



## **The Corporation of the Town of Essex Policy Manual**

<b>Section:</b>	<b>Community Services</b>
<b>Subject:</b>	<b>Alcohol Risk Management Policy</b>
<b>Policy Number:</b>	<b>R14-03-113</b>
<b>Approval Date:</b>	<b>March 17, 2014</b>
<b>Approved By:</b>	<b>Essex Town Council</b>
<b>Prepared By:</b>	<b>Manager – Recreation and Culture</b>

### **Policy Statement**

This policy is designed to meet the needs of the Corporation of the Town of Essex and shall be applied without prejudice to all Special Occasion Permit functions, events and activities hosted on, or within municipally owned properties.

### **Purpose**

The Town of Essex owns and manages facilities where the consumption of alcohol is permitted under the authority of a Special Occasion Permit or Liquor Licence. The Town has developed an Alcohol Risk Management Policy in order to prevent alcohol-related problems within its facilities and to promote a safe and enjoyable environment for those who use these facilities. There is a need to protect the Town and its ratepayers from the risks caused by alcohol use. These risks include:

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- vandalism and destruction of property;
- police being called to municipal property;
- injuries to drinkers or other individuals;
- liability action against the Town and events permit/licence holders;
- increased insurance rates arising from alcohol-related injuries or deaths;
- loss of insurability, should the insurer's risk assessment escalate;
- charges laid against the Town or the Special Occasion Permit (SOP) holder
- events permit/licence holders under the Liquor Licence Act;
- suspension or loss of alcohol permit privileges by the Alcohol and Gaming Commission of Ontario;
- loss of enjoyment by non-drinkers, moderate drinkers, and children;
- complaints lodged by offended parties regarding noise or other matters;
- loss of revenue due to reduced participation; and
- increased public concern about excessive alcohol consumption.

## Definitions

### **Age of Majority**

The age of majority in Canada is the age at which a person is considered by law to be an adult. A person younger than the age of majority is considered a "minor child." In Ontario the age of majority is nineteen years of age.

### **AGCO**

Means the Alcohol and Gaming Commission of Ontario

### **ARMP**

Means the Town of Essex's Alcohol Risk Management Policy

### **Event**

Means any gathering, of any kind, whether social business or otherwise, and includes the set-up, tear down, clean-up and other activities including ancillary that occur in, on or

around any Town properties related to the preparations for, conduct of or finalization of the event and use of Town property.

**Event Worker**

Means any representative, agent, partner, employee, servant, contractor or other individual or entity working on the Event for the Event Organizer, and includes volunteers, the Event Organizer, an Event Organizer’s Delegates, Servers and Monitors.

**Event Organizer**

Means any person or organization applying to hold an event at Town premises and includes the person or organization on whose behalf such persons apply or seek permission to hold the event, the person whose name is listed as the events permit/licence holders on a Special Occasion Permit for such event.

**Security Staff**

Security staff are identifiable and responsible for patrolling the event, watch for and notify event staff and Event Organizer of potential issues. Security Staff will also assist Event Workers in handling disturbances.

**Special Occasion Permit (SOP)**

Special Occasion Permits are for the sale and service of beverage alcohol at special occasions such as weddings, charity fundraisers, receptions etc. Special Occasion Permits are issued through Liquor Control Board of Ontario (LCBO) Special Occasion Permit service stores throughout the province on behalf of the Alcohol and Gaming Commission of Ontario (AGCO).

**Smart Serve**

Smart Serve is a certification program for responsible service training to all individuals who serve alcoholic beverages or who work where alcoholic beverages are served in the Province of Ontario.

**Trained Alcohol Ticket Sellers**

An Event Worker who sells alcohol tickets (up to five per person) and monitors or refuses sale to patrons at or near intoxication. Seller may issue refunds on tickets on request at any point throughout the event.

**Trained Door Monitor**

An Event Worker who may deny entry to intoxicated troublesome or underage patrons and verifies identification. Door Monitor is also responsible to monitor patrons for intoxication when leaving the event and recommend safe transportation options.

**Trained Floor Monitor**

An Event Worker who monitors patrons for intoxication and responds to problems and complaints. May assist in removal of intoxicated persons and suggest safe transportation alternatives.

**Trained Server**

An Event Worker serving or selling (up to two per person) or accepting tickets for alcoholic beverages or who is acting as a bartender. They may refuse service when a patron appears to be at or near intoxication and should encourage non-alcohol alternatives.

## **Areas Designated for Conditional Use of Alcohol**

Alcohol may only be sold or served in facilities that are licensed under the Liquor Licence Act. For those facilities and properties that are not licenced, The Town of Essex has developed a “Designated Properties” list (attached as Appendix A), identifying Town properties where events with alcohol being served under a Special Occasion Permit may be approved.

The serving of alcohol at facilities is restricted to identified and permitted areas. Alcohol may not be consumed or sold at any other non-permitted location (e.g., dressing rooms, washrooms and food service areas).

## **Conditions for Licenced Events**

Anyone wishing to serve alcohol at a designated site must obtain a Special Occasion Permit through the Alcohol and Gaming Commission of Ontario. The Special Occasion Events permit/licence holders must ensure that all the conditions of the Liquor Licence Act, Municipal By-Laws, the Fire Services, the Police Service and the Health Unit are Policy – Alcohol Risk Management Policy

adhered to at the event. The Town reserves the right to refuse an applicant permission to run a licenced event on its property.

Any person who wishes to serve alcohol at a designated site must complete an agreement form that stipulates the conditions under which alcohol may be served. This will be done by signing a rental contract and the Alcohol Risk Management Policy Confirmation Package (see Appendix B).

During a licenced event, the licence holder must ensure that the appropriate number of event staff are present (including bartender, ticker seller, cashiers, servers, floor and dance monitors and sufficient security), have received and been certified in Smart Serve training and must all wear highly visible identification e.g. shirts, badges, other apparel.

## **Controls Prior to Events**

Renters of Municipal Facilities will be required to understand the Alcohol Risk Management Policy prior to renting. The following items detail this information:

- i. A copy of the Alcohol Risk Management Policy will be provided by the Municipal Representative or designate at the time of booking. If any questions or concerns arise from this policy contact the Municipal Representative for clarification.
- ii. A rental agreement checklist form and a rental contract will be provided by the Town at the time of booking. These forms are to be completed by the Event Organizer and returned to the designated Municipal Representative no later 30 days prior to the event.
- iii. The Municipal Representatives may have a listing of Smart Serve trained persons who have indicated that they may be available to assist at events where the events permit/licence holders does not have the required Smart Serve trained personnel. The event/permit holder or their designate, must attend the event, and be responsible for decisions regarding the actual operation of the event.
- iv. All events permit/licence holders must provide their own insurance. The permit/licence holders shall obtain a minimum of five million dollars liability

insurance, name the Town of Essex as an additional name insured and must supply proof of insurance prior to event and a copy must be attached to the rental agreement checklist. Appendix "B".

**Note: Providing the Town with a copy of Liability Insurance is Mandatory**

- v. Event permit/licence holders shall be required to demonstrate to the satisfaction of the Town that a safe transportation strategy be implemented. This strategy will include a designated driver program or additional alternative home transportation options such as providing taxis etc.

## Advertising Events

Renters must follow the Special Occasion's Permit application regulations regarding alcohol advertising which states that groups cannot advertise the brands or the cost of the alcohol to be served unless application is made to the AGCO.

All advertising naming Town of Essex facilities must be approved by a designated Municipal Representative prior to distribution.

**Rationale:**

Alcohol advertising is designed to encourage and promote the consumption of alcohol. Since it is illegal for people under the age of 19 to consume these products, it is preferred that alcohol advertising is not used. It is also the desire of the Town to provide a positive example to underage patrons.

## Controls During the Event

It is the responsibility of the events permit/licence holders to obtain and be informed of the Liquor License Act. All Special Occasion Events permit/licence holders are required to adhere to the following conditions:

- i. All controls and service must be consistent with the provisions of the Liquor Licence Act of Ontario and its regulations

- ii. The entrance to the event must be monitored by responsible person(s) meeting the age requirements at all times. Monitors must not allow persons under 19 years of age to be admitted to events where the permit does not allow such access. Intoxicated persons will not be permitted entrance to the event and if necessary will be removed from the premises.
- iii. Trained door monitors shall ask for identification for proof of age. Acceptable forms of photo identification include:
  - a. Ontario Driver's Licence with a photo of the person to whom the licence is issued
  - b. A Canadian passport
  - c. Canadian Citizenship Card with a photo of the person to whom the card is issued
  - d. Canadian Armed Forces Identification Card
  - e. A photo card issued by the Liquor Control Board of Ontario, entitled Bring Your ID
  - f. A Secure Indian Status Card issued by the Government of Canada
  - g. A Permanent Resident Card issued by the Government of Canada
  - h. A photo card issued under the Photo Card Act, 2008

\*By law, no one can be required to produce the Ontario Health Card, nor can the health number be collected. You should not ask for the Ontario Health Card as identification, but if offered voluntarily you may accept it at your discretion.

- iv. The events permit/licence holders renting the facility is responsible to ensure that the event is properly supervised and will provide enough staff to fulfill this obligation
- v. The bar area within the premises shall be closed no later than 1:00 a.m.
- vi. The events permit/licence holders (Class "B" and Class "C" events included in Staffing/Security at Events Section of ARMP) must cover each exit with an additional monitor, aged 19 or over. This allows the events permit/licence holders to take reasonable steps to prevent impaired people from driving.

- vii. The events permit/licence holders will ensure that event staff are the age of majority or older, and do not serve alcohol to underage, intoxicated, rowdy or unauthorized people at the event. Events permit/licence holders ensure minors do not consume alcohol on the licenced premises. Monitors and servers/bartenders will not consume alcohol during the event, nor will they be under the influence of any alcohol consumed before the event.
- viii. Monitors and servers/bartenders while on official capacity at the event must wear an I.D. name tag or some type of identification that states they are a monitor or server/bartender.
- ix. The events permit/licence holders shall ensure that the occupancy load for the facility is not exceeded during the event.
- x. The events permit/licence holders will be responsible for recognizing the need for assistance during the event, and requesting it from the appropriate Municipal Representative and/or Ontario Provincial Police.
- xi. The person signing the Special Occasion Permit, trained servers/bartenders, and monitors must be present for the entire event or their designate (who shall be named) by the events permit/licence holder responsible for the entire event. The named individual shall not consume alcohol before or during the event.

## Staffing/Security Requirements at Events

**Special Occasion Permit functions in facilities designated for conditional use of alcohol may be categorized as:**

Class "A"	Class "B"	Class "C"
Weddings Anniversaries Dinners Private Family Functions	Benefits/Socials Benefit Dance (up to 200) Fundraisers (up to 200) Stag and Doe (up to 50) Sporting Events Trade Shows	Concert Benefit Dance (over 200) Fundraisers (over 200) Stag and Doe (over 50) Homecomings Beer Gardens

### Staffing/Security needed for events:

	Trained Servers	Trained Door/Floor Monitors	Trained Alcohol Ticket Sellers	OPP or Licenced Security
Class "A"	1 per designated bar area	Primary Contact responsible for monitoring entrance to the room	N/A	Subject to Safety Plan Approval
Class "B"	0 to 400 people = 2 401 to 800 people = 4 801 to 1000 people = 6 + 2 per every additional 500 people	Each Entrance = 1 Floor = 1 + 1 per every additional 200 people	0 to 400 people = 1 401 to 800 = 2 + 1 per every additional 400 people	Subject to Safety Plan Approval

<p>Class "C"</p>	<p>0 to 400 people = 2 401 to 800 people = 4 801 to 1000 people = 6 + 2 per every additional 500 people</p>	<p>Each Entrance = 1 Floor = 1 + 1 per every additional 200 people</p>	<p>0 to 400 people = 1 401 to 800 = 2 + 1 per every additional 400 people</p>	<p>0 to 375 people = 2 376 to 500 people = 3 + 2 per every additional 500 people The Town or AGCO may require additional security or that security personal be Essex OPP</p>
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## Alcohol Service

### Low Alcohol Drinks

In order to be eligible for a facility rental involving a Special Occasion Permit, the renter must demonstrate to the satisfaction of the Municipal Representative that all or a majority of alcohol beverages available at the event are of low alcohol concentration level. Sales receipts should be made available to the Municipal Representative if requested to verify this percentage. Non-alcohol beverages shall be made available at a significantly lower price or free. Free non-alcohol beverages will be at the discretion of the events permit/licence holders.

### Rationale:

Low-alcohol beverages help prevent intoxication by providing consumers with an opportunity to consume less alcohol. An individual consuming a regular beer (at 5% alcohol) could drink two "extra light beers" (at 2.5% alcohol) and ingest the same amount of alcohol. Similarly, "light beer" (at 4% alcohol) represents a 20% reduction in alcohol intake.

### Control of Alcohol Service

These practices are designed to discourage heavy alcohol consumption.

- i. All drinks to be served in plastic or paper cups and all bottles and cans to be retained in the bar area. Alcoholic and Non-Alcoholic drinks are to be served in different cups. **Exception: Class “A” Events by invitation only.**
- ii. Renters agree not to use marketing practices that encourage increased alcohol consumption, including oversized drinks, double shots, pitchers of beer, drinking contests, volume discounts or tickets including a free bar.
- iii. Tickets for alcohol must be purchased from designated ticket sellers and must be redeemed at the bar.
- iv. Consumption of food should be encouraged throughout the event. Food must be available.
- v. There will be no self-serve events. Even “Wine and Cheese” functions require a bartender.
- vi. No games of chance or raffles will be held without the appropriate licence.

**Rationale:**

By following the above guidelines we will reduce the risk that events permit/licence holders’ automatically assume when running an event.

## Signs

Signs must be posted during the event and are part of setting up the bar. Signs are supplied by the Town. The following signs will be provided by the Town and are required to be placed in specified areas:

- i. Serving Practices – **“It is against the Liquor Licence Act of Ontario for licenced establishments to serve customers to intoxication. For this reason servers in our facilities are required to obey the law and not serve anyone to intoxication. We are also pleased to offer non-alcohol beverages.”**
- ii. **“Ticket Sales Will End 30 Minutes Prior to End of Event”** A sign will be posted with notice of ticket sales ending 30 minutes prior to end of event to be placed in the bar area.

- iii. **“Bar Will be Closed 15 Minutes Prior to End of Event”** A sign will be posted with notice bar closure ending 30 minutes prior to end of event to be placed in the bar area.
- iv. **“Unused Tickets Will Be Refunded Up to the End of the Event”** – A sign stating refunds for tickets will be accepted up until the end of event to be placed in the bar area.
- v. Individuals Under the Age of Majority – A sign stating **“Individuals under the Age of Majority are not permitted on the premises after 8:00 pm. Private Events are by invitation only.”** If the licenced event allows minors, then this sign does not need to be posted.
- vi. Maximum two tickets per person used at a time and maximum of 5 may be purchased at one time– A sign stating that **“Only two tickets per person will be used at a time”**, and **“Only five tickets per person may be purchased at a time”** by the ticket booth.
- vii. **“No Alcohol beyond this Point.”** These signs to be posted to define limits of the licenced area.
- viii. The copy of the Special Occasion Permit and all invoices must be on hand and posted at the event.

## Safe Transportation

Only individuals, groups or organizations implementing a safe transportation strategy will be permitted rental/use privileges of facilities for Special Occasion Permit functions. The events permit/licence holders shall identify the strategies that will be used on the “Checklist for Renters” form. The events permit/licence holders shall implement and encourage a Designated Drivers Program. This program shall be advertised at the event so that all patrons are aware this program is available. This program shall consist of the following:

- The designated driver shall be supplied with free soft drinks/coffee during the function. The events permit/licence holders shall advertise or announce the availability of this program during and, if possible, prior to the event.

In addition, the events permit/licence holders shall do the following:

- Advertise the Use of Taxi Service – The events permit/licence holders shall advertise or announce the availability of a taxi service to attendees of the event.

**Rationale:**

The risk of liability is high when an impaired driver leaves an event where alcohol is served. Event organizers must assume responsibility for promoting safe transportation for all patrons consuming alcohol.

## **Enforcement Procedures for Policy Violation**

At the time of application, all users of municipal facilities or areas may be required to pay a compliance/security deposit in relation to the Alcohol Risk Management Policy. The amount of the deposit is \$250.00. The deposit will be returned at the end of the permitted use, provided that no violations of the Town of Essex Alcohol Risk Management Policy occur.

A violation of the Alcohol Policy is deemed to occur when a Special Occasion Permit holder fails to comply with the conditions of the Liquor Licence Act of Ontario or the Alcohol Risk Management Policy. Participants, municipal staff, local Police and/or an Inspector of the Alcohol and Gaming Commission will intervene if there is a policy violation. The following steps will be followed if a violation is found:

- i. A member of the organizing group or the designated monitor shall intervene by informing the offending individual(s) of the policy violation and ask that it stop. Group members and monitors should feel encouraged to intervene in this way to reduce the potential for injury or because a response by other authorities could result in a loss of privileges or legal charges.

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- ii. If a violation is observed, municipal staff members are authorized to take steps to ensure that the policy violation stops. The organizers of the event will be asked to stop the violation, and should they fail to comply, the local Police will be called for enforcement, as deemed necessary by the staff member. If the infraction involves serious disregard for the Alcohol Risk Management Policy, or involves a substantial risk of injury or damage, the staff member may elect to close the event down, and the police will be called to enforce compliance.
- iii. Where Special Occasion Permit holders have violated the Alcohol Risk Management Policy, they will be sent a registered letter advising of the violation, and indicating that no further violations will be tolerated. Some violations are serious enough to warrant immediate denial of future access. This decision will be made by the Director of Community Services based on the specific situation. If the events permit/licence holders is a single occasion user (e.g. a one- time dance or party), the Director of the Community Services Department may cause the deposit to be forfeited in whole or part, as determined by the circumstances of the violation.
- iv. Should members of a multiple or regular use group violate the Alcohol Risk Management Policy a second time, the deposit will be forfeited and the group will be suspended from use of the facility or area for a period to be determined by the Director of the of Community Services.
- v. Should a third violation of the Alcohol Policy occur, the group will be suspended from further use for a minimum of one year. A registered letter will be sent to confirm this and show cause for reinstatement.
- vi. Should the event permit/licence holders not be satisfied with the decision made by the Director of the Community Services, the event permit/licence holders has the right to appeal to Council.
- vii. The Town of Essex will not be responsible for any refunds, costs or losses incurred by the event permit/licence holders or its patrons if Municipal Representatives deem it necessary to close down an event or impose a suspension from further use.

- viii. A member of the local Police or an Inspector from the Alcohol and Gaming Commission of Ontario may intervene in a violation of this policy at his or her initiative, or in response to a request from either any staff member or a member of the general public. Depending upon the particulars of the infraction, charges may be laid under the Liquor Licence Act of Ontario or any other relevant legislation. The police have the right to seize any alcohol used in the commission of an offence under the Liquor Licence Act of Ontario.

## **Insurance**

Events permit/licence holders of a special occasion permit event being held in a municipally owned facility are required to provide proof, no less than (14) days before the booking start date of the event, that they have purchased a minimum of \$5 million dollars in liability insurance naming the Town of Essex as co-insured.

### **Rationale:**

Events permit/licence holders, hall owners, club executives and volunteers could all be named in a lawsuit. This occurred in Chapais, Quebec when a service club, club organizers, the service club's international parent organization and the private company that owned the hall were successfully sued following a New Year's Eve Party where a participant set fire to hall decorations with a cigarette lighter. The ensuing fire resulted in injuries and death.

## Appendix “A” Designated Properties

Facility	Venues
Colchester Harbour	Jackson Park
Essex Centre Sports Complex	Barnett Board Room Shaheen Room United Communities Credit Union Rink A Pad Shaheen Rink B Pad Memorial Pad
Essex Community Centre	Gym Erie Room Ontario Room Huron Room St Clair Room Superior Room with Kitchenette
Essex Recreation Complex	Gymnasium
Essex Sports Park	Grounds
Harrow Fair Grounds	Grounds
Harrow Soccer Park	Field House
Harrow Arena	Downstairs All Purpose Room Upstairs All Purpose Room Harrow Arena Floor
McGregor Community Centre and Library	Hall Shared Program Room
Note: Essex Town Council may change the designation of any Municipal Park, Facility or Street by resolution at its discretion.	

## **Appendix “B” Alcohol Risk Management Policy Confirmation Package**

