDACTED] to the Bonita premises. [REDACTED]

My parents live in Weymouth, I am a very keen fisherman and as such keep a 38' boat in Weymouth marina and am a regular user of the harbour. Because I regularly moor directly outside our building, I see and hear late-night activity at first hand and frequently speak with other boat owners who are berthed nearby. Noise from people leaving licensed premises carries clearly across the harbour, particularly late in the evening when background noise is low. Many fellow boat owners have commented that Weymouth Harbour is becoming increasingly noisy at night, making it difficult to sleep on board and there is a growing perception that Poole Harbour offers a quieter and more attractive alternative. This is not simply my personal experience but a concern shared by a number of members of the harbour community. Extending Bonita's licensed activities into later hours, allowing off-sales and permitting outdoor drinking is likely to increase the very type of disturbance that boat owners are concerned about, and destroying the peaceful boating community that is special to this part of Weymouth Harbour. I have no objection to Bonita as it currently operates. My concern is specifically with the proposed changes: allowing alcohol to be sold without food, permitting takeaway (off) sales, extending sales to midnight, and drinking outside. A restaurant where people come to eat is very different from a bar where people come to drink. Drinkers stay later and are louder, and if sales run until midnight the noise of people talking outside, finishing their drinks and then leaving will continue past midnight - exactly when those on expensive boats are trying to sleep. Off-sales and outdoor drinking would make this considerably worse, encouraging people to stand and drink on the pavement directly below the flats rather than sit at a table inside. I ask the Authority to refuse the variation. If it is nonetheless granted, I ask for conditions that: 1. keep the supply of alcohol tied to a substantial table meal; 2. do not permit off-sales of alcohol; 3. the use of any outside area to cease by 22:00, guests should then move inside or leave; 4. prohibit speakers or amplified music outdoors; 5. provide a duty-manager telephone number to neighboring residents and require complaints to be logged. Thank you for considering my objection. Please confirm its receipt and advise us of the outcome.

Bonita (formerly TJ Café) 10 Custom House Quay, Weymouth, Dorset DT4 8BG Premises License 152682 Variation Application 168722 Submitted by [REDACTED]

Affected premises [REDACTED] Primary licensing objective Prevention of Public Nuisance Representation deadline Midnight, 4 August 2026 Primary request: refusal of the variation We wish to make a representation objecting to the application to vary the premises licence for the above premises. Our representation is made on the licensing objective of the prevention of public nuisance. We have no objection to the restaurant running like it does now, but the proposed changes are worrying as they would allow alcohol to be sold without the current alcohol limitations, allowing take-away alcohol sales and alcohol sales until midnight which will lead to more people drinking outside directly underneath our windows. In our view, these changes are likely to increase noise and disturbance, particularly during the late evening when nearby residents are trying to rest and sleep. We live [REDACTED] premises. My home is our only residence, and we live there on a full-time basis. Because of the close proximity, noise from customers talking outside, smoking, moving chairs and tables, arriving and leaving the premises, or gathering after drinking can easily be heard inside our home. Also, all the bottles and rubbish disposal will be very disturbing. My husband is [REDACTED] [REDACTED] A quiet home environment, especially during the evening and at night, is therefore very important to us. We are concerned that later alcohol sales, off-sales and fewer restrictions on the way alcohol is supplied would result in increased disturbance that would directly affect our ability to rest and enjoy our home. It is very worrying that there is no information on managing the outside area. There is not enough information on how the residents will be protected such as closing times or loud music being played outside. It just says staff will ask customers to leave quietly. We are also concerned about the proposal to allow off sales of alcohol. This may encourage customers to remain outside the premises with drinks, gather along Custom House Quay, or create additional noise, litter and disturbance after leaving the premises. We are also concerned that removing the current opening hours restriction could mean customers stay on the premises after alcohol sales have finished. This could lead to more late-night noise from customers leaving and staff clearing up. For these reasons, we ask the Licensing Authority to refuse the variation as submitted because it is likely to undermine the prevention of public nuisance for residents living immediately beside the premises. If the Licensing Authority decides to approve the application, I hope that conditions below are put in place to protect people living nearby: 1. not allow take-away alcohol sales. 2. limit the hours when alcohol can be sold and when the outside area can be used. 3. managing late-night smoking and making sure customers leave quietly and a proper plan to control noise. 4. not permit amplified music outside. 5. keep the doors and windows closed when music is playing. 6. keep the business as a restaurant. Thank you for considering my objection. Please could you confirm that you have received it and it is accepted and let me know if there are any changes to the application.

From: [REDACTED] Date: Wed, 22 Jul 2026 at 15:48 Subject: Re: Noise and odour from La Bonita To: Jane Williams Since receiving your previous response, we have had a daily serving of odours, sometimes garlic other times a "greasy type" of smell, and very often both at different times of the same day. Today, Wednesday 22nd July 2026 at 2.30pm and continuing, we have a most unpleasant and strong grease like based smell. I have several points I would like to share with you. Firstly as an Industrial Chemist I worked as a specialist in Water and Air systems. It is quite clear that no attempt has been made to remove odour in the installation of the current extraction system. Most probably a straight forward Active Carbon air filtration inclusion would have been sufficient. In any case the technology is readily available so why is it not just installed. This surely is in itself not a planning issue. Secondly, for this odour to carry such a distance and be so strong, would indicate that extremely fine particulate matter may currently be discharged into the atmosphere, which for all we know could be carcinogenic. Thirdly, the fact that the odour in effect "clings" for example the freshly washed clothing again supports the concerns over particulate emission. To summarise, it is totally unacceptable to put up with this public nuisance for months while the Local Government system grinds into place. Surely Environmental Health has a duty of care to us, the general public, to ensure that our reasonable comfort is maintained and more importantly ensure there is no harmful discharge taking place. With that in mind may I suggest that an urgent program be installed to monitor and "catch" any particulate discharge to at least ensure that either there are no toxic components, or alternately take fast remedial action to avoid any harmful long term to anyone unfortunate to be affected by these discharges. In any case, surely the owners can, without delay, install an odour removal treatment package to stop this nuisance. Many thanks for your attention to this problem. Regards [REDACTED]

On Fri, 3 Jul 2026 at 13:47, [REDACTED]: Very many thanks for your response As I write we are in the midst of a Garlic session First noticed at 1.30pm and is extremely unpleasant Appreciate there has to be a time frame for correction However these people are experienced and should know better I think that they just don't care Regards [REDACTED] Sent from my iPhone On 3 Jul 2026, at 12:08, Jane Williams wrote: Gooda Afternoon [REDACTED]

[REDACTED] Thank you for your timely contact. Having undertaken a recent investigation I am on the cusp of serving abatement notices for both noise and odour on the premises' responsible persons. Because the nature of the resolution is likely to involve planning permission before appropriate change is instigated the timeframe to comply is likely to be set for 3 months. In the meantime, the noise and odour will remain unabated and is likely to continue to cause intrusion in your home, for that I apologise but am unable to reduce the timeframe or change the outcome at this time. If you would like to speak further about this, please do not hesitate to contact me. Kind regards Jane Williams (Mrs) Pronoun - She/Her Environmental Protection Team Leader Housing,

Communities & Prevention Dorset Council 01305 252472 dorsetcouncil.gov.uk Just trying another route -----
----- Forwarded message ----- From: [REDACTED] Date: Wed, 29 Jul 2026 at 10:10 Subject: Fwd: Noise and odour from La Bonita To: I am copying you this email correspondence out of the sheer frustration I am suffering from what I hope will be quite clear from these email transactions. Basically the "new" restaurant referred to, uses totally different cooking procedures to the cafe which operated on this same site for many years without problems. My home at [REDACTED] or so from their extract system. Regularly sometimes once, sometimes twice a day, foul odour emissions occur, which manage to contaminate the air for up to an hour, leaving behind a residue of smell which invades the whole of my home plus all those around mine. As a retired Industrial Chemist who specialised in water and air related systems, I am well aware that the resolution is quite simple, albeit somewhat costly. I am appealing to you in your dual position as Mayor of the Town and my representative at County level to hopefully come up with some way of pushing the corrective works forward, preferably in days rather than the weeks which seems to be the current position. As I mentioned in one of my emails to Jane, we have no idea just what composition is being thrown into the atmosphere, but I am pretty sure that at least one of the discharges will include particulate matter in some form or other, and who knows, there could be a carcinogenic component which is being created from oil breakdown in the cooking process. I have no interest in trying to close down or damage a new restaurant, but I do believe that the owners have a duty of care to all of us to correct this problem with urgency. Regards [REDACTED] 07980 816829 ----- Forwarded message ----- From: [REDACTED] Date: Tue, 28 Jul 2026 at 15:04 Subject: Re: Noise and odour from La Bonita To: Jane Williams Many thanks [REDACTED] Sent from my iPhone On 28 Jul 2026, at 14:50, Jane Williams wrote: I have added your concerns to file. Jane Jane Williams (Mrs) Pronoun - She/Her (<https://emea01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.dorsetcouncil.gov.uk%2F&data=05%7C02%7C%7C333d5367375c407b5e5d08deed515abc%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C639209130834515136%7CUnknown%7CTWFPbGZsb3d8eyJFBXB0eU1hcGkiOnRydWUslYlOiIwLjAuMDAwMCIslAIoiJXaW4zMilskFOljoITWFpbClslldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=OZXKpUbvb409LIamy728ylFe%2FvZgeO14cXXsUJN0n8%3D&reserved=0>) Environmental Protection Team Leader Housing, Communities & Prevention Dorset Council 01305 252472 dorsetcouncil.gov.uk (<https://emea01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.dorsetcouncil.gov.uk%2F&data=05%7C02%7C%7C333d5367375c407b5e5d08deed515abc%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C639209130834515136%7CUnknown%7CTWFPbGZsb3d8eyJFBXB0eU1hcGkiOnRydWUslYlOiIwLjAuMDAwMCIslAIoiJXaW4zMilskFOljoITWFpbClslldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=qHX20YWuvzbMmp%2FvGTkRdqNPdd0LTtoMJ79AwMfj3ulc%3D&reserved=0>) From: [REDACTED] Sent: 28 July 2026 14:40 To: Jane Williams Subject: Re: Noise and odour from La Bonita Caution - Attachments: Do not open attachments in this email unless you are sure the email is genuine (please see the intranet (<https://dorsetcc.sharepoint.com/SitePages/Dont-get-caught-out-by-an-email.aspx?xodata=MDV8MDJ8fDMzMQ1MzY3Mzc1YzQwN2l1ZTVtVkdMDhkZWVkNTE1YWJjfDg0ZGY5ZTdmZTlmNjQwYzNDM1YWFhYWYhYWFhYWFhDF8MHw2MzkyMDkxMZA4MzQ1NjgyMTR8VW5rbm93bnxUV0ZwYkdac2lzZDhleUpGYlhCMGVVMWhJR2tpT25SeWRXVXNJbFlpT2ljJd0xqQXVNREF3TUNJc0lsQWIPaUpYYVc0ek1pSXNJJa0ZPSWPvaVRXRnBiQ0IzSWxkVUIqb3ImUT09fDB8fHw%3d&sdata=eU4rYjVNZ1ZLY2ZtZGwyZy9HK0RmSzBqU2prN3NCUkd5cllhTzAxd1poST0%3d>) for more guidance). Caution - External links: Do not click on links in this email unless you are sure the email is genuine (please see the intranet (<https://dorsetcc.sharepoint.com/SitePages/Dont-get-caught-out-by-an-email.aspx?xodata=MDV8MDJ8fDMzMQ1MzY3Mzc1YzQwN2l1ZTVtVkdMDhkZWVkNTE1YWJjfDg0ZGY5ZTdmZTlmNjQwYzNDM1YWFhYWYhYWFhYWFhDF8MHw2MzkyMDkxMZA4MzQ1NzY2MDV8VW5rbm93bnxUV0ZwYkdac2lzZDhleUpGYlhCMGVVMWhJR2tpT25SeWRXVXNJbFlpT2ljJd0xqQXVNREF3TUNJc0lsQWIPaUpYYVc0ek1pSXNJJa0ZPSWPvaVRXRnBiQ0IzSWxkVUIqb3ImUT09fDB8fHw%3d&sdata=RHVGNVlzdmlxLU25mK1MxcFVJR3I1VnBNEXVUA3FFRXInbGIUL2FQZGd3MD0%3d>)for more guidance). Thanks for your reply. It's 2.10pm on Tuesday 28th July. The outside temperature is high 20's and the smell from a fatty/greasy discharge odour is verging on unbearable. My house smells throughout which means that the odour will linger long after they have finished whatever they are currently processing. It's quite clear that these people don't care about rules etc. which is understandable because they don't live anywhere near the problem they are causing. So with the hottest period on record, the restaurant will continue to spew out it's filth, uncontrolled, which probably means that by the time planning etc has been concluded and something has been finally done, it will be probably be near to Christmas before the corrections are concluded. Regarding taking what would in effect, a private prosecution, I think that would be doing the Local Authority work, so that won't be happening. I have no wish to shut down a new business before it has in effect started, but surely the way they have gone about their business is fundamentally wrong, and either no one cares or alternatively the rules are so inadequate that there is in effect no form of retribution. Anything which can be done to accelerate the corrective installation works which are required would be much appreciated, by the dozen or so private homes currently being affected Regards [REDACTED] On Wed, 22 Jul 2026 at 15:57, Jane Williams wrote: Good Afternoon Notices were served on Bonita to resolve this issue . This is not a quick fix, the notice timescale is to abate within 3 months of service. They will require planning permission to do so. They are currently applying for that planning permission. I am not sure if this has been validated and in the development team's workload as yet - you may lodge an objection once it is on the planning portal. Planning - Dorset Council (<https://emea01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.dorsetcouncil.gov.uk%2Fplanning-buildings-land%2Fplanning%2Fplanning&data=05%7C02%7C%7C333d5367375c407b5e5d08deed515abc%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C639209130834515136%7CUnknown%7CTWFPbGZsb3d8eyJFBXB0eU1hcGkiOnRydWUslYlOiIwLjAuMDAwMCIslAIoiJXaW4zMilskFOljoITWFpbClslldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=OZXKpUbvb409LIamy728ylFe%2FvZgeO14cXXsUJN0n8%3D&reserved=0>)

(<https://emea01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.dorsetcouncil.gov.uk%2Fw%2Fcomplaints-to-dorset->

council&data=05%7C02%7C%7C333d5367375c407b5e5d08deed515abc%7C84df9e7fe9f640afb435aaaaaaaaaaa
aaa%7C1%7C0%7C639209130834599632%7CUnknown%7CTWFPbGZsb3d8eyJfFBXB0eU1hcGkiOnRydWUslI
YiOiUwLjAuMDAwMCIslIAiOiJXaW4zUzImlzKFoljoiTWFPbClslldUJyoiYQ%3D%3D%7C0%7C%7C%7C&sdata=LM2
n7vMuwPlIXFOX19KDuWkfGnTmtqUe1MlZQHmkyYqrI%3D&reserved=0) or take your own civil action against La
Bonita directly. I have to maintain reasonable in any resolution with a timescale, etc. so that compliance is likely.

Kind regards Jane Jane Williams (Mrs) Pronoun - She/Her

(<https://emea01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.dorsetcouncil.gov.uk%2F&data=05%7C02%7C%7C333d5367375c407b5e5d08deed515abc%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C639209130834612803%7CUnknown%7CTWFPbGZsb3dBeyJFbXB0eU1hcGkiOnRydWUsIlYiOiwlLjAuMDAwMCIsIiAiOiJXaW4zMlslkFloljoiTWFPbGlldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=uAqMQYbfGY7wnRgqLT6HaD1Fry0dSz63bQlgclszHo%3D&reserved=0>) Environmental Protection Team Leader Housing, Communities & Prevention Dorset Council 01305 252472 dorsetcouncil.gov.uk

(https://emea01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.dorsetcouncil.gov.uk%2F&data=05%7FC02%7C%7C7C333d5367375c407b5e5d08deed515abc%7C7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C639209130834624546%7CUnknown%7CTWFPgbGZsb3d8eyJFbXB0eU1hcGkiOnRydWU5IiYiOiwlLzAuMDAwMCI5IiAiOiJxYW4zMiIsIkFoljoiTWFPbCIsIldlUjoyfQ%3D%3D%7C0%7C7C%7C7C&sdata=jfOyA%2FmdF8bDnR0bZhR5ddb091Y1KOChUx7Ffris7RxoK4%3D&reserved=0) From: [REDACTED] Sent: 22 July 2026 15:48 To:

Jane Williams Subject: Re: Noise and odour from La Bonita Caution - External links: Do not click on links in this email unless you are sure the email is genuine (please see the intranet

(<https://dorsetcc.sharepoint.com/SitePages/Dont-get-caught-out-by-an->

email.aspx?xsdata=MDV8MDJ8fDMzM2Q1MzY3Mzc1YzQwN2l1ZTVkMDhkZWVhNTE1YWJjDg0ZGY5ZTdmZ
TlmNjQwYWZiNDM1YWVhYWVhYWVhYWVhFDF8MHw2MzkyMDkxMzA4MzQ2NDEwMzB8VW5rbm93bnxUV0
ZwYkdac2l2ZDhleUpGYlhCMGVVMWVhRj2tpT25SeWRXVXNjBFlpT2lJd0xqQXVNREF3TUNJc0lsQWIPaUpYYV
c0ek1pSXNJJa0ZPSWpvaVRXRnBiQ0lZSWxkVUlqb3lmUT09fDB8fhW%3d&sdata=Mk9zM29yME5XeFBOThZyO
DFFVTRIZWNkZnIFNDloMG1MSjROZDF0TE5kRT0%3d) for more guidance). Since receiving your previous
response, we have had a daily serving of odours, sometimes garlic other times a "greasy type" of smell, and very
often both at different times of the same day. Today, Wednesday 22nd July 2026 at 2.30pm and continuing, we
have a most unpleasant and strong grease like based smell. I have several points I would like to share with you.
Firstly as an Industrial Chemist I worked as a specialist in Water and Air systems. It is quite clear that no attempt
has been made to remove odour in the installation of the current extraction system. Most probably a straight
forward Active Carbon air filtration inclusion would have been sufficient. In any case the technology is readily
available so why is it not just installed. This surely is in itself not a planning issue. Secondly, for this odour to carry
such a distance and be so strong, would indicate that extremely fine particulate matter may currently be
discharged into the atmosphere, which for all we know could be carcinogenic. Thirdly, the fact that the odour in
effect "clings" for example the freshly washed clothing again supports the concerns over particulate emission. To
summarise, it is totally unacceptable to put up with this public nuisance for months while the Local Government
system grinds into place. Surely Environmental Health has a duty of care to us, the general public, to ensure that
our reasonable comfort is maintained and more importantly ensure there is no harmful discharge taking place.

With that in mind may I suggest that an urgent program be installed to monitor and "catch" any particulate discharge to at least ensure that either there are no toxic components, or alternately take fast remedial action to avoid any harmful long term to anyone unfortunate to be affected by these discharges. In any case, surely the owners can, without delay, install an odour removal treatment package to stop this nuisance. Many thanks for your attention to this problem. Regards [REDACTED] On Fri, 3 Jul 2026 at 13:47, [REDACTED] wrote: Very

many thanks for your response As I write we are in the midst of a Garlic session First noticed at 1.30pm and is extremely unpleasant Appreciate there has to be a time frame for correction However these people are experienced and should know better I think that they just don't care Regards [REDACTED] Sent from my iPhone On 3

On Jul 2026, at 12:08, Jane Williams wrote: Gooda Afternoon [REDACTED] Thank you for your timely contact. Having undertaken a recent investigation I am on the cusp of serving abatement notices for both noise and odour on the premises' responsible persons. Because the nature of the resolution is likely to involve planning permission before appropriate change is instigated the timeframe to comply is likely to be set for 3 months. In the meantime, the noise and odour will remain unabated and is likely to continue to cause intrusion in your home, for that I apologise but am unable to reduce the timeframe or change the outcome at this time. If you would like to speak further about this, please do not hesitate to contact me. Kind regards Jane Williams (Mrs) Pronoun - She/Her

(https://emea01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.dorsetcouncil.gov.uk%2F&data=05%7C02%7C%7C333d5367375c407b5e5d08deed515abc%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C639209130834649957%7CUnknown%7CTWFPgbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIslIAiOiJXaW4zMlIsIkFlOljoitWFpbCIsIlIdUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=RIA%2Bu74CaeBF R5RsIE8CtjQOzM%2BLGludWw7T32TNbfw%3D&reserved=0)Environmental Protection Team Leader Housing, Communities & Prevention Dorset Council 01305 252472 dorsetcouncil.gov.uk

(<https://emea01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.dorsetcouncil.gov.uk%2F&data=0>)

5%7C02%7C%7C333d5367375c407b5e5d08deed515abc%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C639209130834661809%7CUnknown%7CTWFPbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUslIYiOilwLjAuMDAwMCIsIIAiOiJXaW4zMilslkFOLjoiTWFPbCIsIldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=vYBY1%2BILPRvBku%2BS25oORwPR0aDzeQZnJVRXZKcllrU%3D&reserved=0) This e-mail and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed. It may contain unclassified but sensitive or protectively marked material and should be handled accordingly. Unless you are the named addressee (or authorised to receive it for the addressee) you may not copy or use it, or disclose it to anyone else. If you have received this transmission in error please notify the sender immediately. All traffic may be subject to recording and/or monitoring in accordance with relevant legislation. 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For information on how Dorset Council processes your information, please see www.dorsetcouncil.gov.uk/data-protection ([https://emea01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.dorsetcouncil.gov.uk%2Fdata-protection&data=05%7C02%7C%7C333d5367375c407b5e5d08deed515abc%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C639209130834692158%7CUnknown%7CTWFPbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUslIYiOilwLjAuMDAwMCIsIIAiOiJXaW4zMilslkFOLjoiTWFPbCIsIldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=uf oJJ7G06GzIH9j0H4OL4P8I9Xou7IR%2FidwRhDWL%2B2M%3D&reserved=0](https://emea01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.dorsetcouncil.gov.uk%2Fdata-protection&data=05%7C02%7C%7C333d5367375c407b5e5d08deed515abc%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C639209130834676887%7CUnknown%7CTWFPbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUslIYiOilwLjAuMDAwMCIsIIAiOiJXaW4zMilslkFOLjoiTWFPbCIsIldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=u12LZ6BrGJXb3elc7wk909Poxjd5s6DaoJHPLdPbmg%3D&reserved=0)) This e-mail and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed. 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Virus checking: Whilst all reasonable steps have been taken to ensure that this electronic communication and its attachments whether encoded, encrypted or otherwise supplied are free from computer viruses, Dorset Council accepts no liability in respect of any loss, cost, damage or expense suffered as a result of accessing this message or any of its attachments. For information on how Dorset Council processes your information, please see www.dorsetcouncil.gov.uk/data-protection (<https://emea01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.dorsetcouncil.gov.uk%2Fdata-protection&data=05%7C02%7C%7C333d5367375c407b5e5d08deed515abc%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C639209130834692158%7CUnknown%7CTWFPbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUslIYiOilwLjAuMDAwMCIsIIAiOiJXaW4zMilslkFOLjoiTWFPbCIsIldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=uf oJJ7G06GzIH9j0H4OL4P8I9Xou7IR%2FidwRhDWL%2B2M%3D&reserved=0>) This e-mail and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed. It may contain unclassified but sensitive or protectively marked material and should be handled accordingly. Unless you are the named addressee (or authorised to receive it for the addressee) you may not copy or use it, or disclose it to anyone else. If you have received this transmission in error please notify the sender immediately. All traffic may be subject to recording and/or monitoring in accordance with relevant legislation. Any views expressed in this message are those of the individual sender, except where the sender specifies and with authority, states them to be the views of Dorset Council. Dorset Council does not accept service of documents by fax or other electronic means. Virus checking: Whilst all reasonable steps have been taken to ensure that this electronic communication and its attachments whether encoded, encrypted or otherwise supplied are free from computer viruses, Dorset Council accepts no liability in respect of any loss, cost, damage or expense suffered as a result of accessing this message or any of its attachments. For information on how Dorset Council processes your information, please see www.dorsetcouncil.gov.uk/data-protection (<https://emea01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.dorsetcouncil.gov.uk%2Fdata-protection&data=05%7C02%7C%7C333d5367375c407b5e5d08deed515abc%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C639209130834692158%7CUnknown%7CTWFPbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUslIYiOilwLjAuMDAwMCIsIIAiOiJXaW4zMilslkFOLjoiTWFPbCIsIldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=uf oJJ7G06GzIH9j0H4OL4P8I9Xou7IR%2FidwRhDWL%2B2M%3D&reserved=0>) We have been subjected to months of odours. Please take our correspondence above as our objection to the licensing variation until these issues are remedied we feel that no variation should be accepted. This has affected us on a daily basis. Please note my concern there could carcinogenic properties

Representation of [REDACTED] Bonita variation submitted 7 July Representation required by midnight 4 August Background

[REDACTED] supports the generation of new business with economic growth and diversity, but objects to this licence variation on a number of grounds. It is seeking clarity, moderation and a respectful balance. Not refusal.

It is understood that all licences must be considered on their own merits, and that this application is within the Council's Cumulative Impact Area, where application for a new licence or the variation of an existing licence should be refused, unless the applicant can show how their application would not lead to an increase in the detrimental impact of licensed premises in this area.

The existing licence is clearly not aligned in the following areas:

> Open and close times > Alcohol on-sales > Alcohol off-sales > Late refreshments > Sitting out licence

Where an existing licence is unclear or internally inconsistent, the variation presents an opportunity to improve certainty and enforceability, rather than increase ambiguity or flexibility. We welcome the former.

The designated planning use of this building is a restaurant. The licence has been supporting this under its current open/close times for a number of years. Whilst the applicants, and licensing, consider this aspect of the licence to be 'an error', it seems clear that extended alcohol on-sales and supply of alcohol outside through off-sales was never an intention. It has never been exercised, nor subsequently aligned through a licence variation. Consistent business practice over recent years validates this, which has helped to conserve the existing profile of this part of the harbour.

There is a delicate balance to be had here, from all sides, with commercial restaurants and residential premises sharing a historic harbour and conservation area. There are no late night bars or sitting out areas on this part of the harbour, which has a completely different feel to pubs, live music and external sitting out in other areas. It is generally closed down from external activities between 22.00 and 23.00.

Initial Application

The following variation proposals have been presented:

- > remove open and close times (from 07.00 to 18.00)
- > new ON sales, 09.00-00.00 Mon-Sun, (from 10.00-00.00 Mon-Sat, 12.00-23.30 Sun) > new OFF sales, 09.00-00.00 Mon-Sun (from no off-sales)
- > decouple food and alcohol consumption (to enable alcohol only consumption)
- > provide recorded music, background only, fixed speakers and volumes through a noise limiter, but this has not been volunteered in a public nuisance condition
- > inference that doors and windows will be open to the harbour for the duration of open hours, set around alcohol serving, on and off the premises, with dispersal by 00.30
- > the existing sitting-out licence is 07.00 to 23.00, alcohol is enabled after 10.00 > alcohol cannot be served outside as there is currently no Off-Sales > no changes have been proposed on this to date

Revised Application

- > late night refreshments removed (no food served beyond 23.00) > recorded music removed (Live Music Act prevails 08.00 to 23.00) > conditions agreed with Environmental Health (see below)

Foreseeable Impacts

It is foreseeable that this variation could produce the following impacts:

- > no food served after 23.00, with a shift towards alcohol only sales up to 00.30, or later > doors/windows open with no isolation of internal vibration or noise after 23.00

> potential sitting out extension to meet alcohol off-sales to 00.00, and consumption to 00.30
> no obvious management or storage facilities for increased waste management > no open and closing times, or alignment of alcohol consumption
> risk of alcohol consumption beyond the licensed footprint (building and sitting-out) And following known changes to the application:

> no food can be served after 23.00, consumption still possible after 23.00 > no recorded music, but the Live Music Act prevails between 08.00 and 23.00

The applicants have been operating along the lines of the variation proposal, but not beyond 22.00 to 23.00. The full impacts of existing and proposed on and off-sales are not tested. Given the above, and the state of the existing licence, the group respectfully requests that further matters need to be carefully considered to secure a respectful balance with a clear and enforceable position in the licence.

Conditions Sought

Open and Closing

It is understood that a licence is for licenseable activities, but explicit open and closing hours are enforceable and removal of apparent 'error' hours leaves this licence open to misuse. It is also understood that the 'consumption' of alcohol outside of serving hours is not enforceable, so this could lead to unregulated public nuisance beyond a serving cut off.

Alcohol use

There is no link between alcohol sales, consumption and closing to help prevent public nuisance here. It is accepted that the existing sitting-out licence supports off-sales from 10.00 to 23.00, but it is not currently enabled. At any time. Dorset council policy promotes the use of closing times with drinking-up time of 30 minutes.

"6.17 The council considers that a 30 minute drinking up time will assist in the gradual dispersal of customers and consequently reduce impacts on the local area.

6.18 Where relevant representations are made the council will consider imposing a condition on drinking up time where such a condition is appropriate in order to promote the licensing objectives in any individual case."

Propose: revise open and closing - Mon-Sat 08.00 to 23.00

Propose: revise On/Off-sales - 09.00 to 22.30, ending 30 mins before 23.00 closing.

Alternatively - to support proposals presented by the applicants at a variation meeting on 03/08/2026.

Propose: revise open and closing - Mon-Sat 08.00 to 23.30 **Propose: revise On/Off sales - 09.00 to 23.00**

Propose: Unless contrary to fire precautions/procedures, all access and egress doors and windows shall be kept closed whilst the licence is in use after 23.00.

(Dorset Council Sample Condition)

Propose: All outside areas must be closed and cleared of customers by 23.00.

(Dorset Council Sample Condition)

These conditions remove the contradictions and ambiguity of the existing licence. They offer support for much later opening than has been the case with previous licensees and long standing practice. They support the wider harbour closing down of outside spaces to reduce the risk of public nuisance beyond 23.00. And they support the new provision of off-sales to enable the agreed limits of the sitting out licence.

Public Nuisance

We've been advised that the following conditions have been agreed with EH

- 1. No amplified music or speech to be played externally**
- 2. No speakers to be placed such that they face the external area (conveying music to the outside).**
- 3. Any external lighting to be positioned such that the face of the light is parallel with the ground to prevent glare.**

The group questions the practical enforceability of conditions where the Live Music Act disapplies licensing conditions relating to live music. Alternative conditions are proposed below.

Whilst recognising that planning and licensing are separate regimes, the well-established cafe, restaurant and residential character in this part of the harbour provides useful context when considering whether the proposed variation could give rise to public nuisance.

It is suggested that explicit measures could help to prevent public nuisance, accepting the implications of Live Music, Environmental Protection and Planning legislation. They offer alignment and security against proposed values and business practices that have been promoted by the applicants. The following conditions are based on sample conditions in Dorset Council's Statement of Licensing Policy 2026 - to 2031.

'Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any residential properties in the vicinity.'

(Dorset Council Condition - unenforceable under the Live Music Act 08.00 to 23.00)

Propose - Noise or vibration emanating from the premises shall not cause unreasonable disturbance to the occupants of any residential properties in the vicinity.

(Dorset Council Condition - music reference revised)

Propose - The premises licence holder shall take appropriate measures to ensure that patrons using any licensed sitting-out areas do so in a quiet and orderly fashion.

(Dorset Council Condition)

The variation seeks alcohol sales without the late service of food, up to 00.00, with consumption beyond. Whilst the rationale for this is supported, we believe it needs to be safeguarded. In the absence of conditions controlling seating or vertical drinking, it is foreseeable that the premises could increase levels of noise and public nuisance to the area. Especially after 23.00, when the service of late night refreshments is no longer required,

Propose: Alcohol shall only be sold to, and consumed by, customers who are seated at tables. There shall be no vertical drinking on the premises, and all service of alcohol shall be by waiter or waitress service.

Note: if the applicants still support 23.00 on/off-sales, and 23.30 closing, as proposed, with supporting public nuisance conditions raised above, this condition would not be necessary. Its purpose is to mitigate the foreseeable risk of public nuisance from a premises moving towards alcohol only service and vertical drinking after 23.00, up to 00.30, with windows and doors open to the harbour.

There appears to be no assessment of waste management as a result of increased hours and activity, and physical arrangements for collecting and managing waste are unclear. Plans to manage waste at other locations owned by the applicant would be inappropriate for an infinite licence that must be able to operate independently. There is also a need to consider additional impacts to the adjacent area that has suffered historic nuisance issues from existing, non related waste management.

Activities relating to the onsite disposal (including placing into external receptacles) and collection of refuse, bottles and recyclable materials shall only take place between 08.00 and 22.00. (Dorset Council Condition)

Physical waste management and collection arrangements shall be contained within the boundary of this licensed premises, and not placed on the public highway.

Hi, many thanks, please be advised that I have just noticed a tiny but really important error in the representation. Can you please update our position to reflect below. Previous version showed Mon-Sat only.

Propose: revise open and closing - Mon-Sun 08.00 to 23.00

Propose: revise On/Off-sales - 09.00 to 22.30, ending 30 mins before 23.00 closing.

Alternatively - to support proposals presented by the applicants at a variation meeting on 03/08/2026.

Propose: revise open and closing - Mon-Sun 08.00 to 23.30

Propose: revise On/Off sales - 09.00 to 23.00

Re: Bonita Pasta bar

From [REDACTED]
Date Tue 04/08/2026 15:04
To Licensing [REDACTED]

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I wish to object to the extension of premises licence for Bonita Pasta bar .

Extension to and for outside use will bring additional noise to the area, affecting local residents and visiting berth holders. This includes across the harbour as sound travels. Traditionally this end of the harbour is quieter with more residential spaces. Dorset council gains money from visiting berth holders which could significantly be impacted.

A search of applications show that Ebike cafe had their hours restricted when applying longer hours. This must be the same for others.

Additional noise will also be created from the kitchen/fans/air con units affecting visitors in local guest houses.

The owners run other premises that show little regard for rules and regulations.

Tables and chairs spill over onto the footpath regularly leading to pedestrians needing to step into the road. This can be seen on a daily basis by anyone from licensing driving/walking by.

Thank you. [REDACTED]

On Fri, 31 Jul 2026, 09:38 Licensing, <[REDACTED]> wrote:

Dear [REDACTED] thank you for your email regarding the variation of La Bonita premises licence. I have confirmed with the licence holder that the blue notice is still in place, and it can be found attached to the drainpipe on the left of the building. The Licensing Act 2003 does not require interested parties in the area to be notified, as anyone can make a representation as long as it is relevant. All applications for new or variations also have to be advertised in the local newspaper and we also publish them on the [Dorset Council website](#).

With regard to the change of use, alterations to the layout and listed building consent all fall under the remit of the Council's Planning department, who are a consultee under the Licensing Act and

have received a copy of this application. They have not objected to the application but have suggested that the application liaise with them in relation to the alterations made.

The issues you have raised concerning fire safety and means of escape are regulated separately from the licensing process and are generally overseen through Dorset and Wiltshire Fire and Rescue Service, who again are also consultees for licensing applications and fire safety legislation.

In relation to the advertising covering reflective bollards, this would fall under the Council's Highway Department and you would need to report this issue with them.

With regards to the positioning of pavement furniture, please let us know which premises are obstructing the pavement so that we investigate.

Please could you let me know if you intend to make representation to the La Bonita application, last date for comments is midnight on 4 August 2026.

Many thanks

Licensing Team
Licensing
Dorset Council



Phone line is open between 9am and 12pm
dorsetcouncil.gov.uk



[Get the latest news from Dorset Council](#)

From: [Redacted]
Sent: Monday, July 27, 2026 13:09
To: Licensing [Redacted] planningwest
[Redacted]
Subject: Bonita Pasta bar

Regarding [10 Custom House Quay](#).

I have recently visited the 'new' restaurant at [10 Custom House Quay](#). Whilst looking very different it had raised more questions as I was refused alcoholic drinks outside in the evening. This led to a search which showed a change in the premises licence registered. Wanting additional hours and days, feeling much like a pub than a restaurant.

I have been back to the area and this isn't shown to be advertised despite it being one of the clauses in the application.

Residents of Deheers(or other surrounding residents) especially will not have been given the opportunity to raise concerns about late outside drinking and the noise that understandably comes with this. This area of the harbour is quieter, visiting boats moor alongside, and would not appreciate late night drinking/noise. In addition, sound travels across water and south harbourside residents would also be adversely affected. Surrounding guesthouses I am sure would also like to be notified as would affect their businesses -again, who wants to visit a b&b with outside drinking and excessive noise in a quieter area of Weymouth.

The owners of Bonita already have other establishments that have loud outside areas...setting a precedent for Bonita.

I feel for the residents of Deheers being above/close to additional open hrs and additional drinking outside...and a plan without their knowledge. It feels as if rules don't apply.

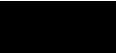
This property used to be a cafe. The application is to change of use from cafe to wine bar. The planning portal shows no applications for a Grade 2 listed building. Significant works have been carried out, moving of kitchen and toilets, new window to name a few. How can this be without permission? Or planning consent? Photos in the public domain show a significant change in appearance/building.

How does the new use as a restaurant affect the locals residents? Noise? Amount of people allowed in the property? Risk assessments? Fire hazard?

Do they need a fire assessment as being advertised as an alleyway I wouldn't want to be at the back if a fire was in the kitchen..that used to be at the back but that is now toilets...bringing me back to the planning and Grade 2 listed issue.

Traffic reflected bollards along Custom House Quay are all covered by advertising. This is covering the statutory reflective area required.

One final thing. What can be done about pavement seating being moved further onto the pavement? Pedestrians are forced out into the road constantly. Some premises are worse for this than others and it's not monitored.

Kind regards. 

Weymouth Resident.

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