

# Municipality of Brockton

## Municipal Alcohol Management Policy

Revised April 2008

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# Municipality of Brockton

## Municipal Alcohol Management Policy

### 1. What is the Municipal Alcohol Management Policy?

This Municipal Alcohol Management Policy is a policy to manage the use of alcoholic beverages in municipal facilities where special occasion permits are involved. It may also be referred to as an *alcohol risk management policy*.

The prime purpose of this policy is to allow users of recreation facilities, and participants in special community events, to have safe and healthy fun by reducing the risk of alcohol-related problems. In addition, this policy adds protection to the community against liability, and helps to promote healthy lifestyles to citizens.

#### ***Alcohol related issues include:***

- ***Liability action arising from alcohol related injury or death***
- ***Injuries to drinkers and other individuals***
- ***Charges laid to Special Occasion permit holders or the municipality***
- ***Suspension or loss of permit privileges to the municipality***
- ***Vandalism of personal or municipal property***
- ***Need to summon police or medical services***
- ***Loss of insurability for individuals or municipality***
- ***Withdrawal from the use of facilities by patrons***

#### **a) Background and Rationale**

Since the late 1980's and early 1990's, Municipalities have taken a proactive approach to developing alcohol management policy as a risk management tool, based on the many negative alcohol-related accidents and incidents that have occurred. Both the Addiction Research Foundation and the Bruce Grey Owen Sound Health Unit, and Alcohol and Gaming Commission of Ontario have supported this process.

Over the past several years the former Town of Walkerton and former Recreation Center Committee have reviewed policies prepared by other municipalities, and evaluated the success of these policies.

In their deliberations, the Recreation Committee considered a number of factors favouring the development an alcohol management policy. These were:

a) The former Town of Walkerton Municipal Council Vision Statement provides a solid backdrop to the whole process:

***“That we continue the tradition of the former Walkerton Town Council in working together to evaluate ideas in a responsible and fair manner to provide a premium level of service. We will have accomplished this when our Council is seen as a role model by others, and the Municipality of Brockton is recognized as one of the most unique and desirable municipalities in Ontario.”***

b) In addition, the former Town of Walkerton Mission Statement can also be applied directly to the policy:

***“To govern the Municipality of Brockton, mindful of the needs of its citizens in a manner that will benefit the community as a whole, now and for always.”***

c) The former Walkerton Recreation Departments’ Mission Statement also applies directly to this policy:

***“ To foster, develop, and promote, through a community partnership approach, a recreation service that provides opportunities to experience the personal, social, economic, and environmental benefits of recreation.***

d) The Goals of the Recreation Service also provide a specific background and rationale for completing such a policy:

***“To ensure the recreation service is accessible to all, regardless of age, sex, race, income and ability.”***

***“To promote active, positive and healthy lifestyles.”***

***“To ensure the recreation service is financially sustainable and viable over a long term.”***

***“To ensure the recreation service is coordinated and compatible with, and supports other recreation or community development and services.”***

e) It is in the best interests of the Municipality to provide a safe environment for community social functions involving the consumption of alcoholic beverages.

f) Proper risk management and due diligence measures suggests that regulating the consumption of alcoholic beverages in community facilities is prudent, considering sizable court awards presented for fatalities, or personal or debilitating injuries through alcohol-related incidents.

g) An alcohol management policy can be effectively used as a positive pro-active educational tool for all involved.

***It is the intent of the Municipality of Brockton's Municipal Alcohol Policy to prevent alcohol related problems, incidents and accidents, and to manage and reduce the potential for alcohol related liability and to ensure the enjoyment of facility patrons.***

## **2. Eligible and Ineligible Facilities**

The Municipality of Brockton **owns, operates a** broad range of facilities within the municipality, where alcohol consumption may be permitted under the authority of the Alcohol & Gaming Commission and Special Occasion Permits. All municipal facilities and buildings are considered as part of the proposed Municipal Alcohol Management Policy and are listed as either eligible or ineligible as host facilities for Special Occasion Permit functions.

This eligibility may be changed at the discretion of the Municipality of Brockton at any time.

### **a) Eligible Facilities (Those capable and allowed as host facilities)**

| <u>LOCATION</u>                         | <u>DESCRIPTION</u>                        |
|---|---|
| Walkerton Community Center              | banquet hall & arena floor & grounds      |
| Walkerton Ball Diamonds # 1, #2 & #3    | marquee tent or designated area           |
| Walkerton Public Library                | main hall & gallery room                  |
| Walkerton Fire Hall                     | meeting room                              |
| Walkerton Agricultural Buildings #1,2,3 | main floors or designated area            |
| Lobies Campground                       | sites only                                |
| Cargill Community Center                | banquet hall                              |
| Cargill Ball Diamonds # 1, # 2          | marquee tent or designated area & grounds |
| Cargill Campground                      | sites only                                |
| Elmwood Community Center                | upstairs & downstairs                     |
| Elmwood Picnic Pavilion                 | outdoor shelter & designated area         |
| Elmwood Fire Hall                       | meeting room                              |
| Bradley Community Center                | main floor                                |

### **b) Ineligible Facilities (Those currently off-limits to any alcohol usage)**

| <u>LOCATION</u>                     | <u>DESCRIPTION</u>           |
|-------------------------------------|------------------------------|
| All Brockton Parks or Outdoor Areas | not listed in Regulation # 1 |
| Walkerton Community Center          | arena dressing rooms & lobby |
| Walkerton Community Center          | arena spectator seating      |
| Walkerton Swimming Pool             | dressing rooms deck or lobby |

### **3. Special Occasion Permit Functions held at Eligible Facilities (also applies to Licensed Catering Endorsements)**

*Special Occasion Permit holders, and Licensed catering Endorsements for all Special Occasion Permit functions held in eligible municipal facilities, must comply with the following policies:*

#### a) **Basic Responsibilities**

- Special Occasion Permit holders, individuals or organizations wishing to book any of the eligible municipal facilities for a Special Occasion Permit function must agree in writing (by way of the rental contract), to all conditions of this policy.
- It must be recognized that the Municipality reserves the right to refuse any applicant permission to book facilities for Special Occasion Permit functions.
- No alcoholic beverages shall be brought onto, consumed, raffled or sold in municipal facilities at any time **unless under Special Occasion Permit and in accordance and permit conditions.**
- Special Occasion Permits must be posted at the bar during the function. **A copy of the Special Occasion Permit, or Catering License including a copy of “Sandy’s Law”**, must be given to the Facility Management or Municipal Office, prior to the renter taking possession of the premises.
- All property, including alcoholic beverages or empty beverage containers belonging to or used by the renter shall be removed from the premises **at the conclusion of the event** or an additional days rental will be charged (unless other suitable arrangements have been negotiated).
- As per the Occupier Liability Act (1980), it is the responsibility of **the Permit Holder or personal responsible** for a Special Occasion Permit function to ensure the safety and sobriety of guests attending the function.
- **Poker, Games of chance, or raffles for alcohol shall not be permitted unless approved by appropriate authorities.**
- **Special Occasion permit holders must ensure that all conditions of the Liquor License Act, Municipal Noise By-laws, Fire Services, Police Board, and County Health Unit are adhered to.**

b) **Purchase of Liability Insurance**

All permit holders or responsible persons renting municipal facilities for Special Occasion Permit functions shall provide proof of a minimum of **two million dollars** liability insurance coverage for their event. (e.g. “Party Alcohol Liability” insurance; coverage by a sponsoring organization e.g. Service Club; a personal homeowners policy; or other event specific coverage.) For S.O.P. events sponsored by groups and organizations (as opposed to private families or individuals), the Municipality of Brockton shall be added as an additional insured. The Municipality also reserves the right to request even higher limits of insurance from **the permit holder or responsible person** depending on the size and nature of the function.

c) **Serving Controls**

- The Special Occasion Permit holder or signatory shall be present during the function and refrain from consumption of alcohol.
- Alcoholic beverages shall only be sold and served under the authority and conditions of a Special Occasion Permit, during the hours specified on the Permit. All evidence of the service and consumption of alcoholic beverages shall be removed from the premises **45 minutes** after the end of the time period indicated on the Permit. (Unless other suitable arrangements have been negotiated).
- **It is recommended all beverages must be poured into plastic cups. Cans, bottles or other liquor containers will be discouraged.**
- **No one under the age of nineteen years (19) shall be served alcoholic beverages at a Special Occasion Permit function. Minors will not be admitted into the facility during “Stag & Doe” events. Patrons to Stag and Does will not be allowed reentry privileges once having entered the function. Security and /or volunteers staff will monitor reentry privileges.**

**At any licensed event or function at which Minors are to be admitted, security will ensure proper ID is provided as listed below. At licensed events where the permit allows patrons under the age of nineteen, age of majority patrons appearing to be under the age of 30, will be wrist banded, identifying them of eligibility to be served.** Serving staff shall ask anyone who appears to be under the age of 19 years of age for valid photograph identification.

Anyone not having appropriate identification shall not be served, and may be expelled from the function.

**Security** shall observe the age and condition of individuals wishing to enter a function, and stop and question anyone who appears underage of **30** or intoxicated.

If they are either underage or intoxicated, individuals shall not be allowed entry into a function. The event staff may, in their discretion, request the assistance of security to manage any unruly persons. The holder of the Special Occasion Permit shall summon police assistance at the request of security, or at his or her own discretion if security is not hired for the event.

Persons under the age of 18 may not assist in the sale or service of alcoholic beverages.

Servers of alcoholic beverages at Special Occasion Permit functions shall not be intoxicated prior to working, or consume alcoholic beverages while on duty during a function.

Servers shall not serve more than 2 (two) drinks to each person at any one time per trip to the bar, or sell more than 5 (five) drinks tickets or tokens at any one time. (The recommended price per drink is \$ 4.00.)

- Servers will not serve anyone to the point of intoxication.
- Patrons shall be able to redeem all unused liquor tickets for a refund, prior to closing, or **15 minutes following of the bar service**. This fact shall be posted in a visible location throughout the function. There shall not be a “last call” announcement.
- D’J’s, Bands, or any other form of entertainment will conclude at 1:00 am, or the no later than the ending time as indicated on the permit.
- **Unsupervised preparation of shooters, including any pre-prepared SHOOTERS is not permitted.**
- All ticket or token sales will stop 15 minutes prior to the completion time as stated on the Special Occasion Permit.
- To avoid illegal entry or traffic into a function, appropriate event security personnel, shall control all entry and exit points.
- Smoking is strictly prohibited in any municipal building.

#### **d) Server Training**



To be eligible for a facility rental using a Special Occasion Permit, **the permit holder or responsible person**, host must indicate that they will have trained personnel (servers, door/floor monitors, event supervisors) in attendance at the function, and who these individuals are. These individuals must be able to recognize the signs of intoxication, and shall refuse entry to any intoxicated persons, or service to anyone they determine has become intoxicated. **Persons under the age of 19 will not be served, or allowed to consume alcoholic beverages on the premises.**

Acceptable and recognized training programs for servers include SMARTSERVE, or the Server Intervention Program (now defunct).

***e) Management of Patrons***

- There shall be two (2) trained servers at the bar for every 200 patrons expressed as capacity on the Special Occasion Permit. The names of these individuals shall be listed on the Event Agreement form.
- There shall be one (1) floor monitor, **in addition to hired event security** for every 200 patrons expressed as capacity on the Special Occasion Permit.
- **There shall be Security Personnel according to the chart below. Class “B” Security shall be a responsible, and clearly identifiable person who has been certified in the Smart Serve Course. Class “C” Security shall be “Off-duty Police Officers or Certified Private Security”.**
- It is the hosts’ responsibility to have adequate numbers of event management personnel (e.g. ticket sellers, table cleaners, door/floor monitors) to keep the function under control at all times. Event management staff must be 19 years of age or older, **and be clearly clothed indicating event security personnel.**
- **The permit holder or responsible person shall ensure compliance to this policy.**
- Servers shall request the host of the function or security personnel, to deal with patrons who have become intoxicated. **The permit holder or responsible person shall have a strategy in place for proactive serving practices to prevent intoxication, and measures in place to manage any intoxicated patrons.**

**Special Occasion Permit Functions in Eligible Facilities may be categorized as:**

**CLASS “A”**

Weddings

**CLASS “B”**

Benefits

**CLASS “C”**

Concerts

|                       |  |  |
|-----------------------|--|--|
| Anniversaries<br>450) | <b>Socials</b>   | Benefit Dance (over  |
| Dinners               | Sporting Events<br>Trade Shows<br>Benefit Dance<br>Fundraisers | Homecomings<br>Fundraisers (over 450)<br><b>Stag &amp; Does</b><br><b>Beer Gardens</b> |

**Security needed for events:** "Under the advisory of the Director of Recreation, Alcohol and Gaming Commission, or Law Enforcement Agency (O.P.P.) security maybe adjusted event."

**CLASS "A"**

**Bar security**

**CLASS "B"**

**Smart serve security**

(Clearly identified)

1 - 400 = 2

400- 800 = 4

800-1000 = 6

**CLASS "C"**

OPP officer/Private Security

1 - 400 = 2

400- 800 = 4

800 -1000 = 6

**Security requirements for events with an estimated capacity exceeding 1000, will be determined after consultation with the Director and governing authorities.**

6. Duties of Event Security

- Monitor the entrance to the function and check ID
- Monitor the venue for signs of intoxicated patrons
- **Monitor premises for consumption by minors**
- Summon police when requested by the permit holder
- Assist the permit holder in vacating the premises
- Monitor exits, and entrances for reentry
- Assist the permit holder in managing intoxicated, or unruly patrons
- Ensure Alcohol beverages remain in licensed areas only
- **Monitor parking areas**
- Ensure entertainment concludes at 1:00 am

***f) Safe Transportation of Patrons***

The host of a Special Occasion Permit function shall promote the safe transportation of all those attending the function. In the event of intoxication of patrons, the permit holder or responsible person ***shall*** provide or arrange for safe transportation (bus,

car, van, taxi cab, friends, etc.) for any intoxicated individual leaving the function (either intent on driving or walking). The Special Occasion Permit holder or responsible person shall ensure that patrons are aware of the transportation arrangements made.

**The name and phone number of the Permit holder, or responsible person shall be posted throughout the event for further details.**

***g) Availability of Food***

All Special Occasion Permit functions shall have an adequate and appropriate supply of food available to persons attending the event. Snacks such as chips, peanuts, popcorn, pretzels, etc. do **not** qualify as food by themselves (at a minimum, light combination meals are required).

***h) Availability of Alternate Beverages***

A variety of alternate non-alcoholic beverages shall be available to patrons of an event in both hot and cold format. In addition, non-alcoholic beverages shall be available at a reduced price within the area of the function or at the bar.

***i) Overcrowding of Premises (Facility Occupant Load)***

The Liquor License Act of Ontario ensures adequate floor space must be provided to everyone attending a Special Occasion Permit function. All Special Occasion Permit functions shall not exceed the facility occupant loads for specific facilities as follows:

|  |      |
|--|------|
| a) Walkerton Community Center Auditorium   | 358  |
| b) Walkerton Community Center Main Floor   | 1062 |
| c) Cargill Community Center Main Floor   | 520  |
| d) Elmwood Community Center Auditorium   | 301  |
| e) Elmwood Community Center Banquet room   | 200  |
| f) Bradley Community Center Main Floor   | 60   |
| g) Public Library - Main Hall  | 81   |
| h) Public Library – Gallery  | 95   |
| i) Marquee Tents, <b>Outdoor events</b> (based on square footage & portable toilets available <b>and in conjunction with the local fire department</b> ) |      |

The permit holder shall at all times, be knowledgeable of the exact number of guests or patrons admitted to the event not to exceed the maximum capacity of the venue, including event staff and security. The facility will provide **mechanical** counters to security and event staff to monitor the number of people entering and exiting the function.

***j) Signage on the Premises***

The premises at which a Special Occasion Function is held must have adequate signage concerning the use of alcoholic beverages, for example, who is eligible to enter a function

and consume alcoholic beverages, taxi and emergency numbers, entry and exit controls, ticket purchase limitations, and any other positive messages that may be promoted. Signage is the responsibility of both the Municipality of Brockton and the event host.

#### **4. Types of Eligible Events/Functions**

##### **a) Municipally Sponsored Functions.**

In the following special circumstances, if the legislated criteria are met, a special occasion permit may be issued to the Community Center or Municipal Council, and depending on the type of permit issued, they may be allowed to profit from the sale of liquor. i) **Receptions** - For example, official openings of municipal facilities, receptions for visiting dignitaries, etc., where the municipality is the actual host of the event. There is also no intent to profit from the sale of liquor, as proceeds are meant to cover costs only. ii) **Municipally Significant Events** - For example, a civic anniversary or other event deemed by Municipal Council to be an event of “municipal significance”. This event does allow for profit to be realized from the sale of liquor.

##### **b) Reception Events**

These events must be private events for members and/or invited guests only (the general public **cannot** attend). These events **cannot** be advertised publicly to the community as a whole, and liquor **cannot** be mentioned. Permits cannot be issued for an entire park.

##### **c) Fundraising Events**

These events are always “sale” events, held to raise funds or to promote charitable, educational, and religious or community objects. These events are open to the public. Advertising may refer to liquor in general terms only. Only charities registered under the Income Tax Act Canada with a charitable tax number, qualified non-profit associations, corporations or organizations may be issued permits for fundraising events. (These are the **only** legally acceptable applicants for fundraising events.) In order to qualify for a fundraising event, a non-profit organization must be properly formed with written constitution and by-laws stating it is non-profit and was formed to promote charitable, educational, religious or community objects (this includes amateur sports teams/leagues).

##### **d) Community Festival Events**

These events are always “sale” events in which a profit can be made. The public is admitted to these events. Either a municipal resolution or a letter must accompany applications from a delegated Municipal Official designating the event as a “Community Festival”. (The letter must actually use this wording). Applicants cannot designate their event as a Community Festival. Only a Municipality can legally do so. Advertising may refer to liquor in general terms only. Only charities registered under the Income Tax Act Canada with a charitable tax number, qualified non-profit associations, corporations or organizations may be issued permits for fundraising events. (These are the **only** legally acceptable applicants for Community Festival events). In order to qualify for a Community Festival event, a non-profit organization must be properly formed with written constitution and by-laws stating it is non-profit and was formed to promote charitable, educational, religious or community objects (this includes amateur sports teams/leagues).

e) **Outdoor Events**

This type of event can be any of the above, only that it is held in a *tent, marquee, or pavilion*. A sketch of the outdoor area and location must be provided to the Municipality. If used for Liquor-related functions, these facilities must be secure and enclosed on all sides (either fenced or tent walls, minimum 42” or 1.06 meters high), have controlled entry and exits, have available washroom facilities, have security or event personnel in attendance at all times. The applicant must notify in writing, at least 21 days before the event, the Municipal clerk and the police, fire and health departments providing details of the event. The chief building official must also be notified if a tent or marquee is being used.

f) **Other Events**

For all other types of Special Occasion Permit Events, please refer to the Alcohol Gaming Commission, Special Occasion Guidebook, available at the local L.C.B.O. outlet.

## **5. Procedures for Handling Policy Violations**

a) **What Constitutes a Policy Violation?**

A violation of this municipal alcohol management policy occurs when the permit holder or responsible person of a Special Occasion Permit function fail to comply with the conditions of this policy, or with conditions of the Liquor License Act. As per the Occupier Liability Act (1980), it is the responsibility of the permit holder or responsible person of a Special Occasion Permit function, to ensure the safety and sobriety of guests attending the function. In addition, the aforementioned shall ensure that policy or license infractions are discovered as soon as they occur, so that adequate measures can be taken to control such situations.

Intervention to deal with violations may be initiated by the permit holder, security personnel (police or other such force), the Alcohol & Gaming Commission Inspector, or Municipality of Brockton personnel.

b) **Procedures for Handling Policy Violations**

i) Upon violation of this policy or the Liquor License Act, the permit holder of a Special Occasion Permit function, security services present, or the Owner or Manager of the Facility (i.e. Municipality of Brockton), shall request immediate correction of the violation. If this is not possible, they have the authority to stop/close the bar service. If the Special Occasion Event is out of control, these authorities have the power to terminate the event, escort patrons outside, and close the facility completely.

ii) Violations to this policy or the Liquor License Act may result in charges being laid under the Liquor License Act or other legislation. The host of a Special Occasion Permit function, the holder of the Special Occasion Permit, security services present, or the Owner or Manager of the Facility (i.e. Municipality of Brockton), shall cooperate fully with all officials involved.

iii) Upon review of a violation, the Municipality of Brockton *may* refuse a specific host, group, organization, etc., further use of Municipal Facilities for a specified period of time, based on the severity of the violation.

**6. Policy Monitoring and Revisions**

This municipal alcohol management policy will be monitored on an annual basis by both the Municipality of Brockton, Recreation Department and all user groups, and may be amended from time to time as required, upon approval from both the Brockton Recreation Committee and Municipal Council.