

Bull, Andrea

From: Jonathan Bacon [REDACTED]
Sent: 07 May 2019 16:03
To: Bull, Andrea
Subject: Response to Police Conditions for Wonderfest

Dear Andrea

Damian has asked me to make some comments on the two conditions sought by the Police which I understand are not agreed. I'm afraid that Damian has become tied up this afternoon and, in any event, is having email difficulties. As such please accept these comments as being 'draft' as I have not been privy to all conversations and messages about these issues. If these comments are going forward to the suggested hearing and/or any documentation being prepared for such a hearing we reserve the right to add additional comments and arguments.

I understand the first issue relates to Condition 22, namely: *'No 'shots' or 'shooters' shall be available at the event. Any spirits must be provided with a non-alcoholic 'mixer'.*

Responses:

1. We are unsure what this condition requires in practice and what it seeks to achieve.
2. What is the definition of 'shot' or 'shooter'? Does this include any single measure of spirit? If so this would prevent say a specialist malt whisky bar operating?
3. Does the condition require that it is forbidden to purchase a spirit without a mixer? What if a customer wished to purchase a measure of Brandy?
4. *If unadulterated sprits can be purchased (which is not clear) does the condition seek to limit the circumstances in which they can be purchased? For example, would a customer be able to purchase a pint of beer and a spirit for their partner or would this be forbidden as the spirit could be deemed to be a 'shot'?*
5. As such the proposed condition is either so unclear as to be incapable of enforcement or it is unreasonable and unnecessary in part as it is unduly limiting upon customers without any justification.

I understand the second issue concerns Condition 30: *The areas around all bars selling alcohol will have some form of physical boundary around them. No persons under 18 years will be permitted in these 'bar areas' after 20:00 hours.'*

Responses

1. Firstly it is unclear how this condition relates to Condition 34 which would appear otiose in the circumstances.
2. The condition is unclear as it gives no indication as to what the physical boundary around the bar should consist of, how high it should be, whether it should restrict vision of the Bar area, and so on
3. Further the condition is unclear as it does state where the proposed physical boundary should be in terms of its distance from the bar/serving area
4. The lack of clarification of the purpose of the proposed physical boundary compounds the lack of clarity set out in points 2 and 3 above. In light of the numerous other precautions at the point of sale in respect of those who are underage, it must be assumed that the reasoning for the boundary is something additional to or over and above the reasons for those precautions, however no such reasoning or justification is given or apparent.
5. *The proposed condition will create serious practical difficulties for any single adult who has the care of children as it would appear to require that such a person must leave the children they have care of outside the bar area should they wish to access the Bar. While it may be argued that any such person ought not to be purchasing alcohol it must be remembered that the Bar areas will also be where non-alcoholic drinks will be available for purchase.*
6. Overall the condition serves no appreciable function other than to create a potential safeguarding issue which does not appear to have been considered by the police

As mentioned this is an initial outline response to the two particular conditions addressed above and may be expanded upon in further written or oral submissions at the proposed hearing.

Jonathan Bacon