

Bonita – Licensing Committee Representation

Thank you for giving us the opportunity to put our case forward.

Firstly, we would like to say that we have taken the time to carefully read through all of the representations that have been made.

We completely understand that when an application to vary a premises licence is made, particularly in an area where people both live and work, residents are naturally going to have questions and concerns about what that variation could mean for them.

We have listened to those concerns, and there are a number of areas where we are very happy to compromise in the hope that we can provide some reassurance and find a sensible way forward.

The Application

We would first like to clarify that this is an application for a **variation of Bonita's existing premises licence**.

We are not applying for a new premises licence, and we are not proposing to change Bonita into an entirely different type of business.

We are also conscious that the hearing is a licensing hearing rather than a planning hearing. Some of the representations appear to raise wider issues relating to planning, the general area, or other businesses.

We absolutely respect residents' right to raise their concerns. However, we would respectfully hope that discussion can remain focused on **Bonita, the variation we are actually applying for, and the relevant licensing considerations**.

Hours granted for licensable activities

One of the main themes we noticed within the objections is concern surrounding opening hours.

For this reason we found the need to obtain advice on the legal position with regard to the licensable activities and it has recently been pointed out to us that the hours already granted for both the sale of alcohol and late night refreshment are clearly stated on our licence. As these did not form part of our variation application they cannot form part of the discussion/deliberations by Committee. We were unaware of this when we entered into discussions with the objectors in good faith.

However, whilst there is seemingly no legal requirement for us to shorten our granted hours for the sale of alcohol and late night refreshment please be assured that it is not our

intention to serve customers beyond 11pm and this may well be shorter in the winter months, dependent on trade.

For example the premises are likely to close much earlier on a rainy day in January than they are on a sunny day in July. The Licensing Act 2003 allows for such flexibility and one of our neighbouring businesses operates in much the same way. We are asking for trust on this commitment.

What Bonita Actually Is

We would also really like to reassure the committee about what Bonita is and, importantly, what we intend it to remain.

Bonita is a small, predominantly food-led bistro and restaurant with external seating for a maximum of 20 people. As such, it is one of the smallest businesses along Custom House Quay. It is not intended to be a late-night bar.

We are now fortunate to have approximately three months of actual trading information to demonstrate this rather than simply asking the committee to rely upon our intentions.

More than 64% of our total sales are food.

Alcohol represents less than **18% of our overall trade**, with the remainder consisting of hot and cold beverages.

We feel these figures are really important because they demonstrate that, when we describe Bonita as a food-led business, that isn't simply what we say we want it to become.

This is how Bonita is actually trading.

The concept centres around pasta, pastries, food, coffee and drinks in a relaxed bistro environment.

We also have a significant range of low and no-alcohol drinks.

We are seeing a real change within hospitality towards customers choosing lower-ABV and alcohol-free alternatives, particularly amongst younger generations.

We think this is a really positive progression within the hospitality industry. It is something we fully support and an area where we would actually like Bonita to be at the forefront of locally.

Alcohol Without a Meal

We completely understand why there may be a desire to protect the predominantly food-led nature of Bonita through appropriate licensing conditions.

We would be happy to have sensible discussions around conditions which achieve that and to that end we have already offered a comprehensive list within our operating schedule.

However, the one restriction we would respectfully ask the committee to avoid is a condition requiring alcohol only to be served when somebody is eating a meal.

We feel that would be unnecessarily restrictive and disproportionate for the type of bistro we operate. It is a largely outdated licensing condition carried over from previous legislation (Licensing Act 1964) and does not reflect modern day operation.

For example, if a couple are walking along the harbour and would like to sit at one of our tables and have a glass of wine, a spritz or another drink, we would like to be able to accommodate them without having to insist that they order a meal.

That is the sort of occasional passing trade we are talking about.

It is worthy of note that none of the twelve licensed premises along Custom House Quay retain the full set of embedded restrictions which we are asking to remove.

We aren't seeking to create a vertical-drinking bar or premises where large numbers of people come purely to drink. In fact, our small premises, with its newly fitted seating booths, is not designed to accommodate this type of clientele.

We simply want the flexibility normally associated with a relaxed bistro or restaurant.

We also think our actual trading figures provide some reassurance here. With food accounting for more than 64% of our sales and alcohol accounting for only around 18%, the evidence simply doesn't suggest that Bonita is becoming an alcohol-led business.

The Outside Area

We have also listened to concerns regarding the outside area.

This is a very small area, accommodating a maximum of only 20 seated customers.

We are not looking to create a large external drinking area.

We understand that operating outside comes with additional responsibilities towards our neighbours, particularly around noise and customer behaviour and we are prepared to work constructively around reasonable and proportionate measures for managing this area should the committee feel these are necessary.

The main reason we have applied for an OFF licence is to comply with the law/ conditions regarding consumption of alcohol in our sitting out area. Every premises on Custom House Quay with a sitting out area has this on their licence and we would expect the same (and were advised to add this).

Fire Safety

We have also taken the concerns raised regarding fire safety seriously.

We have engaged with the relevant fire safety professionals, listened to the advice we have been given and have a fire audit in place which is being followed.

We have always tried to work closely with the relevant authorities and professionals and, where recommendations are made to us, we take those recommendations seriously.

It is also worthy of note that DWFRS has not objected to our variation application.

References to Our Other Businesses

We would also like to address some of the comments within the representations concerning other businesses operated by our family, including businesses associated with late-night entertainment.

We completely understand why people may make that connection.

However, we would respectfully ask that **Bonita and this licence variation are considered on their own merits and on the basis of how this particular premises actually operates.**

We have absolutely no intention of using this variation as a steppingstone towards turning Bonita into a late-night bar or nightclub.

That simply isn't what Bonita is. It's a pasta restaurant - as described on our social media.

In fact, as a family business, we are increasingly moving in the opposite direction.

This is demonstrated by one of our other outlets, which has a late-night licence that we choose not to use as such and which now operates as a relaxed dining restaurant: Sandara, formerly operated by us as Batida nightclub.

Hospitality is changing.

We are seeing the next generation increasingly wanting to socialise around good food, good-quality drinks, coffees, low and no-alcohol alternatives and experiences, rather than simply going out late at night to drink.

Bonita has been developed around that changing market.

It is a small bistro and restaurant, and that is exactly what we want it to remain.

Our Family and Our Experience

We are a family-run business and have worked within the hospitality industry for more than **30 years.**

During that time, we have always tried to work constructively & closely with the authorities, listen to professional advice and continually improve the way our businesses operate.

We are extremely proud to have received numerous awards and recognition over the years.

This includes receiving a Gold Award through Best Bar None, which led to us being invited to attend an event at the House of Lords celebrating best practice in the night-time economy.

That recognition was particularly important to us because of the emphasis placed on responsible operation, procedures, training and forward-thinking within the hospitality industry.

We would also like to clarify that our daughters aren't simply the next generation waiting to take over the businesses, both of our adult daughters have already been actively involved in running our businesses for over 15 years. They are both experienced hospitality operators and managers

Between us as a family, there is a considerable amount of practical hospitality and management experience.

Across our business, we are proud to employ more than 70 local people. We are equally proud to support the local economy by using local tradespeople and suppliers wherever possible, helping to keep investment and opportunities within the Weymouth community.

At the same time, we are passionate about developing the next generation of people coming into hospitality.

We put a lot of importance on training our younger staff and managers properly.

We want them to understand not only how to provide good hospitality and customer service, but also responsible alcohol sales, sensible drinking policies, safeguarding, licensing responsibilities and what it means to operate responsibly within the local community.

We are a family that has always tried to change with the times.

We watch hospitality trends, listen to new advice and adapt our businesses accordingly.

One of the biggest changes we are currently seeing is the movement towards lower-alcohol and alcohol-free drinking.

We fully support that change and already stock a substantial range of low and no-alcohol products within our restaurants.

Summary

Ultimately, we are a local family business.

We live here, we work here and we want our businesses to make a positive contribution to Weymouth and the harbour, because we simply love Weymouth.

We are not asking for a new premises licence, and we are not asking for permission to turn Bonita into something different.

This is a variation of an existing premises licence for a business which is already trading, and which can demonstrate that it is predominantly food-led.

We have listened carefully to the representations made & are willing to discuss sensible and proportionate conditions that provide reassurance about how the premises will continue to operate. bearing in mind that we have already offered a comprehensive list of measures to address the licensing objectives in our variation application. These measures are in addition to the mandatory conditions already on our licence.

What we would respectfully ask in return is that Bonita retains the reasonable flexibility expected of a small bistro, including the ability to serve a seated customer a drink without requiring them to purchase a meal. The majority of businesses along Custom House Quay already benefit from this flexibility, so we merely want to go some way towards levelling the playing field. We have requested OFF sales to be added to the licence as this is legally necessary with regard to the sitting out area. Every licensed premises along Custom House Quay which has a sitting out area has been granted a licence for OFF sales.

We would also respectfully ask that this application is considered on the basis of **Bonita's actual operation, the variation being sought and the relevant licensing considerations**, rather than assumptions about what the premises might potentially become in the future or comparisons with other businesses operated by our family.

We hope that our actual trading figures, the small scale of the premises, our willingness to compromise, our experience and our long history of working responsibly within hospitality provide the committee with reassurance about our intentions.

We genuinely have listened to the concerns raised and hope that we can find a sensible middle ground which protects our neighbours while also allowing Bonita to continue developing as the small, modern, food-led bistro that it was created to be. We truly believe Bonita is a great food-led addition to the harbour.

Thank you very much for giving us the opportunity to explain our position.