
Re: Bonita Hearing 11 September - Final Additional Information - Application 168722

From [REDACTED]
Date Sun 06/09/2026 16:19
To Aileen Powell [REDACTED]
Cc Licensing [REDACTED]

 5 attachments (3 MB)

Bonita_Additional_Information_FINAL_FOR_SUBMISSION_5_SEP_2026.docx;
Bonita_Full_Hearing_Statement_FINAL_FOR_SUBMISSION.docx; Bonita_Post-Pack_Chronological_Diary_5_AUG_TO_3_SEP_2026_FINAL.pdf; Bonita_Hearing_Evidence_Schedule_and_Post-Pack_Appendix_FINAL.pdf; Dorset_Council_Response_COM-13137_3_SEP_2026.pdf;

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>> for more guidance).

Dear Aileen,

Please find attached my final additional information for the Licensing Sub-Committee hearing concerning Variation Application 168722, Bonita, 10 Custom House Quay, on 11 September 2026:

1. Final Additional Information dated 5 September 2026;
2. Full Hearing Statement - Final Submission Version dated 5 September 2026;
3. Post-Pack Chronological Diary covering 5 August to 3 September 2026;
4. Hearing Evidence Schedule and Post-Pack Appendix dated 6 September 2026; and
5. Dorset Council formal complaints response COM/13137 dated 3 September 2026.

The post-pack diary gives the complete detailed record added after the diary already contained in Appendix 7. The hearing evidence schedule lists the current S1-S43 evidence items, their status and the proper limit of each item, together with the detailed frontage and impact schedules and retained public screenshots. Items identified as pending, unmatched, not held or to be obtained are not relied upon as established facts.

This material supplements the representation and evidence already contained in Appendix 7; it does not replace that original representation. It does not duplicate the earlier diary and Photographic Appendix G already in the Council pack.

My primary position remains that the variation should be refused in full. For clarity, the fallback conditions in the attached documents

now use one matched 21:00 terminal and supersede the earlier staggered fallback times. They are requested only if the Sub-Committee does not accept my primary position.

Please circulate all five attachments to the Sub-Committee, the applicant and the other relevant parties, and place them on the hearing file, subject to the hearing procedure.

I also respectfully ask for correction or clarification of one hearing-pack point. Report paragraph 4.6 says that the Fire Service letter is at Appendix 6, but the Appendix 6 supplied appears to contain only Planning's one-page response dated 13 July 2026. Please provide the underlying Fire Service letter before the hearing, or confirm the current position. Until it is supplied, I rely only on the Council report's summary and do not ask the Sub-Committee to make any additional finding about the Fire Service position.

Please confirm receipt and circulation, and that [REDACTED] and I remain recorded as attending in person and that I will speak in support of my representation.

Kind regards,

[REDACTED]

FINAL ADDITIONAL INFORMATION

Bonita, 10 Custom House Quay

Variation Application 168722

Submitted by [REDACTED]

Document control	Current position
Hearing	11 September 2026 at 10:30, Council Chamber, County Hall, Dorchester
Submission date	5 September 2026
Primary request	Refuse the variation in full
Fallback only	21:00 alcohol/customer/external-area terminal; relevant plant 08:00-21:00; no off-sales; food-led safeguards retained
Purpose	Concise post-pack evidence and corrections; not a replacement for the representation in Appendix 7

1. Purpose and source control

This document identifies the material that arose or was clarified after the original representation and supporting documents filed by 4 August 2026. It should be read with the Council hearing report and Appendices 1-8 supplied on 28 August 2026. It does not repeat every earlier incident or planning concern.

The Council pack controls the live application. Appendix 7 contains the expanded representation (PDF pages 3-13), the chronological diary last updated 4 August (PDF pages 28-57) and Photographic Appendix G (PDF pages 58-70). The present document provides the concise update needed for the hearing.

Determination sought: refusal in full. The fallback conditions in section 7 are requested only if the Sub-Committee grants any part of the variation.

2. Live application after amendments

Issue	Council pack position	Hearing relevance
Alcohol	On- and off-sales, 09:00-midnight daily; New Year's Eve to 01:00 (report 2.3).	Much later and broader than the operating pattern evidenced; no customer departure time is stated.
Annex 2	Applicant seeks removal of existing food-led and related embedded conditions (report 2.2; Appendix 1).	Would remove the substantial-meal safeguard and permit a broader drinking model.
Recorded music and late-night refreshment	Withdrawn after Environmental Protection's representation (report 2.3-2.4 and 4.2).	The decision should record the withdrawal expressly; music-specific conditions before 23:00 may be suspended by statute.
Environmental Protection agreement	No amplified music or speech externally; no outward-facing external speakers; external lighting faces parallel with the ground (report 4.2; Appendix 3).	These agreed conditions should be attached if any part is granted.
Plan	An updated premises plan forms part of the application (report 2.2; Appendix 1).	The plan attached to any licence must match the actual licensable areas and current layout.

3. Material developments after the original pack material

Date	Development	Evidence / limit
5 Aug	Licensing confirmed a relevant representation had been received and a hearing was required.	Council correspondence.
11 & 17 Aug	Licensing supplied and clarified seven acknowledged TEN entries and confirmed no TEN covered 2 August.	Aileen Powell emails and register images; no breach conclusion is drawn from photographs alone.
12 & 16 Aug	[REDACTED] described new cooking odour and extraction noise during a recent Room 2 stay; permission was confirmed and the email was sent to Licensing on 16 August.	Exact email transcript at Appendix A. Their planning comments remain personal opinion.

Date	Development	Evidence / limit
20 & 24 Aug	The hearing was rescheduled to 11 September at 10:30. Additional information is due by 10 September at 10:30.	Replacement Notice of Hearing.
24 Aug	Environmental Health explained that compliance means no continuing statutory nuisance as determined by an authorised officer; no appeal had been indicated and no extension was confirmed.	Jane Williams email; not the notices themselves.
27-30 Aug	Direct observations recorded main extraction stopping at 21:55, 21:56 and 22:01, with repeated odour affecting the bedroom and guest Rooms 2, 4 and 7. The final routine frontage photograph was taken at 22:03 on 30 August.	Full entries in current Diary v3.4; match retained originals before relying on individual photographs.
28 Aug	██████ supplied a detailed first-hand account of the historic layout, drainage, openings, plant and food-led operation during her long occupation.	Original email and chain retained; permission confirmed 31 August. It is a historic baseline only.
28 Aug	Council hearing report and Appendices 1-8 received.	The controlling pack record.
3 Sep	Council response COM/13137 confirmed statutory noise and odour nuisances and abatement notices served on 6 July, with three months for abatement. It also acknowledged delay in requiring retrospective planning applications.	Complete Council PDF supplied separately; does not prove current non-compliance or guarantee prosecution.
3 Sep, 20:51	██████ heard the main extraction fan switch off from the bedroom, then observed no customers visible at the frontage, chairs stacked and staff packing away.	Direct account; one qualified observation; no media is relied upon unless matched.

4. Why the later hours remain untested

The dated late-August frontage series was gathered during Weymouth's peak seasonal and bank-holiday period. On several evenings the customer area appeared empty or substantially cleared between 21:27 and 22:03, often with only staff closing down. These are individual observations, not proof of an exact closing time every night. They nevertheless show that the present pattern has not tested alcohol sales to midnight or a later customer departure time.

The applicant's acoustic report SA-8453 assumes extraction and air-conditioning operation only from 08:00 to 21:00. It does not assess plant operation after 21:00. A licence allowing customers and alcohol sales to continue substantially later would therefore extend beyond the plant period assessed by the applicant's own evidence.

5. Confirmed Environmental Protection position

Dorset Council's 3 September response is now the strongest primary record of the existing position. It confirms that statutory noise and odour nuisances were determined and notices were served on 6 July. The Council hearing report separately records four notices and expressly says that Environmental Protection's other enforcement powers do not prevent the Sub-Committee from imposing appropriate licence conditions to address noise and odour (report 5.8).

This material is relied upon to show that the existing impacts are real and formally recognised. It is not relied upon to allege that the notices are currently breached or that prosecution will occur.

6. Pack correction and public-safety point

Council report paragraph 4.6 summarises three Fire Safety Audit matters: travel distance from the toilet area and the unacceptable alternative route through Kingfisher Marine; the fire/smoke resistance of the kitchen-adjointing door; and the fire classification of faux foliage on walls and ceilings. The report says the Fire Service letter is in Appendix 6. The supplied Appendix 6 contains only Planning's one-page response of 13 July 2026. The underlying Fire Service letter is therefore missing from the supplied pack.

I respectfully ask that the letter be supplied to the Sub-Committee and parties. Until then, I rely only on the Council report's summary and do not ask the Sub-Committee to make any further finding about the Fire Service position.

7. Determination and fallback conditions

Primary request: refuse the variation in full.

If any part is granted, the following are requested as a matched fallback only. The 21:00 terminal reflects the plant period assumed in SA-8453 and supersedes the earlier staggered fallback times in the 31 July representation.

- No off-sales.
- No sale, supply or consumption of alcohol in the external pavement area.
- Alcohol to be sold or supplied only to customers seated at tables and taking a substantial table meal, and only as ancillary to that meal; no vertical drinking or separate drinking-only period.
- All licensable activities, including the sale or supply of alcohol, to cease no later than 21:00.
- All customers to leave the premises no later than 21:00.
- The external pavement area to close to customers no later than 21:00.
- The withdrawal of recorded music and late-night refreshment from the application to be recorded expressly; no permission for those withdrawn activities to be added.
- The three conditions agreed between Environmental Protection and the applicant to be attached: no amplified music or speech externally; no speakers placed so that they face the external area; and external lighting positioned with the face of the light parallel with the ground.
- From 19:00 until close, staff to monitor the frontage and immediate outside area at least every 30 minutes and take immediate steps to prevent or reduce noise from customers, voices, doors or other activity. Each check and any action taken to be logged and retained for six months.
- All external doors, windows and bi-folds to remain closed from 21:00 until the premises has closed, except for immediate access and egress.
- All commercial kitchen extraction, inlet or supply ventilation, air-conditioning condensers and other external mechanical plant to operate only between 08:00 and 21:00. Each item to comply individually and cumulatively, with no run-on, clean-down, automatic or thermostatic exception. Plant-dependent cooking, preparation or cleaning must finish in time for all specified plant to be off by 21:00.
- After 21:00, only quiet internal staff closing-down may take place, with no customers, licensable activity, cooking or preparation, specified plant, outside congregation or external waste movement.
- Licensable activities to take place only within areas clearly identified on an accurate premises plan attached to the licence.
- The licence holder to prepare, maintain and implement written noise, odour and plant-management and customer-dispersal procedures, with current copies kept at the premises and produced to an authorised officer on request.
- No external movement, collection or emptying of bottles, glass or commercial waste between 21:00 and 07:00.
- A duty-manager contact number to be made available to immediate neighbours and answered whenever the premises is open.

8. Cross-reference to the Council pack

Issue	Council pack	Additional material
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Issue	Council pack	Additional material
Live variation	Report 2.2-2.4; Appendix 1	Section 2 above
Existing licence and food-led safeguards	Report 2.6 and 3.1-3.8; Appendix 2	Full Hearing Statement sections 3-4
Environmental Protection agreement	Report 4.2; Appendix 3	Sections 2 and 7 above
Statutory nuisance / notices	Report 5.8	Council response COM/13137 dated 3 September
Original resident case	Appendix 7 PDF pages 3-70	Sections 3-5 above; Post-Pack Chronological Diary attached
Planning response	Report 4.5; Appendix 6	Full Hearing Statement section 6
Fire audit	Report 4.6; stated Appendix 6	Section 6 above: underlying letter missing from supplied Appendix 6
Town Council / Ward Member	Report 5.4-5.6; Appendix 8	No additional conclusion

Appendix A - [REDACTED] email

From: [REDACTED] email address redacted]

Sent: Wednesday, 12 August 2026 at 15:50:40

To: [REDACTED] [email address redacted]

Subject: Our stay in room 2

Hi [REDACTED]

We really enjoyed our stay with you again. Your usual standards are being maintained and appreciated.

We thought that we ought to mention that there now seems to be an unpleasant odour of food being cooked in the vicinity that we have never experienced before in our previous 30 years plus of staying at [REDACTED].

Also we thought that we ought to mention the noise from the adjacent building's extraction units that we have never encountered before. Staying in room 2 at the back of the your property has previously been a very peaceful experience. Looking out of the window to admire you garden we noticed the positioning of the extraction units and were surprised how close these are to your property in what appears to be a very enclosed and possibly hazardous position.

It was very noticeable that the extraction units were still in action at least until 10:00 p.m. but usually no later than 10:30 p.m. with the odour of the food still lingering at that time of night.

As having been a local councillor who has served on planning committees, [REDACTED] wondered how these could have been given planning consent knowing that the buildings are Grade II listed. She is concerned that there may have been an undeclared conflict of interest involved.

These unfortunate experiences could have a negative effect on your business due to guests being reluctant to repeat staying with you.

I suspect that you will already be pursuing enquiries and hope that we will be able to see you again next year with a better experience. Please keep us updated on any developments.

Best Regards

Permission and filing: permission was confirmed by WhatsApp; [REDACTED] sent the email to Dorset Council Licensing on 16 August 2026. The original email and permission record are retained.

Evidential note: the odour and noise observations are relied upon as the guests' first-hand account. Their planning, hazard and conflict comments are personal concerns, not established findings.

Appendix B - [REDACTED] evidence status

[REDACTED] supplied a detailed first-hand email and question-and-answer chain on 28 August 2026. She described the historic layout, sinks and accessible manholes, drainage maintenance, former openings, absence of the present air-conditioning/external plant during her occupation, and a food-led cafe/bistro model with occasional summer meals to about 21:00 and alcohol served with food. Permission to use her evidence was confirmed on 31 August 2026.

This is a summary, not a substitute for the original email. The original wording and header control, and the evidence establishes only the baseline during [REDACTED] occupation.

Appendix C - Attachments to send with this document

1. Bonita Full Hearing Statement - Final Submission Version, dated 5 September 2026.
2. Dorset Council formal complaints response dated 3 September 2026, reference COM/13137 (complete PDF).
3. This Additional Information document dated 5 September 2026.
4. Post-Pack Chronological Diary covering 5 August to 3 September 2026, dated 6 September 2026.
5. Hearing Evidence Schedule and Post-Pack Appendix, dated 6 September 2026.

The comprehensive Master Case File and the full working Evidence Register are retained for preparation and source control. The attached post-pack diary and hearing evidence schedule provide the hearing-relevant detail without repeating the earlier diary and Photographic Appendix G already contained in Council Appendix 7.

[REDACTED]
5 September 2026

Bonita, 10 Custom House Quay

FULL HEARING STATEMENT - FINAL SUBMISSION VERSION

Variation Application: 168722

Submitted by: [REDACTED]

Hearing date: 11 September 2026

Statement date: 5 September 2026

This written statement provides the fuller context for the shorter statement I intend to read aloud. My primary position and the fallback conditions requested are the same in both versions.

Chair, Members of the Sub-Committee, thank you for considering this statement.

My original written representation, the diary and photographic material submitted by 4 August are in Appendix 7 of the Council hearing pack. I have also supplied the Additional Information dated 5 September. I do not intend to repeat every detail. This statement confirms my position and focuses on the issues that remain directly relevant to the licensing objectives, principally the prevention of public nuisance and, where the layout and external area are concerned, public safety.

The variation seeks significantly later alcohol hours, permanent off-sales and removal of food-led safeguards while unresolved noise, odour and plant issues have already affected neighbouring homes.

My primary position remains that the variation should be refused in full.

If the Sub-Committee is minded to grant any part of the application, I respectfully ask that any permission is tightly limited by clear, enforceable and unambiguous conditions. The current licence position has already been difficult to understand, and any future licence must not contain grey areas that can be interpreted differently.

1. The impact is happening now

Dorset Council's formal response of 3 September confirms that statutory noise and odour nuisances were determined and that abatement notices were served on 6 July 2026. The Council report records four notices. I do not suggest that this proves current non-compliance; it confirms that the existing impacts required formal Environmental Protection action.

The resulting noise and odour have had a major impact on our property, our home, our garden and our daily lives. We have experienced plant and extraction noise, cooking odour and associated operational activity for extended periods. The nuisance is not occasional or speculative; it is repeated, documented and occurs in association with the operation of the premises. These impacts go directly to the prevention of public nuisance.

[REDACTED] are long-standing repeat visitors who have stayed at [REDACTED] for more than 30 years. In an email, they reported that during their recent stay they noticed an unpleasant cooking odour and extraction-unit noise that they had not experienced on earlier visits. They referred specifically to the rear bedroom having previously been peaceful and have confirmed that their email may be submitted as supporting evidence.

Their account supports our evidence that the odour and extraction noise are new impacts associated with the current operation.

More broadly, some returning family connections with [REDACTED] now span more than 35 years and three generations. Their longstanding experience of previously peaceful rear rooms is relevant context for the change caused by the present operation.

I understand that remedial arrangements concerning extraction and cumulative plant noise may be under consideration. That is welcome, but it does not resolve the full public-

nuisance concern. As far as I am aware, the individual impact of the air-conditioning unit and the combined effects of music, customer noise, dispersal, vibration, doors and bi-folds, staff activity and later operation have not yet been demonstrated under the hours sought.

2. Later hours have not been tested

The dated late-August frontage evidence was gathered during Weymouth's peak seasonal period and the bank-holiday weekend. On several evenings between 21:27 and 22:03, the customer area appeared empty or substantially cleared, furniture had been stacked or was being taken in, and only staff appeared to remain. Staff presence after customers have left is consistent with closing-down activity and is not evidence of continuing public trading. These are individual observations rather than proof of the exact closing time every night, but they show that the current operation has not tested the substantially later permissions sought: the live application for alcohol sales to midnight, with no stated customer departure time.

The applicant's acoustic report SA-8453 assumes that the extraction and air-conditioning units operate only between 08:00 and 21:00. Its selected 35 dB background is derived by rounding a 34.5 dB one-hour value recorded after the plant was switched off; it is not a pre-installation historic baseline. Most importantly for this hearing, the report contains no assessment of plant operation after 21:00, while the live variation seeks alcohol sales to midnight and states no customer departure time. The application therefore extends beyond the period assessed for plant operation. SA-8453 therefore cannot be relied upon to demonstrate that plant-dependent later operation would promote the prevention of public nuisance. A fallback allowing customers to remain after 21:00 would also create a practical conflict: either air-conditioning or other external plant could continue beyond the assessed period, or doors and windows might be opened while customers remain, increasing noise breakout. It would also create a separate post-meal period in which alcohol consumption could become less clearly ancillary to substantial food.

Weymouth is highly seasonal. These observations were made during the busiest late-summer period. I am not asking the Sub-Committee to determine whether the business has a commercial need for later hours. The relevant point is that the present earlier pattern cannot demonstrate that the much later permissions would be harmless. In summer, residents and guests use gardens and open windows while the premises may rely more heavily on air-conditioning; in quieter months, lower background sound may make plant and customer noise more noticeable. A single year-round terminal time is therefore clearer and more protective than seasonal or staggered hours.

The variation would permit a significant increase in front-of-house activity, including later customer noise and dispersal, off-sales, pavement alcohol consumption, doors and bi-folds remaining open, staff activity and a greater overall intensity of use.

The concern is cumulative. Music, alcohol consumption, customer movement, dispersal, staff activity and later hours do not operate in isolation. Their combined effect is material to the prevention of public nuisance, yet the later permissions sought have not been tested in real operating conditions.

In my view, permanent intensification should not be granted while the existing Environmental Protection concerns and the related noise, odour and premises-plan issues remain unresolved.

3. This is a substantial shift from the historic model

The premises historically operated as a small daytime cafe, and the existing licence contains food-led safeguards. [REDACTED] who says she operated the Harbourside Bistro there for approximately 20 years, has described a food-led cafe/bistro rather than a late-

night drinking venue. Her evidence is relied upon only as the historic baseline for her period of occupation.

When [REDACTED] and I first met the current operators with [REDACTED] the business was described to us as a wine-and-charcuterie-style operation and we were reassured that it would not remain open beyond around 22:00. I refer to that meeting as background only. The more important point for this Sub-Committee is the legal scope of the permissions now being requested.

The variation would permit a substantially broader and later form of operation, including later alcohol sales, off-sales and the removal of the existing food-led safeguards. That would be a substantial change from the historic model and from the assurances originally given to us.

The Sub-Committee should assess the application by reference to what the licence would legally permit, rather than informal assurances about how the current operator intends to use it. Once granted, the permissions remain attached to the premises and could be used by any future operator. Altering them later would require a further formal licensing process.

4. The licence must be clear and enforceable

The public licence record states opening hours of 07:00 to 18:00 and appears to contain food-led conditions requiring alcohol to be supplied to people taking table meals and as ancillary to those meals. As I understand it, the existing licence does not authorise off-sales.

I understand that Licensing has advised that the origin or enforceability of the recorded opening hours is uncertain. I do not rely on that uncertainty to allege a past breach. My point is that it demonstrates why any decision on this variation must remove ambiguity and state clearly what is and is not permitted.

If anything is granted, the licence should expressly state:

- the permitted opening hours
- the alcohol terminal hour
- the time by which all customers must leave
- whether off-sales are permitted
- whether the external pavement area may be used
- whether alcohol may be supplied or consumed outside
- the food-led conditions
- the operating hours for extraction, air-conditioning and other plant
- the requirements for doors, windows and bi-folds

An unclear licence is difficult to interpret and enforce consistently and risks further disagreement about what is permitted.

5. Off-sales and pavement alcohol

I remain opposed to permanent off-sales. The pavement area is directly on the harbour and close to neighbouring homes. Off-sales and external alcohol consumption would increase the risk of nuisance, dispersal noise and alcohol being taken beyond the immediate control of the premises.

My evidence includes photographs of the external pavement area. I do not ask the Sub-Committee to infer the contents of any individual glass where that cannot be established from a photograph. My concern does not depend on that inference: it concerns what the proposed permanent off-sales permission and external alcohol use would legally allow in this sensitive location.

If any alcohol permission is granted, I ask that alcohol consumption is restricted to seated customers inside the premises and is ancillary to substantial food, with no off-sales and no alcohol in the external pavement area.

6. Planning, heritage and premises layout

I understand that licensing and planning are separate regimes. I am not asking this Sub-Committee to determine the planning or listed-building applications. However, the unresolved physical layout, external plant, wall construction, acoustic information and accuracy of the submitted plans are directly relevant to noise breakout, odour, customer movement, public safety and the prevention of public nuisance.

The planning and heritage position remains unresolved, including discrepancies concerning the submitted plans, the actual physical layout, wall finishes and the acoustic baseline. These matters affect the assessment of noise, odour and layout impacts.

The planning application form also appears to answer 'No' to industrial or commercial activities/processes despite the commercial kitchen extraction, inlet ventilation and air-conditioning plant. That is material to this hearing because the type and duty of the commercial cooking, plant and operating hours are central to the public-nuisance risk. Until they are accurately described and assessed, later plant-dependent operation remains unproven.

The concern I ask the Sub-Committee to consider is whether, while the actual layout and operation are still being assessed, it can be satisfied that the proposed intensification would promote the licensing objectives.

The premises plan attached to any licence must be complete, accurate and reflect the current layout, including customer areas, the kitchen, toilets, external areas, escape routes and every area in which licensable activities are authorised. A clear and accurate premises plan is essential for public safety, consistent enforcement and the prevention of public nuisance.

The Council report also summarises three Fire Safety Audit matters but the supplied Appendix 6 contains only Planning's response, not the Fire Service letter the report says is attached. I ask that the underlying letter be provided to the Sub-Committee and parties. I rely only on the report's summary unless it is supplied.

7. What I am asking the Sub-Committee to do

My primary position remains that the variation should be refused.

The following fallback conditions are not a concession that later hours are appropriate. I request them only if the Sub-Committee does not accept my primary position of refusal. After closer review of SA-8453, this matched fallback supersedes my earlier staggered 21:00, 22:00 and 22:30 times, because those times would leave customers in the premises after the assessed plant period and create ambiguity about food-led drinking and ventilation.

The Council report records that recorded music and late-night refreshment were withdrawn. It also notes that music-specific conditions may be suspended before 23:00. My fallback therefore relies on the 21:00 alcohol and customer terminal, the agreed external sound conditions and general noise controls, rather than on a music-specific restriction that may be suspended.

If any part of the variation is granted, I respectfully ask for the following conditions:

- No off-sales.
- No sale, supply or consumption of alcohol in the external pavement area.

- Alcohol to be sold or supplied only to customers seated at tables and taking a substantial table meal, and only as ancillary to that meal; the existing food-led safeguards to be retained, with no vertical drinking or separate drinking-only period.
- All licensable activities, including the sale or supply of alcohol, to cease no later than 21:00.
- All customers to leave the premises no later than 21:00.
- The external pavement area to close to customers no later than 21:00.
- The withdrawal of recorded music and late-night refreshment from the application to be recorded expressly; no permission for those withdrawn activities to be added.
- The three conditions agreed between Environmental Protection and the applicant to be attached: no amplified music or speech externally; no speakers placed so that they face the external area; and any external lighting positioned with the face of the light parallel with the ground.
- From 19:00 until close, staff shall monitor the frontage and immediate outside area at least every 30 minutes and take immediate steps to prevent or reduce noise from customers, voices, doors or other activity. Each check and any action taken shall be logged and retained for six months.
- All external doors, windows and bi-folds to remain closed from 21:00 until the premises has closed, except for immediate access and egress.
- All commercial kitchen extraction, inlet or supply ventilation, air-conditioning condensers and other external mechanical plant to operate only between 08:00 and 21:00. Each item must comply whether operated individually or simultaneously, with no run-on, clean-down, automatic or thermostatic exception. Any cooking, preparation or cleaning requiring that plant must finish in time for every specified item to be switched off by 21:00.
- After 21:00, only quiet internal staff closing-down may take place, with no customers, licensable activity, cooking or preparation, operation of the specified plant, outside congregation or external waste movement.
- Licensable activities to take place only within the areas clearly identified on an accurate premises plan attached to the licence.
- The licence holder shall prepare, maintain and implement written noise, odour and plant-management and customer-dispersal procedures. Current copies shall be kept at the premises and produced to an authorised officer on request.
- No external movement, collection or emptying of bottles, glass or commercial waste between 21:00 and 07:00.
- A duty-manager contact number to be made available to immediate neighbours and answered whenever the premises is open.

These are the minimum fallback protections I ask the Sub-Committee to consider as appropriate and proportionate for the prevention of public nuisance.

8. Final position

This premises is in a sensitive historic harbour location, immediately beside homes and visitor accommodation. Its present operation has already affected our home and daily life and has already required intervention by Environmental Protection.

The Sub-Committee is not being asked whether Bonita can exist as a business. It is being asked whether further and permanent intensification is appropriate and compatible with the licensing objectives.

In my view, it is not.

I am not asking the Sub-Committee to punish the business. I respectfully ask that the variation is refused because the existing impacts and unresolved matters have not demonstrated that the proposed intensification can operate without undermining the licensing objectives.

If the Sub-Committee grants any part of the variation, I ask that the permission is limited by the clear conditions I have set out, so that there is no room for conflicting interpretations and the licensing objectives are properly protected.

Thank you.

[REDACTED]
[REDACTED]

5 September 2026

FINAL HEARING SUPPLEMENT

Post-Pack Chronological Diary

Bonita, 10 Custom House Quay - Variation Application 168722



Coverage: 5 August to 3 September 2026

Purpose: this extract contains the chronological entries added after the diary in Council Appendix 7, which was last updated on 4 August 2026. It should be read with Appendix 7, the Final Additional Information and the Full Hearing Statement. It avoids repeating the earlier diary while allowing the Sub-Committee to see the complete post-pack record.

Recording rule: each entry distinguishes direct observation, correspondence, source material, inference and points still requiring verification. A listed event is not presented as a licence breach unless the Licensing Authority has made that finding.

1. Post-pack chronological diary

August 2026

5 August 2026 - Representation accepted as relevant

CORRESPONDENCE / RECORD

Event / observation: Kathryn Miller confirmed that the representation concerning variation application 168722 had been accepted as relevant and would be included in the statutory process. A hearing was subsequently fixed for 26 August 2026.

Evidence / source: Licensing correspondence referred to in the 10 August follow-up and formal Notice of Hearing dated 11 August 2026.

6 August 2026 - Corporate complaint and Town Council enquiry

CORRESPONDENCE / RECORD

Event / observation: [REDACTED] submitted corporate complaint CCF863432035 to Dorset Council concerning service delivery, communication, case handling and coordination across Planning Enforcement, Conservation, Building Control, Environmental Protection and Licensing. On the same date she asked Weymouth Town Council whether it had been consulted on application 168722 and whether it had been informed of the reported works and outstanding enforcement matters.

Evidence / source: Complaint later acknowledged by Dorset Council on 14 August; email to Weymouth Town Council dated 6 August 2026.

6 August 2026 - Historic England notified

CORRESPONDENCE / RECORD

Event / observation: [REDACTED] notified Historic England's South West team of reported unauthorised works at the Grade II listed premises and Dorset Council's enforcement position. Historic England acknowledged the contact and indicated a response target of ten working days.

Evidence / source: Email to Historic England and acknowledgement retained in the project record.

To check: Use the original acknowledgement for the exact date and wording; this was a request for intervention, not a finding of heritage crime.

10 August 2026 - Licensing follow-up, operating model and evening garden impact

CORRESPONDENCE / RECORD + DIRECT OBSERVATION

Event / observation: [REDACTED] followed up Licensing about the 1 August outside-alcohol report, the requested TEN information and the forthcoming hearing papers. She asked for the evidential basis of the statement that the premises had already been operating under the requested hours, distinguishing occasional operation after 18:00 from evidence of the full later operating model, and requested the

applicant's final application, amendments, conditions and hearing material. That evening continuous mechanical noise was so intrusive while [REDACTED] tried to eat in the garden that [REDACTED] described it as almost physically uncomfortable. The contrast was immediate when the extraction stopped at about 22:00, after which she could go to bed without the continuing mechanical noise.

Evidence / source: Email to Licensing dated 10 August 2026 and the observation recorded in [REDACTED] 11 August Planning Enforcement follow-up.

To check: No separate sent request specifically demanding a dispersal plan or evidence for midnight off-sales has yet been located. Those issues appear in the representation and should not be described as a distinct email unless the original is produced.

11 August 2026, approximately 11:00 - Cooking odour entered Room 7

DIRECT OBSERVATION | [LICENSING: bedroom odour]

Event / observation: While servicing Room 7 with its window open, [REDACTED] experienced a strong onion-and-garlic cooking odour entering the room and closed the window to prevent it continuing to enter the accommodation.

Evidence / source: Contemporaneous account included in [REDACTED] email to Jason Bird at 12:44 on 11 August 2026.

11 August 2026, 20:36 - Bolognese-type odour in main bedroom after windows reopened

RECONSTRUCTED DIRECT OBSERVATION - ORIGINAL NOTE TO MATCH | [LICENSING: bedroom odour]

Event / observation: [REDACTED] reports that the bedroom windows had been closed earlier and were later reopened. On entering [REDACTED] bedroom at 20:36, she experienced a smell she described as Bolognese sauce.

Impact / action: The odour affected use and ventilation of the bedroom during the evening.

Evidence / source: [REDACTED] later dated account supplied on 25 August 2026.

To check: Match the exact wording and time to the original note. The observation does not independently establish the route or source of the odour.

11 August 2026 - definitive TEN list requested; count and 2 August position remain unclear

CORRESPONDENCE / RECORD

Event / observation: Licensing first confirmed that the 31 July-1 August TEN authorised on-sales and off-sales, including alcohol in the pavement area and without a meal, so it concluded that the 1 August observation was not a premises-licence breach. [REDACTED] then requested the definitive public-register list, the correct total of TENs and event-days, and confirmation whether 2 August was covered. Licensing later stated that 14 event-days had been used across six TENs, but the list in that email contained six entries in addition to the 31 July-1 August entry already supplied. Read together, the correspondence therefore appears to identify seven TENs and 16 event-days. The listed events were described as 18:00-

23:00 and as authorising on-sales and off-sales. No Police or Environmental Protection objection notice had been made.

Evidence / source: Emails from Aileen Powell and [REDACTED] at 10:54, 12:01 and 15:26 on 11 August 2026.

To check: At 11 August, the 6/7 TEN and 14/16 event-day mismatch and the 2 August position remained unresolved. Aileen Powell's 17 August reply later confirmed seven acknowledged register entries and no TEN on 2 August; it did not expressly reconcile the earlier six-TEN / 14-day statement.

11 August 2026 - Planning Enforcement deadline passed and chased

CORRESPONDENCE / RECORD

Event / observation: [REDACTED] followed up her detailed 2 August email to Jason Bird after the requested 10 August response deadline passed without a substantive response. She asked for answers about any planning or Listed Building Consent application, the scope and supervision of EN/2025/00504, Conservation involvement, Environmental Protection remedial requirements and the next enforcement date, requesting a response by 13 August.

Evidence / source: Email to Jason Bird at 12:44 on 11 August 2026; no reply from Jason Bird located in the connected mailbox as at 16 August 2026.

11 August 2026 - Hearing and responsible-authority positions

CORRESPONDENCE / RECORD

Event / observation: The formal Notice of Hearing fixed the Licensing Sub-Committee hearing for 14:00 on 26 August. Licensing separately reported that Environmental Protection had sought exclusion of late-night refreshment and live regulated entertainment and restriction of recorded music to indoors, 08:00-23:00; the applicant had accepted those proposals. Licensing also reported that Planning had confirmed no objection to the variation, Fire had given advice without objecting, Police had made no representation and Children's Services discussions were continuing. The applicant's response to representations had not yet been received at that time.

Evidence / source: Notice of Hearing dated 11 August and Aileen Powell email at 15:26 on 11 August 2026.

12 August 2026 - Odour, external seating and extraction switch-off

DIRECT OBSERVATION | [LICENSING: plant hours and public nuisance]

Event / observation: Food odours were experienced intermittently at about 11:00, about 16:00 while [REDACTED] was watering the garden, during the evening at about 18:00-20:00, and later in the basement. At about 21:33 a couple were observed outside with a wine-style glass; the contents could not be confirmed. The extraction switched off at about 22:13.

Evidence / source: [REDACTED] incident diary. Any associated photograph must be matched to its original timestamp before formal use.

12 August 2026 - councillor correspondence on Environmental Protection action

CORRESPONDENCE / RECORD - ORIGINAL EMAIL TO BE ATTACHED

Event / observation: Councillor Jon Orrell referred to the Environmental Protection notices and the three-month period for the business to stop the affected food operation or produce a plan requiring permission.

Evidence / source: Project record of Councillor Orrell's email dated 12 August 2026.

To check: Check the exact wording against the original and do not treat the councillor's summary as the legal wording of any notice.

12 August 2026 - [REDACTED] report new odour and extraction noise in Room 2

CORRESPONDENCE / RECORD - ORIGINAL EMAIL AVAILABLE; WHATSAPP PERMISSION CONFIRMED | [LICENSING: guest-bedroom noise and odour]

Event / observation: [REDACTED] who said they had stayed at [REDACTED] for more than 30 years, reported a new unpleasant cooking odour and extraction noise affecting previously peaceful Room 2. They said the extraction units were operating until at least 22:00 and usually no later than 22:30, with food odour still lingering. They expressed concern about the proximity of the units and possible harm to repeat guest business. Julie, referring to her former local-councillor and planning-committee experience, questioned how the works had obtained consent and raised a possible conflict-of-interest concern.

Evidence / source: Email from [REDACTED] sent Wednesday 12 August 2026 at 15:50:40, subject 'Our stay in room 2'; affirmative permission to submit confirmed by WhatsApp; sent submission copy dated 16 August 2026.

Evidential limit: Their direct observations are supporting guest evidence. Their comments about hazard, planning consent and a possible conflict of interest remain personal opinions or concerns, not established facts. Personal contact details must remain redacted.

Cross-reference: 01 Master sections 4.1, 7 and 9; 03 Supplementary sections 10.2, S18 and A2.

13 August 2026 - Plant switch-off and continuing activity

DIRECT OBSERVATION | [LICENSING: plant hours]

Event / observation: The extraction switched off at about 22:04 while the premises remained open with people present and drinking. [REDACTED] also observed people she believed to be staff carrying vegetable trays, a plastic bag and cardboard in the direction of The George. This is recorded as an observation only; no conclusion is drawn about the reason for the movement or the contents of any drink.

Evidence / source: [REDACTED] incident diary and retained media; original timestamps to be checked.

14 August 2026 - Weymouth Town Council confirms it was unaware of reported works

CORRESPONDENCE / RECORD

Event / observation: Weymouth Town Council confirmed that members had been consulted by email and had submitted a 3 August representation stating no objection but seeking limits on outdoor music. The Council said it would withdraw that representation after Environmental Health sought outdoor-music conditions and the applicant agreed. Crucially, the Council expressly confirmed that it had not been aware of the reported works and said it normally becomes aware of proposed works only when Dorset Council receives an application and notifies it of a consultation.

Evidence / source: Email from Niki Ayles, Weymouth Town Council, at 09:18 on 14 August 2026.

14 August 2026 - Corporate complaint acknowledged

CORRESPONDENCE / RECORD

Event / observation: Dorset Council confirmed that complaint CCF863432035 had been registered and that a single corporate response was being coordinated across Planning Enforcement, Conservation, Building Control, Environmental Protection and Licensing. It said it would not comment through the complaint process on live matters before the Licensing Sub-Committee, but would continue addressing service delivery, communication, case handling, coordination and other administrative matters.

Evidence / source: Email from Dayna Milford, Dorset Council Complaints, at 10:32 on 14 August 2026; the email records that the complaint was received on 6 August.

14 August 2026 - Unsolicited comment from returning guest

RECONSTRUCTED / THIRD-PARTY COMMENT

Event / observation: During a conversation, returning guest [REDACTED] independently said she had wondered what the mechanical noise was, thought it might be air-conditioning and found it unsettling. She had not identified the source with certainty. This entry should not be presented as a witness statement unless [REDACTED] confirms it in her own words.

Evidence / source: [REDACTED] later account of the conversation; no signed or emailed statement currently attached.

14 August 2026, approximately 22:01 - Plant switch-off and frontage observation

DIRECT OBSERVATION - ORIGINAL IMAGE REQUIRED | [LICENSING: plant hours]

Event / observation: The additional extraction switched off at about 22:01. [REDACTED] then photographed the frontage from the public highway; she recorded that the premises appeared empty of customers, with staff remaining to tidy. This is one dated example and does not establish the position on every evening.

Evidence / source: [REDACTED] diary and hearing working note. The original photograph with capture timestamp has not yet been matched into the photographic appendix.

15 August 2026 - Adjacent evening food events cancelled

CONTEXTUAL RECORD - LIMITED WEIGHT

Event / observation: A Portland Paella Facebook post said its remaining evenings at neighbouring eBike Cafe were cancelled because good weather and unexpectedly high demand at its original Quiddles nights meant it had taken on too much. This does not establish a lack of evening demand at eBike Cafe or Bonita and is retained only as contextual background.

Evidence / source: Screenshot of Portland Paella post saved on 15 August 2026.

15 August 2026 - guest [REDACTED] reports Room 4 extraction disturbance

RECONSTRUCTED / THIRD-PARTY GUEST ACCOUNT - WRITTEN CONFIRMATION PENDING

Event / observation: Before leaving on 15 August, a repeat guest identified by [REDACTED] as [REDACTED] told [REDACTED] that she had stayed at [REDACTED] for a total of 29 days across the previous two years. She said she chose the property because the rear of the house was quiet, but while staying in Room 4 she found the extraction noise disturbing.

Evidence / source: [REDACTED] account, supplied on 16 August 2026, of her conversation with the guest on 15 August before departure.

To check: Obtain the guest's own dated email or signed statement; confirm the spelling and full name, the exact stay dates, the 29-day total and Room 4 allocation against booking records. Until then this is not a contemporaneous statement in the guest's own words.

16 August 2026 - Position before publication of the hearing bundle

CORRESPONDENCE CHECK / STATUS

Event / observation: No substantive reply from Jason Bird or Planning Conservation was located after [REDACTED] 11 August follow-up. Licensing's TEN response had been received and the 1 August position resolved. The Town Council's lack of awareness of the reported works and Dorset Planning's reported no-objection position were now both documented. The cross-service complaint response and Environmental Protection compliance update remained outstanding.

Evidence / source: Connected-mailbox check completed 16 August 2026; hearing papers expected five working days before the hearing.

16 August 2026 - original licensing application documents not accessible online

DIRECT WEBSITE CHECK / ACCESS ISSUE

Event / observation: [REDACTED] could no longer open the original licence-application documents on the Dorset Council register that she had previously accessed, including a handwritten-hours document associated with the earlier application. The variation remained active on the register.

Evidence / source: [REDACTED] website check and project notes dated 16 August 2026.

To check: The reason for the access change is unknown. Request a copy from Licensing and do not allege that the document was deliberately removed or altered.

16 August 2026 - further TEN and outside-alcohol position raised

CORRESPONDENCE / RECORD

Event / observation: [REDACTED] wrote again to Licensing noting that TENs apply to specified dates, asking it to investigate an outside-alcohol observation on 11 August that did not appear on the TEN information supplied, and seeking a clear position on how outside alcohol was controlled under the existing licence and pavement arrangements. She asked for the correspondence to be placed on the hearing file.

Evidence / source: Email to Licensing sent at 12:36 on 16 August 2026.

To check: Licensing's response was not in the material reviewed when this diary was updated. The observation alone does not establish that alcohol was supplied or that a breach occurred.

16 August 2026 - Licensing clarification email sent for hearing record

CORRESPONDENCE / RECORD - SENT COPY TO MATCH

Event / observation: [REDACTED] confirmed that she sent Licensing a further clarification request for the 26 August hearing. It asked Licensing to reconcile the stated six TENs / 14 event-days with the seven references / 16 inclusive dates appearing in the supplied correspondence; confirm whether 2 August and the dated outside-drink observations on 25 May, 21 June, 23 June, 26 June and 14 July were covered by any TEN or other authorisation; provide or locate the original handwritten licence-hours document; and confirm the precise supplementary-information deadline and submission procedure. The email corrected an earlier reference to 25 June: the original photograph is dated 26 June 2026 at 23:03.

Evidence / source: [REDACTED] confirmation on 16 August 2026 that the clarification email was sent.

To check: Match the exact sent time, subject line, recipients, copied recipients and any attachments from the sent email. Licensing's response is recorded under 17 August. The questions sought the authorising record and did not themselves establish a breach.

16 August 2026 - [REDACTED] guest email submitted to Licensing

CORRESPONDENCE / RECORD - SENT EMAIL AND WHATSAPP PERMISSION RETAINED | [LICENSING: guest evidence]

Event / observation: After [REDACTED] confirmed by WhatsApp that their 12 August email could be used, [REDACTED] submitted the email to Licensing as supporting evidence of newly experienced Room 2 odour and extraction noise.

Evidence / source: Original guest email, WhatsApp permission record and [REDACTED] sent submission dated 16 August 2026.

Evidential limit: The submission does not convert the guests' planning, hazard or conflict comments into findings; only their own direct observations are relied upon as guest evidence.

Cross-reference: 01 Master sections 4.1, 7 and 9; 03 Supplementary sections 10.2, S18 and A2.

16 August 2026 - [REDACTED] provides former-operator account

CORRESPONDENCE / RECORD - ORIGINAL EMAIL AVAILABLE

Event / observation: [REDACTED] said that she took over the Harbourside Bistro from [REDACTED] around 34 years earlier and traded there for 20 years before selling to [REDACTED]. She recalled out-of-season hours generally from 07:00 until around 15:00, weekend closing around 18:00 and summer closing around 21:30 for approximately ten weeks. She described breakfast, lunch and seasonal evening meals, substantial tea, coffee and soft-drink trade, and takeaways for boats and anglers. She said the restaurant licence permitted alcohol only with food, the premises did not operate as a late-night drinking venue, and [REDACTED] maintained broadly similar hours. She also expressed the opinion that the narrow layout was unsuitable for bar use and that noise would be difficult to contain, and said residents and nearby guest houses were respected.

Evidence / source: Email from [REDACTED] dated 16 August 2026.

To check: Treat the ownership dates and 'around 34 years' as approximate unless documentary records confirm them. [REDACTED] account of the restaurant-licence restriction is her recollection; obtain the original licence or Council record for its exact wording. Her layout and noise comments are an experienced former operator's opinion, not an expert acoustic finding.

17 August 2026, 12:04 - odour noticed in recently cleaned rooms

RECONSTRUCTED DIRECT OBSERVATION - ROOMS AND ORIGINAL NOTE TO CONFIRM | [LICENSING: odour in rooms]

Event / observation: At 12:04, [REDACTED] noticed cooking odour in rooms she had just cleaned. The rooms and precise odour description were not specified in the later account.

Impact / action: The observation indicates that odour was affecting freshly serviced guest accommodation during the daytime.

Evidence / source: [REDACTED] later dated account supplied on 25 August 2026.

To check: Identify the rooms and match the time to the original note. A combined later note also mentions extraction off at 22:01 and a 22:04 closed-frontage photograph; the earlier timestamped chronology allocates that pair to 24 August, not 17 August, and the original metadata must control.

17 August 2026 - Licensing confirms TEN register and no TEN on 2 August

CORRESPONDENCE / RECORD - ORIGINAL EMAIL AVAILABLE

Event / observation: Aileen Powell confirmed that the online register showed three live TENs and four past TENs: seven in total. She said that every TEN was recorded as 'Acknowledged', none had been withdrawn, no counter-notices had been served and the annual limits were nowhere near being exceeded. She explained that TENs proceed unless a counter-notice is served rather than receiving a separate 'permitted to proceed' status. She expressly confirmed that there was no TEN for 2 August 2026.

Evidence / source: Email from Aileen Powell received 17 August 2026, replying to [REDACTED] clarification request.

To check: This resolves the number and status of the register entries at the date of the reply and confirms that no TEN covered 2 August. It does not by itself establish a licensing breach on 2 August: the permanent licence, approved premises plan, location of the outside area and original evidence of any sale or supply still require assessment. Preserve the register images because live/past status can change with time.

17 August 2026 - Licensing replies on historic file and supplementary evidence procedure

CORRESPONDENCE / RECORD - ORIGINAL EMAIL AVAILABLE

Event / observation: In the same reply, Aileen Powell said that Licensing had done nothing to the historical files; that the 2005 application form would not have been available online; that Licensing correspondence had never been displayed online; that there had been two changes of computer system since 2005; and that the original file contained nothing referring to the remembered opening hours. She also said supplementary information could be included up to the hearing, subject at the hearing to the Chair's permission and sufficient reading time. Material expressly submitted as supplementary information would be circulated to the applicant, other parties and councillors, but Licensing would not automatically include emails: [REDACTED] must supply anything they want added to the bundle.

Evidence / source: Email from Aileen Powell received 17 August 2026.

To check: Do not allege removal or alteration of a historical document. Preserve [REDACTED] recollection only as uncorroborated unless an earlier copy or screenshot is located. Submit copies of any relied-upon emails as exhibits rather than assuming Council correspondence will appear automatically in the hearing bundle.

17 August 2026, approximately 21:45-22:01 - premises passed by boat and outside area photographed packed away

DIRECT OBSERVATION - ORIGINAL PHOTOGRAPH RETAINED

Event / observation: After watching the fireworks, [REDACTED] passed Bonita by boat at approximately 21:45. After returning to [REDACTED] she took a photograph at 22:01. The premises appeared locked and chairs were visibly stacked in the window; the outside activity appeared finished.

Evidence / source: [REDACTED] direct account supplied 18 August 2026 and original photograph timestamped 22:01, retained by [REDACTED] but not yet matched into the evidence file.

To check: Match the original file and metadata and describe only what is visible. This photograph forms part of a wider dated frontage series but does not by itself prove the exact closing time, plant status or activity out of view.

18 August 2026 - Cllr Jon Orrell provides planning link and summary of notice wording

CORRESPONDENCE / RECORD - ORIGINAL EMAIL TO BE ATTACHED

Event / observation: Councillor Jon Orrell informed [REDACTED] that planning and Listed Building Consent application P/LBC/2026/04180 had been made and supplied the Dorset Council link, explaining that comments could be submitted through the portal. He said the Environmental Health notice he had seen

stated 'abate the nuisance' and did not specify works. He described the covering letter as explaining service of the notice and why, directing the recipient to the appeal procedure and inviting contact with the Environmental Health officer if the notice was unclear. He expressed the hope that the proposed planning application contained sufficient improvements to correct the problems.

Evidence / source: Email from Councillor Jon Orrell received 18 August 2026.

To check: Attach the original email. This is the councillor's summary, not the operative notice or an Environmental Health determination. Obtain each notice and covering letter from Environmental Health for the exact wording, deadline, appeal status and compliance requirements.

18 August 2026 - retrospective planning and acoustic documents reviewed

CORRESPONDENCE / RECORD - PUBLISHED APPLICATION DOCUMENTS

Event / observation: The published documents for P/LBC/2026/04180 were reviewed for matters crossing into the licensing public-nuisance case. The application form answers 'No' to incorporating waste-storage and collection areas and 'No' to separate recyclable-waste storage and collection. Sound Advice Acoustics report SA-8453 states that the units were only operational between 08:00 and 21:00 for its daytime background-noise assessment, while its BS 4142 tables are labelled Daytime 07:00-23:00. It reports an unattenuated assessment of +18 dB and predicts +/-0 dB only after either of two specified mitigation options. No completed and verified final option was identified in the material reviewed.

Evidence / source: Dorset Council application P/LBC/2026/04180: application form and Sound Advice Acoustics report SA-8453, July 2026; consultation deadline recorded as 12 September 2026.

To check: This entry records the documents' contents, not an independent acoustic conclusion or a finding of planning or waste non-compliance. The planning and licensing regimes are separate. Confirm any later revised drawings, officer consultation responses, selected mitigation option and commissioning or verification material.

19 August 2026 - abatement-notice clarification request sent to Licensing

CORRESPONDENCE / RECORD - SENT COPY TO BE MATCHED

Event / observation: After learning that Jane Williams was away until 24 August, [REDACTED] sent Licensing a written request for separate confirmation of each noise and odour abatement notice. She asked for the service date, reference, exact compliance deadline, operative wording, appeal or alteration status, meaning of compliance, installation and verification requirements, effect of the undetermined planning and Listed Building Consent application, assessment of plant beyond 21:00, any need for an enforceable plant terminal hour, and the reporting procedure after the compliance dates.

Evidence / source: [REDACTED] account and the prepared email headed 'Bonita Pasta Club - abatement notices and compliance requirements', reported sent to Licensing on 19 August 2026.

To check: Match the exact sent email, time, recipients, copied recipients and attachments. This was a request for clarification, not evidence that the notices had been breached or that planning altered their deadlines.

19 August 2026 - preliminary Weymouth Civic Society committee view reported

CORRESPONDENCE / RECORD - ORIGINAL MESSAGE TO BE MATCHED

Event / observation: [REDACTED] told [REDACTED] that the application was on the agenda for the following week's Weymouth Civic Society Planning Committee. He gave a preliminary personal view that the committee was unlikely to object to the substance of the application, while being very unhappy that the application was retrospective.

Evidence / source: Message from [REDACTED] reported by [REDACTED] on 19 August 2026.

To check: This was an informal preliminary view, not the committee's formal decision and not Dorset Council's planning determination. Obtain the original message and any later WCS minutes or formal response before quoting it as a committee position.

19-20 August 2026 - informal acoustic review of SA-8453

CORRESPONDENCE / RECORD - LIMITED INFORMAL ADVICE

Event / observation: Acoustic adviser [REDACTED] described his review of Sound Advice Acoustics report SA-8453 as a quick scan. He did not recommend commissioning a rebuttal because he had not identified a clear issue likely to change the assessment. He advised that any planning consent should adopt the report's clear background-noise limits and include a post-work condition and verification survey demonstrating that the installed plant complies with those limits and the relevant British Standards.

Evidence / source: Email advice from [REDACTED] dated 19-20 August 2026, as recorded in the project correspondence.

To check: This was not a commissioned report or full independent assessment. The email did not expressly address guest bedrooms, BS 4142 receptor selection or a separate plant terminal hour. Attach the original email and do not enlarge its conclusions.

20 August 2026 - licensing hearing postponed to 11 September

CORRESPONDENCE / RECORD - ORIGINAL EMAIL AVAILABLE

Event / observation: Aileen Powell informed all parties that the Bonita hearing could not be held on 26 August as planned and had been rescheduled to 11 September 2026. She said a replacement Notice of Hearing would be issued once the time was finalised and that a separate notice would extend the period within which the hearing could be held. She apologised and said the decision had not been taken lightly.

Evidence / source: Email from Aileen Powell supplied on 20 August 2026.

To check: No reason for the postponement was given. [REDACTED] wondered whether it was connected with the statutory-nuisance work, but that is speculation and must not be recorded as the cause. The replacement Notice received on 24 August later confirmed the time and deadlines; preserve it and any separate extension notice.

21 August 2026, approximately 16:40 - cooking and garlic odour

RECONSTRUCTED DIRECT OBSERVATION - ORIGINAL NOTE TO MATCH | [LICENSING: odour impact]

Event / observation: [REDACTED] recorded a cooking and garlic-type odour at approximately 16:40.

Evidence / source: [REDACTED] dated project note supplied during the 24-25 August consolidation.

To check: Confirm where the odour was experienced and match the wording and time to the original incident diary before formal submission.

Cross-reference: 01 Master sections 4.1 and 9; 03 Supplementary S29.

22 August 2026, approximately 11:00 and 16:30 - cooking and garlic odours

RECONSTRUCTED DIRECT OBSERVATION - ORIGINAL NOTE TO MATCH | [LICENSING: bedroom odour]

Event / observation: At about 11:00, [REDACTED] experienced a Bolognese-type cooking odour in Room 4 while cleaning and closed the window or windows to prevent it continuing to enter. At about 16:30, she recorded a further garlic and cooking-type odour in a bedroom.

Evidence / source: [REDACTED] dated project note supplied during the 24-25 August consolidation.

To check: Match both times, locations and descriptions to the original incident diary. Confirm whether the 16:30 observation was also in Room 4 and whether one or more windows were closed. The descriptions record [REDACTED] perception and are not objective odour measurements.

Cross-reference: 01 Master sections 4.1 and 9; 03 Supplementary S29.

23 August 2026, approximately 17:00 and 19:46-20:00 - repeated odour and bedroom impact

RECONSTRUCTED DIRECT OBSERVATION - TIMES AND ALLOCATION TO VERIFY | [LICENSING: bedroom odour]

Event / observation: [REDACTED] latest account places a cooking odour at approximately 17:00. She also reports that [REDACTED] bedroom smelt strongly of Bolognese-type cooking at 19:46; she recalls coming upstairs at about 20:00 to watch television.

Evidence / source: [REDACTED] dated project note supplied during the 24-25 August consolidation.

To check: Match both observations to the original incident diary. The 19:46 timestamp and recollection of coming upstairs at about 20:00 require reconciliation. An earlier consolidated note allocated a further 17:00 odour to 24 August, whereas the latest account places it on 23 August.

Cross-reference: 01 Master sections 4.1 and 9; 03 Supplementary S29.

24 August 2026 - Environmental Health replies on abatement-notice compliance

CORRESPONDENCE / RECORD - ORIGINAL EMAIL AVAILABLE

Event / observation: Jane Williams replied after returning from annual leave. She treated the request as an FOI matter, said she had answered as much as she was able and stated that the notices were not public documents. She said she had received no indication of an appeal. She defined compliance as no statutory nuisance continuing to exist, as determined by an authorised officer, while adding that this did not mean silence. Jane said that if the planning process had not produced a decision within the

compliance period, or made plant installation challenging within that period, a notice might be extended but must remain timely. She said they were heading towards a solution and that this should be encouraged. She had not yet seen the planning application and could not comment on its content. She advised that if noise or odour returned at levels similar to those she had experienced, a further complaint could be made. She knew that the hearing had been postponed but did not yet have all the facts.

Evidence / source: Email from Jane Williams supplied on 24 August 2026.

To check: No appeal was indicated, but this was not a formal court-status confirmation. No extension was confirmed and no revised compliance date was supplied. The exact notice references, service dates, deadlines, operative wording, verification requirements, plant-hour position and Environmental Health hearing update remain outstanding.

24 August 2026 - continuing odour observations and 22:01 plant switch-off

RECONSTRUCTED DIRECT OBSERVATION / ORIGINAL PHOTOGRAPH REPORTED RETAINED | [LICENSING: bedroom odour and plant hours]

Event / observation: [REDACTED] latest account records particularly strong cooking odour in [REDACTED] bedroom from approximately 11:00 until 11:45, requiring doors and windows to be kept closed. At about 15:00, she took a friend into the bedroom and the friend spontaneously asked, 'What is that smell?' At about 19:35, while [REDACTED] was showering, a cooking or burnt-toast-type odour was again present. At about 20:30, she went to bed to watch television and again closed the windows because of the smell. She later recorded that the extraction switched off at exactly 22:01. A frontage photograph at 22:04 shows the premises appearing empty and closed from the frontage.

Evidence / source: [REDACTED] dated project notes and reported original frontage photograph, supplied during the 24-25 August consolidation.

To check: The earlier consolidated account recorded the morning episode as continuing until 12:35 and placed a further odour at 17:00 on 24 August; the latest account gives 11:45 and places a 17:00 odour on 23 August. Match the original notes and metadata before choosing either version. The friend's odour comment is supporting evidence only and was not recorded contemporaneously; confirm the friend's identity, exact time and wording and obtain her own account if it is to be relied upon. The frontage image records only what was visible and does not independently prove plant status or the exact moment of closure.

Cross-reference: 01 Master sections 4.1, 4.2, 5 and 9; 03 Supplementary S23 and S29.

24 August 2026 - planning representation submitted and placed on both linked applications

CORRESPONDENCE / RECORD - ORIGINAL EMAILS AVAILABLE

Event / observation: [REDACTED] submitted a formal representation identifying four apparent discrepancies for independent verification: the description of pre-existing modern plaster; the accuracy of the drawing presented as the existing internal layout; differing descriptions of the premises and its use; and the declared 12 April 2026 commencement date when [REDACTED] reports holding an earlier dated photograph of the relevant window work. Dorset Council confirmed that the representation was placed on both

P/FUL/2026/04181 and P/LBC/2026/04180 and forwarded to case officer Robert Parr and Planning Enforcement. Conservation acknowledged the material. Senior Conservation Officer Nicola Yeates said the applications would be assessed after a formal site visit and asked for supplementary evidence promptly.

Evidence / source: [REDACTED] 24 August representation and Council acknowledgement emails from Planning and Conservation.

To check: These are procedural acknowledgements, not findings that any discrepancy is established or that either application will be refused. Match [REDACTED] fuller account and the dated window photograph before submitting them on the same application thread.

24 August 2026 - replacement Notice of Hearing confirms time and deadlines

CORRESPONDENCE / RECORD - REPLACEMENT NOTICE AVAILABLE

Event / observation: The replacement Notice of Hearing confirmed that the Licensing Sub-Committee hearing will take place on 11 September 2026 at 10:30 in the Council Chamber, County Hall, Dorchester. The Notice of Attendance is due by 3 September 2026. Additional information is due no later than 10:30 on 10 September 2026.

Evidence / source: Dorset Council replacement hearing correspondence and Notice received 24 August 2026.

To check: Preserve the replacement Notice and any separate notice extending the determination period. No reason for the postponement was supplied and none should be inferred.

6-24 August 2026 - Timestamped frontage series records repeated clearing around 22:00

DIRECT OBSERVATION - ORIGINAL PHOTOS / VIDEOS REPORTED RETAINED | [LICENSING: 22:00-22:15 closing and dispersal pattern]

Event / observation: The newly indexed series records the following visible states: 6 August 22:05, chairs stacked outside; 7 August 22:05, premises appearing locked and most furniture stacked; 8 August 22:17, no customers visible and staff apparently clearing; 9 August 20:26, customer area empty, chairs stacked and staff clearing; 10 August 22:03, furniture put away and staff clearing; 11 August 21:59, furniture packed and staff clearing; and 12 August 22:15, premises appearing closed, chairs stacked inside and staff clearing.

Further observations: 14 August 22:04, premises appearing empty with chairs stacked; 16 August 22:07, customer area cleared and furniture away; 17 August 22:01, premises appearing locked with chairs stacked in the window; 18 August 22:07, customer area closed while staff completed final clearing; 21 August 22:02, a staff member putting away final items; 22 August 21:51, the customer area appeared empty with furniture stacked, while an earlier review also noted staff clearing; 23 August 22:04, the frontage appeared otherwise substantially cleared with outside tables/furniture stacked and a staff member holding what appeared to be a payment terminal with the remaining customer or customers at the front; and 24 August 22:04, the premises appeared empty and closed from the frontage.

Evidence / source: [REDACTED] review of original timestamped photographs and videos on 25-26 August 2026. Match each file name and metadata before formal filing. The 23 August image is described differently in two reviews: the earlier index recorded two customers still seated, while [REDACTED] latest account describes the last customer paying with a staff member holding a terminal. The original full frame should control the number of people visible, and the image alone does not prove that a payment was completed. The series can show a recurring visible clearing pattern; it cannot prove exact closure, activity out of view, drink contents or whether extraction, ventilation and air-conditioning were operating unless separately recorded.

Cross-reference: 01 Master sections 4.2, 5 and 9; 03 Supplementary S23.

25 August 2026, approximately 15:00 and 21:05 - bedroom odour required windows to be closed

RECONSTRUCTED DIRECT OBSERVATION - ORIGINAL NOTES TO MATCH | [LICENSING: bedroom odour]

Event / observation: At about 15:00, [REDACTED] went to lie down in the bedroom and closed the window because of cooking odour. At about 21:05, [REDACTED] came upstairs to watch the remainder of a James Bond film and found that [REDACTED] had already closed the bedroom window because the room smelt strongly of Bolognese-type cooking.

Cumulative impact / action: [REDACTED] reports that these late-August odour episodes were occurring daily, leading [REDACTED] to keep doors and windows closed and sometimes retreat to the basement to avoid the combined smells and mechanical noise.

Evidence / source: [REDACTED] later dated account supplied on 25 August 2026.

To check: Match the 15:00 and 21:05 observations to contemporaneous notes. 'Daily' is retained as a retrospective description of the pattern and must not be converted into separate dated incidents where no individual note exists. The description of the smell is subjective and does not independently establish its source.

Cross-reference: 01 Master sections 4.1 and 9; 03 Supplementary S29.

26 August 2026 - delayed extraction operation and later cooking odour at [REDACTED]

DIRECT OBSERVATION - 10:32 FRONTAGE PHOTOGRAPH REPORTED RETAINED / SOME TIMES APPROXIMATE | [LICENSING: plant hours and odour impact]

Event / observation: [REDACTED] reports that on recent mornings the extraction has commonly been heard starting between approximately 09:01 and 09:16. On 26 August it had still not been heard by about 10:45. At 10:32 [REDACTED] took a photograph of the frontage while the premises was operating; two people were seated outside with hot drinks. [REDACTED] reports that the extraction was still off/not audible at that stage.

Further observation / impact: After spending the morning carrying out guest-room changeovers upstairs, [REDACTED] entered [REDACTED] kitchen at about 12:25 and found a very strong cooking odour. She closed the front door and said she would also close the bedroom door to limit further ingress. She

deliberately did not remain in the affected area to monitor when the odour ended, so no end time is recorded.

Evidence / source: [REDACTED] direct account made on 26 August 2026 and the reported original frontage photograph timestamped 10:32. Match the image filename and metadata before formal submission.

To check / limit: The approximately 09:01-09:16 'usual' start window is a retrospective description of the recent pattern and should be checked against the daily log before it is presented as a consistent rule. One morning does not establish why the extraction was not operating, whether food preparation was underway, whether other plant was operating, or whether extraction was technically unnecessary. The later cooking odour is a sensory observation at [REDACTED] its source was not independently traced. Do not invent an odour end time because [REDACTED] chose to close doors and stop monitoring it.

Cross-reference: 01 Master sections 4.1, 4.6, 5 and 9; 03 Supplementary S29.

27 August 2026, 21:27-21:55 - closing activity, extraction switch-off and continuing lower hum

DIRECT OBSERVATION - ORIGINAL PHOTOGRAPH REPORTED RETAINED | [LICENSING: plant hours and closing pattern]

Event / observation: At 21:27, [REDACTED] took a photograph of the frontage. Only staff appeared to be present and they were taking the outside furniture into the premises. The main extraction noise stopped at 21:55.

Further observation: After the main extraction stopped, a lower and quieter constant hum continued. [REDACTED] considered that it might have been the air-conditioning, but she could not identify the source and no attribution is made.

Evidence / source: [REDACTED] direct account supplied on 31 August 2026 and the original photograph reported retained with a capture time of 21:27.

To check / limit: Match the 21:27 photograph to its original filename and metadata. The continuing lower hum is recorded as an unidentified sound and must not be attributed to a particular item of plant without supporting evidence.

Cross-reference: 01 Master sections 4.1, 4.2, 5 and 9; 03 Supplementary S29.

27 August 2026 - final reading and full hearing statements aligned

CORRESPONDENCE / RECORD - FINAL DOCUMENTS RETAINED | [LICENSING: current hearing position]

Event / observation: [REDACTED] completed a final reading copy and a matching full hearing statement. Both retain refusal of variation application 168722 as the primary position and use the same fallback conditions and terminal times. The fallback request is expressly not a concession that later hours are appropriate.

Evidence / source: Bonita Hearing Statement FINAL READING COPY and Bonita Full Hearing Statement FINAL FOR SUBMISSION, both dated 27 August 2026.

Evidential limit: This is document source control, not a new nuisance incident. The 31 July representation remains the historic filed representation; the two matching 27 August statements state the current hearing request.

Cross-reference: 01 Master sections 1, 6.1, 6.2 and 9; final reading copy and full hearing statement dated 27 August 2026.

28 August 2026 - Council hearing report and Appendices 1-8 received

CORRESPONDENCE / RECORD | [LICENSING: controlling hearing bundle]

Event / observation: Aileen Powell supplied the Council report and Appendices 1-8 for the hearing on 11 September 2026. The report records the live variation as on- and off-sales of alcohol from 09:00 to midnight daily, with New Year's Eve to 01:00, removal of Annex 2 conditions and an updated plan. It also records that late-night refreshment and recorded music were withdrawn after Environmental Protection's representation.

Pack reconciliation: Appendix 7 contains [REDACTED] expanded representation at PDF pages 3-13, the Master Chronological Diary last updated 4 August at PDF pages 28-57, and the original photographic Appendix G at PDF pages 58-70. Later August evidence and the final 21:00 fallback are therefore not contained in that Appendix.

Pack discrepancy: Council report paragraph 4.6 summarises three Fire Safety Audit matters and says the Fire Service letter is at Appendix 6. The supplied Appendix 6 is only Planning's one-page response dated 13 July 2026. The underlying Fire letter was not found in the supplied pack.

Evidence / source: Council hearing report and Appendices 1-8 supplied 28 August 2026; page-by-page pack check completed 5 September 2026.

Cross-reference: 01 Master sections 2, 3, 5 and 8; 03 Supplementary sections 2, 3, 5 and S33.

28 August 2026, 09:04-21:57 - extraction operation, repeated burnt-food odour and closing observation

DIRECT OBSERVATION - FRONTAGE PHOTOGRAPH REPORTED RETAINED / SOME TIMES APPROXIMATE | [LICENSING: plant hours, odour and closing pattern]

Event / observation: The extraction started at 09:04. After going shopping and returning, [REDACTED] noticed a strong burnt-food smell in the garden at about 14:20. The same odour was noticeable in [REDACTED] bedroom and the bedroom window had to be closed. The window was reopened later after the smell had gone; no exact clearance time was recorded.

Further observation / impact: At about 20:35, [REDACTED] returned to the bedroom and again found a strong cooking odour. The main extraction stopped at 21:56. A photograph taken at 21:57 showed the premises appearing empty, with no customers visible.

Evidence / source: [REDACTED] direct account supplied on 31 August 2026 and the original 21:57 frontage photograph reported retained.

To check / limit: Match the 21:57 photograph and any incident note to their original filenames and metadata. No time is available for when the afternoon odour cleared. The odour observations are sensory evidence at [REDACTED] their source and route of entry were not independently traced.

Cross-reference: 01 Master sections 4.1, 4.2, 5 and 9; 03 Supplementary S29.

28 August 2026, 19:51 - [REDACTED] supplies former-operator account

WITNESS CORRESPONDENCE - ORIGINAL EMAIL RETAINED | [PLANNING / CONSERVATION: HISTORIC LAYOUT AND USE]

Event / observation: [REDACTED] said that she had known the premises since 1992 and had run the Harbourside Bistro there for approximately 20 years, initially alone and later with a business partner. She said that during her occupation they did not alter the interior structurally; works were limited to plastic cladding in the kitchen, regular decoration and replacement flooring.

Former layout and services: [REDACTED] placed the kitchen at the far end, reached by a corridor, with the toilets adjacent to the kitchen, a storeroom with a sliding door and a small bar opposite. She described sinks in the kitchen, both toilets, behind the servery and for hand washing, together with three accessible manholes through the cafe. She said the drains required clearing approximately twice a year and regarded the drainage and plumbing as part of the historic construction.

Openings, plant and use: [REDACTED] described the former front window, internal double wooden doors, fire escape and kitchen Velux. She said that the present bi-fold doors, altered windows, enlarged openings, canopy and other present external features were not there when she left. A mechanical extractor was generally used, with the Velux used for ventilation most of the time; she recalled no air-conditioning, external ducting or roof-mounted plant. She described a cafe/bistro of about 50 covers, with no regular evening use, occasional summer meals until about 21:00, alcohol served with food and no late-night bar or drinking use.

Evidential limit: [REDACTED] account is first-hand evidence of the premises during her long occupation. It does not, by itself, establish that no alterations were made by a later operator before the works now under consideration. The dated photographs, social-media records, enforcement material and site inspection should be used to establish the later sequence.

Evidence / source: Email from [REDACTED] to [REDACTED] dated 28 August 2026 at 19:51.

29 August 2026, approximately 11:30-22:01 - odour in guest rooms and bedroom; extraction switch-off

DIRECT OBSERVATION - 22:01 PHOTOGRAPH REPORTED RETAINED / SOME TIMES APPROXIMATE | [LICENSING: guest-bedroom odour and plant hours]

Event / observation: While [REDACTED] was working in guest Rooms 2, 4 and 7 from about 11:30, cooking odour was noticeable in the rooms. After completing the room work, she entered [REDACTED] bedroom at 12:02 and found the odour extremely strong.

Further observation: The main extraction switched off at 22:01. [REDACTED] reports taking a photograph at 22:01.

Impact / action: The incident affected three guest rooms during servicing and the main bedroom at midday.

Evidence / source: [REDACTED] direct account supplied on 31 August 2026 and the original 22:01 photograph reported retained.

To check / limit: Match the 22:01 photograph to its original filename and metadata and record exactly what it shows. Confirm any separate start or end time for the odour only if supported by the contemporaneous incident notes. The strength and source of the odour were not independently measured or traced.

Cross-reference: 01 Master sections 4.1, 4.2, 5 and 9; 03 Supplementary S29.

29 August 2026 - Further Facebook videos of internal works located

SOCIAL-MEDIA RECORD - LINKS AND COPIES REPORTED RETAINED | [PLANNING / CONSERVATION: INTERNAL WORKS AND FABRIC]

Event / observation: [REDACTED] located a Facebook video in which [REDACTED] gives a filmed view through the interior. [REDACTED] describes the premises as extensively stripped back, with the front section newly plastered, approximately 14 bags of plaster and about 10-15 sheets of plasterboard visible, and walls associated with the former kitchen apparently removed. At the rear, an earlier wall finish is visible which [REDACTED] believes may be original fabric.

Further record: A second video appears to show the ceiling replastered along the length of the premises and includes the wording 'courtesy of [REDACTED]'. The videos record visible conditions and statements; the age, significance and precise extent of any removed or covered fabric require assessment by Conservation.

Impact / action: The records are to be supplied before the formal site visit so that the submitted 'existing' plan, description of previous wall finishes, scope of completed works and declared commencement date can be checked against the available dated evidence.

Evidence / source: Facebook video links copied and screenshots or copies reported retained by [REDACTED]. This entry is dated by the recovery of the material on 29 August; the visible date of each original post should remain attached to its saved copy.

29 August 2026 - View and proximity from [REDACTED] recorded for site visit

DIRECT OBSERVATION / PHOTOGRAPHIC CONTEXT | [PLANNING / CONSERVATION: SETTING AND RESIDENTIAL AMENITY]

Event / observation: From [REDACTED] have a direct view from their first-floor rear bedroom and rear garden/courtyard towards the rear elevation, roof, canopy and external plant at 10 Custom House Quay. [REDACTED] is a Grade II-listed Georgian building dating from 1766, and [REDACTED] report that the relevant windows are original. The plant is reported to be approximately two metres from the bedroom window and parts of the installation less than half a metre from the garden boundary wall. The rear space is closely enclosed by surrounding walls and buildings.

Impact / action: [REDACTED] object to the canopy in principle and do not consider it appropriate for the listed building or this closely enclosed historic setting. They ask Planning and Conservation to

consider refusing its retention and, if it has already been installed without the necessary consent, to consider its removal through the appropriate process rather than merely altering its colour or detail. Their reasons include the additional structure and fixings to listed fabric, the change to the external appearance, its relationship with the altered frontage, and its potential to support more intensive outdoor commercial use. The photographs record the neighbouring viewpoint, original windows and proximity. Council Environmental Protection correspondence already records abatement action relating to odour and cumulative plant noise. No access to [REDACTED] home or garden is offered.

Evidence / source: [REDACTED] direct observations, their account of [REDACTED] date and original windows, reported approximate measurements, retained photographs taken from [REDACTED] [REDACTED] and Council Environmental Protection correspondence concerning abatement action.

30 August 2026, 22:03 - final planned routine frontage photograph

DIRECT OBSERVATION - ORIGINAL PHOTOGRAPH REPORTED RETAINED | [LICENSING: closing pattern]

Event / observation: At 22:03, [REDACTED] took a photograph of the frontage. A few staff members appeared to remain inside, most of the chairs had been stacked inside the premises, and the surrounding harbourside frontage appeared empty.

Impact / action: [REDACTED] confirmed on 31 August that this would be her final planned routine frontage photograph and that she would not continue the daily photographic monitoring.

Evidence / source: [REDACTED] direct account supplied on 31 August 2026 and the original photograph reported retained with a capture time of 22:03.

To check / limit: Match the photograph to its original filename and metadata. This is one evening observation and does not, by itself, establish the precise closing time or the position on every evening.

Cross-reference: 01 Master sections 4.2, 5 and 9; 03 Supplementary S29.

31 August 2026 - Dawn Horton confirms permission to use her evidence

WITNESS PERMISSION / RECORD | [LICENSING / PLANNING: historic baseline]

Event / observation: [REDACTED] expressly confirmed to [REDACTED] that her evidence could be used. This permission applies to her former-operator evidence, including the detailed email and question-and-answer chain dated 28 August 2026.

Evidential limit: [REDACTED] evidence is first-hand for her period of occupation. It does not establish what later operators changed or the present legal position; those matters require the physical, photographic and Council records.

Evidence / source: [REDACTED] record of [REDACTED] permission confirmed on 31 August 2026; preserve the original permission message with [REDACTED] emails.

Cross-reference: 01 Master sections 4.9 and 8; 03 Supplementary sections 10.1, S16 and S38.

3 September 2026 - Council corporate complaints response received

CORRESPONDENCE / RECORD | [LICENSING: statutory nuisance and case handling]

Event / observation: Dorset Council issued its formal response to complaint COM/13137. The response states that statutory noise and odour nuisances were determined and that abatement notices were served on the persons responsible on 6 July 2026, allowing three months for abatement. It states that prosecution in the Magistrates' Court will be considered if the notices are not complied with.

Further recorded position: The Council said the requirement for retrospective planning applications could have been made sooner and apologised for the delay. It did not determine the merits of the live planning or licensing matters through the complaints process.

Evidential limit: The response confirms the Council's statutory-nuisance findings and service of notices. It does not establish current non-compliance, the exact operative wording of each notice, an extension, or that prosecution will occur.

Evidence / source: Dorset Council formal response dated 3 September 2026, reference COM/13137.

Cross-reference: 01 Master sections 2, 4.1, 4.3 and 5; 03 Supplementary section 7 and Exhibit S41.

3 September 2026 - attendance and current hearing position recorded

PROCEDURAL RECORD | [LICENSING: hearing participation and current request]

Event / observation: [REDACTED] attendance and speaking position for the 11 September hearing was confirmed by the 3 September deadline. Their current position remains refusal in full. If any part is granted, the matched fallback requests a single 21:00 terminal time for alcohol sales, other licensable activity, customer occupation and external-area use, with relevant mechanical plant limited to 08:00-21:00.

Evidence / source: Notice of Hearing and the final reading and full hearing statements updated 5 September 2026.

Cross-reference: 01 Master sections 2 and 6.2; final reading copy and full submission statement dated 5 September 2026.

3 September 2026, 20:51 - extraction switch-off and frontage observation

DIRECT OBSERVATION - NO MEDIA ASSERTION | [LICENSING: plant hours and closing pattern]

Event / observation: At 20:51, while in the main bedroom at [REDACTED] [REDACTED] heard the main extraction fan switch off. She then viewed the Bonita frontage and recorded that no customers were visible, chairs appeared stacked and staff appeared to be packing away.

Impact / relevance: This is consistent with the late-August pattern of plant stopping and customer areas clearing around the earlier evening period. It supports the practical feasibility of a clear 21:00 fallback, but it remains one observation and does not prove an exact closing time or the position on other evenings.

Evidence / source: [REDACTED] direct account recorded after the event. No photograph or recording is relied upon for this entry unless an original is later matched.

Cross-reference: 01 Master sections 4.2 and 5; 03 Supplementary section 8 and Exhibit S43.

FINAL HEARING SUPPLEMENT

Hearing Evidence Schedule and Post-Pack Appendix

Bonita, 10 Custom House Quay - Variation Application 168722

Submitted by [REDACTED]

6 September 2026

Purpose: this filing schedule makes the current evidence work visible to the Sub-Committee. It lists every S-numbered item in the controlled register and reproduces the detailed post-4 August observation schedules. The status and caution columns are part of the evidence: items marked pending, unmatched, not held or to be obtained are not relied upon as established facts.

1. How to use this document

The Council hearing report and Appendices 1-8 remain the controlling pack. Appendix 7 already contains the expanded representation, the diary last updated 4 August and Photographic Appendix G. This schedule cross-references that material and records what arose or was clarified afterwards. It is a transparent evidence-control document, not an assertion that every listed item proves a breach. Originals are retained and can be provided if the Sub-Committee directs.

Status key: 'available' or 'retained' means the source is held; 'match originals' means that the precise image or recording should be checked against the untouched original before detailed reliance; 'pending', 'not held' or 'to obtain' means it is not relied upon as proved.

2. Complete current evidence schedule (S1-S43)

The purpose/caution column states the proper limit of each item and must be read with its status.

Ref.	Document / evidence	Status	Purpose / caution
S1	Aileen Powell emails, 11 August 2026	Available	TEN authorisation, list/count, hearing remit, previous-breach enforcement position and responsible-authority positions
S2	Original Notice of Hearing dated 11 August and replacement Notice received 24 August 2026	Available	Superseded 26 August arrangements and current 11 September time, attendance and evidence deadlines
S3	Niki Ayles / Weymouth Town Council email, 14 August 2026	Available	Consultation, withdrawal and lack of awareness of works
S4	[REDACTED] complaint acknowledgement, 14 August 2026	Available	CCF863432035 scope and coordination

Ref.	Document / evidence	Status	Purpose / caution
S5	Emails to Jason Bird dated 2 and 11 August 2026	Available	Outstanding Planning / LBC / Enforcement questions
S6	Historic England email and acknowledgement, 6 August 2026	Retained; available if requested	Heritage escalation and response target
S7	Incident diary entries, 10-14 August 2026	Available	Continuing odour, noise and switch-off times
S8	Original photos / videos for 2 and 12-14 August	Match originals	Outside activity and operational observations
S9	Council register screenshots / copy request	Not held; not relied upon	Original application-document access issue
S10	Councillor Jon Orrell email, 12 August 2026	Retained; available if requested	Councillor's summary of EP position; not notice wording
S11	██████ witness statement	Not supplied; not relied upon	Use only if supplied in her own words
S12	Historic drainage account within ██████ ██████ 28 August email; any Wessex Water record	██████ email available; Wessex Water record pending	Historic manholes and twice-yearly clearing; current capacity and causation not established.
S13	Original outside-area media dated 19 and 25 May; 21, 23, 24 and 26 June; and 14 July 2026	Originals reported held; neutral captions indexed	Verify every timestamp, full frame and filename. Priority discrepancies: 23 June 15:39 versus earlier 17:39; 26 June 23:03 versus earlier 23:06/11:03. Do not infer drink contents, sale, supply, food service or authorisation.
S14	Facebook screenshots displayed 23 May, 20 June, 27 June and 27 July, plus additional food-and-wine image	Available; supplied 16 Aug	Public presentation of outside food and drinks; verify 2026 year, URLs, full text, authorship and original metadata; no breach finding
S15	Staff-made phone recording of the 2 August interaction	Not held; request if retained or relied upon	May clarify the statement that a TEN authorised alcohol sales that evening; obtain the complete unedited original with audio, full start and end, and metadata before relying on it

Ref.	Document / evidence	Status	Purpose / caution
S16	[REDACTED] email, project record date 16 August 2026	Original email retained; permission confirmed 31 August 2026	Former operator's account of historic hours, food-led restaurant use, alcohol with food and layout / noise concerns; approximate dates and licence wording require confirmation
S17	Aileen Powell email, 17 August 2026	Available; original email retained	Seven acknowledged TENs; none withdrawn or countered; no TEN on 2 August; historical-file position; supplementary-evidence and email-bundle procedure
S18	[REDACTED] email, 12 August 2026	Original email and WhatsApp permission retained; submitted to Licensing on 16 August 2026	Returning guests' first-hand account of newly experienced odour and extraction noise in Room 2; planning, hazard and conflict comments are unverified personal concerns
S19	Linked applications P/FUL/2026/04181 and P/LBC/2026/04180, including application form, plans and acoustic report SA-8453	Available	Undetermined mitigation proposals, assessed plant hours, waste answers and absence of an identified final odour-control submission
S20	Cllr Jon Orrell email, 18 August 2026	Original email retained; available if requested	Planning link and councillor's summary of abatement-notice wording; not a substitute for the notices
S21	[REDACTED] abatement-notice clarification request sent to Licensing, 19 August 2026	Match exact sent copy, time and recipients	Requests deadlines, operative wording, compliance standard, verification, planning dependencies and plant-hour position; answered in part by S25
S22	Photograph of Bonita outside area, 17 August 2026 at 22:01	Original retained; precise reliance only after metadata match	One neutral observation that the outside area appeared packed away; no inference about inside use, exact closure time or other evenings
S23	Nightly frontage and close-down photographic/video series, 2-30 August 2026, with detailed 3-30 August observation chart	Originals reported held; detailed chart records 24 dated evenings and the final planned routine photograph	Customer presence is visible after 22:00 on 13, 15, 23 and 29 August. Match every item to its untouched original and metadata, including 27 Aug 21:27/21:43, 28 Aug 21:57, 29 Aug 22:04 and 30 Aug 22:03. No single image proves exact closure, activity outside the frame, staff identity, drink contents or plant status.

Ref.	Document / evidence	Status	Purpose / caution
S24	Aileen Powell hearing-postponement email, 20 August 2026, replacement Notice and any extension notice	Email and replacement Notice available; preserve separate extension notice	Confirms 11 September at 10:30, 3 September attendance deadline and 10 September 10:30 evidence deadline; no reason for postponement was given
S25	Jane Williams email, 24 August 2026	Original email retained; available if requested	No appeal indication; authorised-officer compliance test; possible but unconfirmed timely extension; planning application not yet reviewed; reporting route if similar noise or odour returns
S26	[REDACTED] Room 4 account and booking verification	Not supplied; not relied upon without the guest's own statement	Potential returning-guest evidence of extraction disturbance; verify name, stay dates, 29-day total, room and permission
S27	[REDACTED] informal acoustic advice, 19-20 August 2026	Original email retained; available if requested	Supports clear background-noise limits and post-work verification; limited quick scan, not a commissioned report or rebuttal
S28	[REDACTED] planning representation and Council acknowledgements, 24 August 2026	Original emails available	Placed on both linked applications; site visit and substantive assessment pending; discrepancies are unproven until verified
S29	Incident diary entries: 11, 17 and 21-29 August; late-August extraction switch-offs and odour observations; 26 August 10:32 frontage photograph; qualified 30 August recalled sound-app reading	Direct/reconstructed notes; originals to match; no sound-app screenshot retained; friend statement pending	Continuing noise/odour effect in home and guest rooms and plant-hour evidence. Preserve all qualifications; do not identify the 27 August lower hum or treat the personal sound reading as calibrated evidence.
S30	[REDACTED] message and any later WCS Planning Committee record	Context only; no formal record obtained	Preliminary personal view only; contextual and not Dorset Council's determination

Ref.	Document / evidence	Status	Purpose / caution
S31	Dated roof, rooflight, frontage and plant media series, 3 November 2025-30 March 2026	Originals reported held; dated schedule inserted	Supports accurate pre-works baseline and reconciliation of the stated 12 April 2026 commencement date. Does not itself determine consent status or motive.
S32	Bedroom sound-level video, 19 May 2026 at 16:04	Original reported held	Display rises to approximately 35 dB with window slightly open. Contextual only; instrument/app, calibration and source unconfirmed.
S33	Fire Service correspondence chain: concerns sent 4 December 2025; self-addressed follow-up 7 January 2026; outcome requests 22 June; [REDACTED] reply 25 June; updated evidence/reassessment request 28 June; later questions/reply 10 and 17 July	Available; 7 January delivery unverified; no identified reply to 28 June; Council report now supplies a later audit summary but not the underlying Fire letter	Fair record of escalation. Council report paragraph 4.6 records the three audit matters concerning travel distance/escape route, the kitchen-adjoining door and faux foliage. The report points to Appendix 6 for a Fire letter, but supplied Appendix 6 is only Planning's response; obtain the underlying letter before quoting beyond the report summary.
S34	Environmental Protection correspondence: 26 November 2025; 19 May 2026; 22-26 June 2026	Available; 22 June 12:12 diary-sheet email delivery unverified	Establishes pre-operation notice, statutory-nuisance scope, closure until noise arose, reopening/investigation request, diary process and arranged 26 June visit. Authority findings should be taken only from its own written words.
S35	26 May MP assistance request and 22 June Licensing-document request / consolidated Planning and Conservation timeline	Original sent emails available	Shows continuing escalation, plan/layout questions and requests for coordinated review. These emails evidence what [REDACTED] reported and requested, not that every allegation was accepted or proved.

Ref.	Document / evidence	Status	Purpose / caution
S36	Exhibit S36: contemporaneous 7 November 2025 'Update on Works at TJ's - For Awareness' email chain, cross-referenced to the reported 09:05 conversation; related audio/metadata	Original email available; audio preserved but not submitted pending advice; separate 8 November [REDACTED]/Planning original not located	Same-day record tying the works, contractors' response and [REDACTED] reported comments to the approximately 09:05 conversation and the proposed grazing-platter/drinks/music-to-22:00 model. The additional no-late-licence recollection and exact time require verification. Keep the 7-8 October [REDACTED]/Council correspondence separate.
S37	Four original outside photographs emailed to Licensing on 1 August 2026 (IMG_3191-IMG_3194) and the covering email	Reported supplied to Licensing; match the untouched originals, sent email and metadata	Records the visible outside setting on a TEN-authorised date. Use neutrally; it does not establish drink contents, sale or supply, the exact licensed boundary or a breach.
S38	[REDACTED] email and complete question-and-answer chain, 28 August 2026 at 19:51	Original email and complete chain retained; permission confirmed 31 August 2026	First-hand historic layout, sinks/manholes, drainage maintenance, openings, ventilation/plant and food-led operating baseline during [REDACTED] occupation. Does not establish the later-operator position.

Ref.	Document / evidence	Status	Purpose / caution
S39	██████████ email to ██████████ 29 August 2026 at 15:16 UTC (16:16 BST), with Conservation evidence package, updated Master Chronological Diary, earlier licensing email and video link	Gmail sent record available; match the original attachments, link access and metadata and obtain/retain any Council acknowledgement	Confirms submission request for both planning applications and EN/2025/00504; summarises historic-baseline, March-work and unresolved extraction-mitigation matters. It does not prove Council verification of each item.
S40	Further public social-media evidence email dated 30 August 2026, with video link and attachments IG-03 to IG-05, later source links and dated screenshots	Original self-addressed Gmail record and attachments available; later links and screenshots retained; no sent copy to Nicola or Council receipt located	Preserves material displayed on 11, 19, 24 and 26 March and 16 April. The 24 March item is an alirecord post tagging Bonita; its live Instagram link was not located. Do not call this a confirmed Council submission, infer who performed or authorised works, or equate publication and filming dates without verification.

Ref.	Document / evidence	Status	Purpose / caution
S41	Dorset Council corporate complaints response, 3 September 2026, Ref COM/13137	Complete original PDF supplied with this filing	Corporate confirmation that statutory noise and odour nuisances were determined and abatement notices were served on 6 July 2026, requiring abatement within three months. If the notices are not complied with, prosecution in the Magistrates' Court will be considered. The response also acknowledges delay in requiring retrospective planning applications and defers the merits of live planning and licensing matters. It does not establish current non-compliance or guarantee prosecution.
S42	Daytime contextual photograph of [REDACTED] enclosed courtyard garden, supplied 3 September 2026	Original JPEG supplied; retain the untouched original. The supplied copy does not record the original capture date	Shows the garden's established residential and guest amenity use and its close enclosure by surrounding buildings. Context only: it does not establish the source, level, duration or route of any particular noise or odour event, or precise distances.
S43	[REDACTED] direct observation, 3 September 2026 at 20:51	Recorded account; no media relied upon	Main extraction switch-off heard from bedroom, followed by frontage observation of no visible customers, stacked chairs and staff packing away. Single qualified observation only.

3. Post-4 August frontage and close-down observation schedule

These are individual dated observations. They do not prove an exact closing time on every evening, activity outside the frame, staff identity, drink contents or plant status unless separately recorded.

Date / time	Media	Customer position visible	Visible close-down / frontage evidence
3 Aug 22:06	Photo(s)	Outside only; interior not shown	No tables visible outside; pavement and street appear empty. This is not an internal photograph.
6 Aug 22:05	Photo	No customers visible	Premises appears empty; outside tables and chairs are stacked ready to be taken in.
7 Aug 22:06	Video + photos	No customers visible; apparent staff in one item	Video shows tables inside and the door shut with nobody visible. Accompanying material shows one person appearing to be staff seated at a table and outside furniture stacked.
8 Aug 22:17	Indexed image	No customers visible; apparent staff clearing	Customer area appears empty while closing and clearing activity is taking place.
9 Aug 22:27-22:28	Photos	No customers visible; one apparent staff member	Tables and chairs are stacked inside; outside chairs have been removed or stacked. A wider pavement view from the eBike Cafe towards the Harbour Office appears empty.
10 Aug 22:03-22:04	Photos	No customers visible; apparent staff clearing	Chairs are inside and a person in a white T-shirt marked 'Bonita' is clearing. The separate street view appears empty.
11 Aug 21:59	Two photos	No customers visible; one apparent staff member	Shop appears closed; chairs are stacked inside.
13 Aug 22:09 and 22:15	Photos + video	Customers visible at 22:09; apparent staff only by 22:15	At 22:09 one customer group remains at the front and a person appears to be handling payment. At 22:15 the last outside chairs are being taken in; the shop otherwise appears empty apart from two apparent staff members.
14 Aug 22:04	Two photos	No customers or staff visible	Chairs are stacked inside; front door is closed and the premises appears empty.
15 Aug 22:15	Photo	Customers visible outside	People are seated outside with drinks that appear alcoholic. The image does not establish the contents, sale, supply or authority.
16 Aug 22:08	Two photos	No customers visible; apparent staff in one image	Chairs are inside and stacked; surrounding pavement appears empty. A second view shows the shop empty except for apparent staff.
17 Aug 22:01	Two photos	No customers visible; apparent staff inside	Chairs are stacked inside; two angles record the frontage position.
18 Aug 22:07	Two photos	No customers visible; apparent staff only	Chairs are stacked inside; only people appearing to be staff remain.
19 Aug 22:04	Two photos	No customers or staff visible	Chairs are stacked inside; door remains open.
21 Aug 22:02	Photos	No customers visible; apparent staff only	A person is collecting signs and chairs are already stacked inside. Another photograph shows apparent staff seated inside using phones and wearing green shirts marked 'Demon Lemon'.
22 Aug 21:41	Two photos	No customers visible; apparent staff only	Shop appears empty apart from apparent staff; chairs are stacked and the door is open.
23 Aug 22:04	Photos	Two customers visible	Two people remain eating at the front; outside chairs are stacked. A person appearing to be staff is shown with a payment terminal, including a closer image of the terminal.
24 Aug 22:04	Photo	No customers visible; one apparent staff member	Chairs are stacked; one person appearing to be staff remains inside.

Date / time	Media	Customer position visible	Visible close-down / frontage evidence
25 Aug 21:51	Photo	No customers visible; two apparent staff members	Chairs are stacked inside; two people appearing to be staff remain.
26 Aug 21:41	Photo	No customers visible; apparent staff inside	Chairs are stacked and the door is closed.
27 Aug 21:27 and 21:43	Photos	No diners visible; apparent staff inside at 21:43	At 21:27 chairs are being cleared. At 21:43 the door is closed and people appearing to be staff are talking inside.
28 Aug 21:57	Photo	No customers visible; apparent staff only	Chairs are stacked and people appearing to be staff are talking inside.
29 Aug 22:04	Photo	About six customers visible inside	Outside chairs are stacked; one table of approximately six people remains inside.
30 Aug 22:03	Photo	No customers visible; apparent staff only	Chairs are stacked inside; door is closed and only people appearing to be staff remain.

4. Further operating and impact evidence

This table preserves the source and qualification for each additional observation or record.

Date / time	Material	Evidence	Qualification
10 Aug	Continuous mechanical noise affected an evening meal in the garden; switch-off about 22:00 brought immediate relief.	Direct account in 11 Aug email	Use with email
11 Aug, c.11:00	Strong onion/garlic odour entered Room 7 through the open window; window closed.	Contemporaneous account	Use with 11 Aug email
11 Aug, 20:36	Bolognese-type cooking odour reported in [REDACTED] and [REDACTED] bedroom after windows had been reopened.	Later dated account	Match original note; route and source not independently established
12 Aug	Intermittent odours around 11:00, 16:00 and 18:00-20:00, later in basement; extraction off about 22:13.	Incident diary	Match any photos
12 Aug, c.21:33	Couple seen outside with a wine-style glass; contents not confirmed.	Direct observation	Do not identify contents
13 Aug, c.22:04	Extraction switched off while premises still appeared open with people present and drinking.	Incident diary / media	Match timestamp
13 Aug	People believed to be staff carried vegetable trays, a bag and cardboard towards The George.	Direct observation	No inference about purpose
14 Aug, c.22:01	Additional extraction switched off; frontage then appeared to have staff but no customers.	Diary; original image pending	One dated example only
14 Aug	Returning guest [REDACTED] spontaneously described a mechanical sound as unsettling but could not identify its source.	Retrospective third-party comment	Obtain own statement or do not rely
17 Aug, 12:04	Cooking odour reported in rooms [REDACTED] had just cleaned.	Later dated account	Identify rooms and match original note
17 Aug, 21:45-22:01	After passing by boat at about 21:45, [REDACTED] photographed the outside area at 22:01 and recorded that it was packed away.	Direct account; original photo retained	Match original and metadata; no inference about inside use, exact closure time or other evenings
21 Aug, c.16:40	Cooking and garlic-type odour recorded.	Reconstructed project note	Confirm location and match original diary
22 Aug, c.11:00 / 16:30	Bolognese-type odour reported in Room 4 at about 11:00; window or windows closed. Further garlic/cooking odour reported in a bedroom at about 16:30.	Reconstructed project note	Confirm 16:30 room and number of windows; subjective descriptions

Date / time	Material	Evidence	Qualification
23 Aug, c.17:00 / 19:46-20:00	Cooking odour reported at about 17:00; later strong Bolognese-type odour in [REDACTED] and [REDACTED] bedroom during the television routine.	Later dated account	Reconcile 19:46/20:00 and 23/24 August allocation
24 Aug, c.11:00-11:45 / earlier note 12:35	Particularly strong cooking odour reported in [REDACTED] bedroom; doors and windows kept closed.	Later account and earlier reconstructed note	End time conflicts; match original diary
24 Aug, c.15:00	A friend entering the bedroom spontaneously asked, 'What is that smell?'	[REDACTED] later account; own witness statement pending	Confirm identity, exact time, wording and willingness to provide evidence
24 Aug, c.19:35 / 20:30	Cooking or burnt-toast-type odour reported while showering; windows closed again when [REDACTED] went to bed to watch television.	Later account and reconstructed project note	Earlier note allocated a 17:00 odour to 24 Aug; latest account places it on 23 Aug
24 Aug, 22:01	Extraction recorded switching off; [REDACTED] then went to photograph the frontage at 22:04.	Direct account; separate 22:04 frontage photograph reported held	Match the contemporaneous note and 22:04 photograph/metadata; no inference about exact closure or inside activity.
25 Aug, c.15:00 / 21:05	Bedroom window closed because of cooking odour during [REDACTED] afternoon rest and again before [REDACTED] came upstairs to watch the remainder of a film; odour described as Bolognese-type.	Later dated account	Match original notes; subjective description; source not independently traced

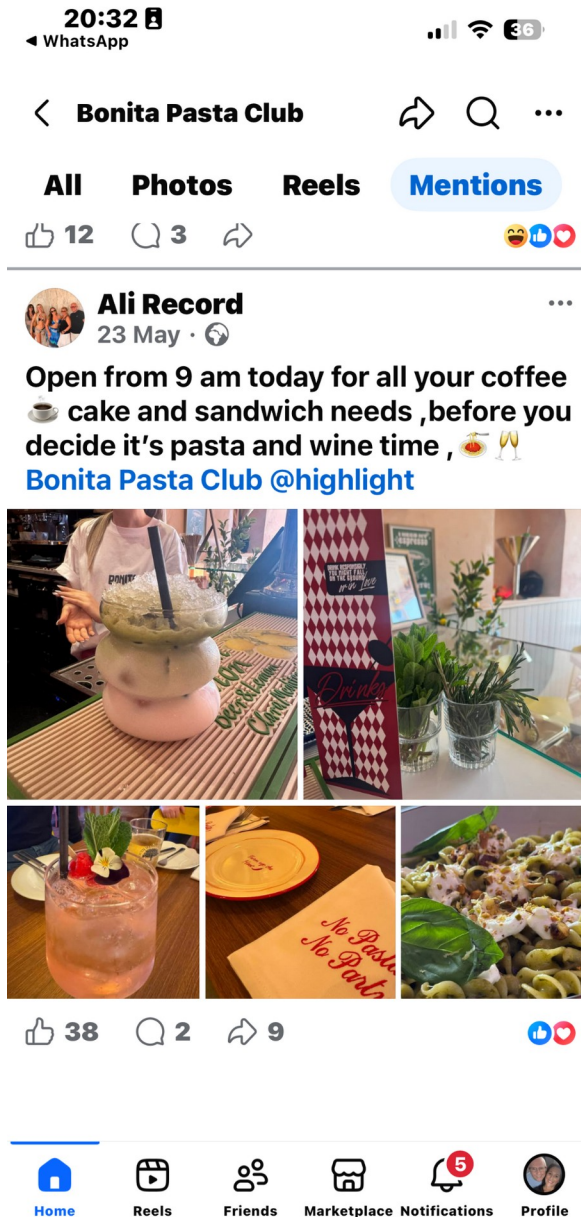
Date / time	Material	Evidence	Qualification
26 Aug, 10:32-10:45 / c.12:25	Premises photographed operating with two people seated outside while extraction was reported still off/not audible by about 10:45; at about 12:25 strong cooking odour was then reported in [REDACTED] kitchen and doors were closed to limit ingress.	Direct account; original 10:32 photograph reported retained	Match photo filename/metadata. The reported 09:01-09:16 usual start window is retrospective. One morning does not prove why plant was off, technical necessity, food-preparation status or odour source. No odour end time is claimed.
27 Aug, 21:27-21:55	Frontage showed only staff appearing to remain while furniture was taken in; extraction stopped at 21:55 and a lower constant hum continued.	Direct account and photo reported retained	Match original/metadata; lower hum remains unidentified.
28 Aug, 09:04-21:57	Extraction operated from 09:04 to 21:56; burnt-food odour affected the garden and bedroom at about 14:20 and again at about 20:35; 21:57 photo showed no customers visible.	Direct account and photo reported retained	No exact afternoon clearance time; odour source/route not independently traced.
29 Aug, c.11:30-22:01	Cooking odour was noticeable in guest Rooms 2, 4 and 7 from about 11:30 and extremely strong in [REDACTED] bedroom at 12:02; extraction stopped at 22:01.	Direct account and photo reported retained	Match original note/photo; no unsupported odour end time.

Date / time	Material	Evidence	Qualification
30 Aug; no screenshot retained	██████ recalls a personal sound-app reading outside the kitchen of approximately 52 dB; no screenshot was taken or retained.	Recollection only	Not independently verified or calibrated and not comparable directly with LA90. Do not rely on it as a formal sound measurement.
3 Sep, 20:51	From the main bedroom, ██████ heard the main extraction fan switch off; she then observed no customers visible at the frontage, chairs stacked and staff packing away.	Direct account recorded after the event	One qualified observation; no photograph is relied upon unless an original is later matched.

5. Publicly displayed food-and-drink material

The following retained screenshots are contextual only. They show how the offer was publicly presented; they do not by themselves establish the contents of any drink, the terms of a sale, the applicable authorisation or a breach.

S14a - Facebook post displayed 23 May



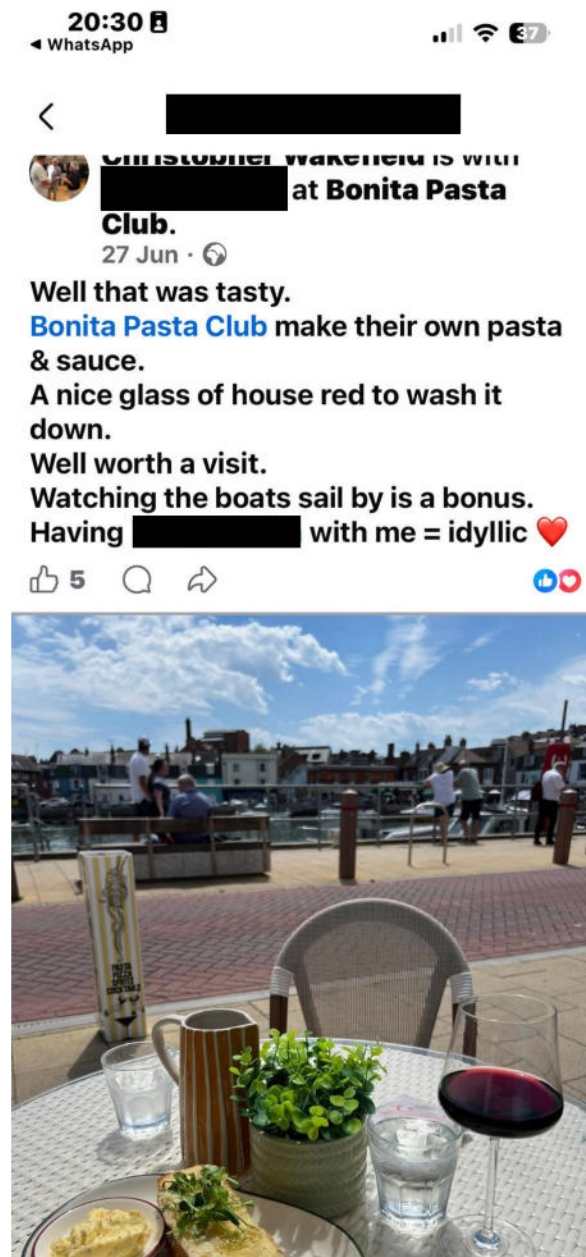
Unaltered screenshot supplied 16 August 2026. Facebook displays Ali Record and the wording about opening at 09:00 before 'pasta and wine time'. The displayed year and original post URL remain to be confirmed.

S14b - Facebook post displayed 20 June



Unaltered screenshot supplied 16 August 2026. Facebook displays Ali Record with Gary Record, two yellow drinks at a harbour-side table and a caption beginning 'Damm Lemon on #Weymouth harbour...'. Text hidden behind 'more' is not represented as known.

S14c - Facebook visitor post displayed 27 June



Unaltered screenshot supplied 16 August 2026. Facebook displays [redacted] with [redacted] at Bonita Pasta Club and visible wording about pasta, sauce, a glass of house red and watching the boats.

S14d - Additional image associated with the 27 June post



Unaltered image supplied 16 August 2026. It shows two pasta dishes, a red drink in a wine glass and an outside harbour-side table. Confirm its original source, timestamp and connection to S14c before formal reliance.

S14e - Facebook visitor post displayed 27 July



Unaltered screenshot supplied 16 August 2026. Facebook displays [REDACTED] the wording 'Damm lemon at Bonita Pasta Club' and a Damm Lemon-branded glass on an outside table overlooking the harbour.

6. Primary and witness documents supplied with the filing

- Final Additional Information dated 5 September 2026, including the exact [REDACTED] email and a controlled summary of [REDACTED] evidence status.
- Post-Pack Chronological Diary covering 5 August to 3 September 2026.
- Dorset Council corporate complaints response dated 3 September 2026, reference COM/13137, supplied as the complete PDF.
- Full Hearing Statement - Final Submission Version dated 5 September 2026.

The complete [REDACTED] email and question-and-answer chain, original correspondence and original media remain preserved. Any item not physically appended is available if requested; its absence from this concise filing is not used to turn an unverified point into evidence.

[REDACTED]
6 September 2026

By email to [REDACTED]

Date: 3 September 2026**Ref:** COM/13137**Officer:** DM

① [REDACTED]

✉ complaints@dorsetcouncil.gov.uk

Dear [REDACTED],

Re: Your Complaint

Thank you for your complaint, which has been carefully considered by Dorset Council.

As Complaints Manager, I have coordinated this investigation and reviewed the information provided by the relevant service managers. Whilst the factual information and findings relating to individual service areas have been supplied by those managers, I have considered the complaint as a whole and this response represents Dorset Council's corporate position.

Complaints Process and Ongoing Statutory Proceedings

Dorset Council's complaints procedure is intended to consider concerns about service delivery, communication, administrative actions and whether the Council has followed appropriate processes. It is not normally used to determine matters that are currently under consideration through a separate statutory process.

Some of the issues raised in this complaint relate directly to matters that are the subject of ongoing statutory proceedings and regulatory decision-making processes. Those processes have specific legal frameworks, rights of representation and routes of challenge which must be completed before the Council can properly consider whether there has been any service failure in the way those matters have been handled.

In these circumstances, the Council will not seek to consider, through the complaints process, the merits of decisions that are still awaiting determination or matters that remain actively under consideration as part of those statutory processes.

This approach ensures that statutory decision-making processes can proceed independently and without prejudice, whilst preserving the complainant's ability to raise concerns about service delivery through the complaints process at the appropriate time.

As the issues raised span a number of service areas, the investigation has involved contributions from several managers with responsibility for the respective services referred to within your complaint. Whilst individual managers have provided information and findings relating to their areas of responsibility, this response represents Dorset Council's overall position and should be read as a single, coordinated corporate response rather than a collection of separate service responses.

To assist clarity, the complaint has been divided into themes/service areas. Under each section, the concerns raised have been considered and addressed based on information provided by the relevant managers and officers involved in the investigation.

Matters being investigated

The complaint investigation will focus on whether Dorset Council acted appropriately in relation to communication, administration, service delivery, coordination between departments and the handling of concerns raised by you.

The issues we have identified are set out below.

1. Planning Enforcement

You complain that Planning Enforcement:

- did not investigate reports of alleged unauthorised development and listed building works in a timely manner;
- relied on the submission of retrospective applications for an extended period without clear timescales;
- did not provide sufficient information regarding enforcement action considered or taken;
- did not clearly communicate the status and progression of Enforcement Case EN/2025/00504;
- did not provide adequate explanations regarding decisions made throughout the investigation.

Response to points raised:

This matter was reported to the Planning Enforcement Team on the 14th November 2025. The Enforcement Team liaised with the Conservation Team on the 18th November 2025 and opened a formal investigation (EN/2025/00504) on the 20th November 2025 following that advice. An acknowledgement letter with the case reference number was sent to you the following day and advised that: *“On conclusion of the enforcement investigation, a summary of our findings will be provided to you. Officers will not as a matter of course provide regular updates on the status of the investigation. However, if an update is requested during the investigation, we can only provide information as to what stage the investigation has reached at that point in time. This will allow officers to focus on the resolving the investigation as quickly as possible. The letter also advised that If we believe that another team/department within Dorset Council can assist you, we will share your details and complaint with them to allow them to contact you directly.”*

That letter also advised that: *“If we believe that an agency outside of the Council such as Police, Fire, Citizens Advice Bureau could assist you, we will tell so that you can re-direct your enquiry to them as appropriate.”*

I can see that you were already in contact with the Council’s Environmental Protection Team, so there was no requirement for the Planning Enforcement Team to refer your case to them. Different Departments work under different legislation and regulations and will contact each other where necessary if a joint approach is required, however in most cases one department's regulations and legislation cannot influence another’s and decisions must be made according to their own policies based on the facts they find before them.

There is no requirement to provide updates on the status and progression of Planning Enforcement Cases other than as described above, however I see that you were sent a brief update in May 2026. There is no requirement to provide an explanation of decisions made during the investigative process. Further information about the Planning Enforcement process

can be found at Section 7 of the [Development Management Local Enforcement Plan](#).

There was a period of 6-months between the opening of the planning enforcement case and the requirement for a retrospective planning application. Although Officers do carry large workloads and must prioritise cases accordingly, I do consider that this requirement could have been made sooner and for that I apologise on behalf of Dorset Council for any frustration caused.

Planning applications P/LBC/2026/04180 and P/FUL/2026/04181 are now validated and out to public consultation. Public comment is available until the 12th September 2026. I note that you have made comments.

2. Conservation and Listed Buildings

You complain that:

- concerns regarding potential unauthorised works to a Grade II listed building were not referred to Conservation at an early stage;
- Conservation involvement was delayed or deferred;
- you were not provided with clear information regarding heritage assessments, listed building considerations or enforcement decisions;
- there was insufficient oversight of the alleged impact of works on a listed building.

Response to points raised:

Planning enforcement case EN/2025/00504 has been referred to above, and enforcement has responded separately.

The Conservation Officer for Weymouth was contacted in November 2025 by enforcement regarding 10 Custom House Quay. They responded that the owner could be undertaking works to a Listed Building that would require Listed Building Consent.

No preapplication advice request has been received, however a dual planning application P/FUL/2026/04181 and Listed Building Consent application ref P/LBC/2026/04180 was submitted at the end of July to "Install timber casement window, retractable canopy over external seating area, air-conditioning unit and kitchen extraction system and external alterations".

The Conservation Officer for Weymouth has been consulted on these applications and will respond in due course. No heritage statement had been received prior to the application being submitted. The Conservation Officer will assess the submitted heritage statement and provide a conservation consultation response to the application. The statutory expiry date for the application is 9th October 2026.

As a live planning application has been submitted which will examine a number of the issues you have raised, it would not be appropriate to respond through the complaints process at this time.

3. Building Control

You complain that:

- Building Control considered only Building Regulations matters without sufficient regard to wider planning, licensing and conservation concerns;
- you were directed towards Environmental Protection as the only available avenue for resolution;

- there was insufficient coordination between Building Control and other Council services.

Response to points raised:

You sent an email (dated 7th December 2025) to the Planning, Building Control and Conservation teams and an email response was sent to you on 8th December 2025 advising that the Building Control Manager would contact the owners of 10 Custom House. The Building Control Manager subsequently met you at your property at 10:30 on 17th December 2025, confirming that the Building Regulation records do not sit openly in the public domain so he would not necessarily be able to feed back all information.

A site visit at 10 Customs House was carried out on 12th February 2026, where it was confirmed that some material alterations could be considered to have been carried out and therefore a Building Regulation Full Plans application would need to be submitted. This was validated on the 19th February 2026 and is currently open (FP/26/00223). The owners were separately dealing with Environmental Protection.

During your meeting with the Building Control Manager the role Building Control play in the process was explained to you, confirming that the building regulations process can only operate under the auspices of the Building Act 1984, and this cannot cover other regulatory regimes, but there would be recourse via the responsibilities of other services within the Council which deal with the relevant regimes if there were any matters that needed addressing. You were advised that the works would not trigger a change of use and therefore this reduced the input Building Control would have.

It is the case that you were advised to contact Environmental Protection, and this is for the reasons explained above – namely that they would deal with an entirely separate regulatory regime which Building Control had no remit to cover. Whilst this can be frustrating for you as a customer of the service, it is important that officers of the council do not offer advice on matters beyond their professional responsibility or expertise. Nevertheless, it is the case that officers from separate service areas in the council did liaise with each other in dealing with this case, including environmental protection, planning enforcement, and conservation.

4. Environmental Protection

You complain that:

- although Environmental Protection investigated noise and odour concerns and took formal action, the wider Council response remained fragmented;
- the action taken did not result in a sufficiently coordinated response across all relevant services;
- you were not provided with a single coordinated explanation of how the Council intended to address the ongoing issues.

A complaint was received from you on 18 May 2026 about noise and odour from recently installed mechanical and electrical plant at the restaurant. A statutory nuisance investigation commenced, and liaison took place with other Council services involved with your wider complaint. Statutory noise and odour nuisances were determined, and abatement notices served on the persons responsible on 6th July 2026, requiring the nuisances to be abated within 3 months. The time allowed is considered reasonable in the circumstances. Should the notices not be complied with, a prosecution in the Magistrates Court will be considered.

5. Licensing Administration and Communication

You complain that:

- requests for information and clarification regarding licensing matters were not responded to promptly or fully;
- information regarding permitted activities, hours of operation, conditions and Temporary Event Notices was unclear or inconsistent;
- concerns reported by you were not adequately explained or followed up;
- explanations provided regarding the licensing position changed over time and caused confusion.

This aspect of the complaint will focus on service delivery and communication rather than the merits of the live licence variation application.

The Licensing Team have provided numerous detailed responses over a relatively short time period, and in particular on 3rd July, 21st July, 11th August and 17th August 2026. These responses were substantive explanations addressing the legal position around Temporary Event Notices (TENs), off-sales of alcohol, outside drinking and food-led licence conditions.

Regarding closing hours, Officers reviewed the historic 2005 licence conversion records, considered the Licensing Act 2003 provisions, explained their reasoning and provided copies of the historic documents.

Once the alleged breach of conditions on 1st August was notified to the Licensing Team it was investigated, the Licensing Team explained that a TEN was in force and why the activity was therefore lawful. The issue raised has now been rectified, and no further breaches of conditions have been proven. Reference to possible breaches before the intervention by licensing have not been investigated as no evidence has been presented to support the claim(s).

There is a current variation application in place to amend the conditions on the licence and to add a new plan layout which will form part of the new licence (if granted). This variation must therefore follow the regulatory timeframe for applications and a decision made in due course, whether under delegated authority or by the Licensing Sub-Committee.

Whether the variation is granted or not the licence can be the subject of a review at any time and by anyone who feels that they are suffering a nuisance from the premises. The prevention of public nuisance is a licensing objective and any decision made on an application to review must have regard to the licensing objectives. For further information on how to apply for a review please visit [Revised guidance issued under section 182 of the Licensing Act 2003 \(February 2026\) \(accessible version\) - GOV.UK](#)

6. Cross-Service Coordination

You complain that:

- responsibility for your concerns became fragmented across multiple Council services;
- no single officer or service took ownership of coordinating the overall response;
- information was not effectively shared between services;
- delays, uncertainty and inconsistent communication resulted from a lack of coordination;
- you experienced avoidable frustration, inconvenience and time and trouble in pursuing responses from multiple departments.

Desired Outcomes

We understand that you are seeking:

- a coordinated response across the relevant service areas;
- explanations for actions and decisions taken;

- clarification of roles and responsibilities within the Council;
- confirmation of the current position regarding the matters complained about;
- explanations where enforcement action has not been taken;
- identification of any service improvements arising from the investigation.

It is important to recognise that one regime cannot duplicate or replace another, and each must adhere to due processes which are generally laid out in legislation. Therefore, whilst this can add complexity and frustration for complainants, it is unfortunately an inevitable complication in cases which involve multiple regulatory regimes. Having said this, it is apparent that officers from each service were communicating with one another in dealing with this case to ensure there was coordination and clarity over responsibilities. Also, in ongoing cases, it is not always possible to provide regular updates to complainants, but I am sorry if you felt that you were not provided with sufficient updates.

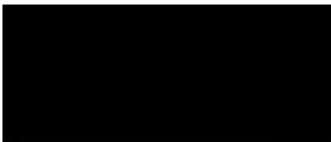
I hope I have been able to address your concerns. Dorset Council operates a single-stage complaints process, which means there is no further review stage available within the Council. If you remain dissatisfied with this response, you may wish to contact the Local Government and Social Care Ombudsman (LGSCO). Their contact details are provided below:

Local Government and Social Care Ombudsman
PO Box 4771
Coventry
CV4 0EH

Advice line: 0300 061 0614 or 0845 602 1983

www.lgo.org.uk/making-a-complaint

Yours sincerely



Antony Bygrave
Complaints Manager - Assurance

cc. Complaints: complaints@dorsetcouncil.gov.uk