

Policy Title: Serving Alcohol at City Facilities**Policy Number: 05-01-03**

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| Section: | Property and Facilities | Subsection: | Use of Public Property |
| Effective Date: | September 28, 2016 | Last Review Date: | September 2016 |
| Approved by: Council | Owner Division/Contact: Customer Service Centre, Community Services Department | | |

Policy Statement

The City of Mississauga may permit alcohol to be served at designated City facilities, under specific conditions.

Purpose

Alcohol-related problems can inhibit the safe enjoyment of City facilities by all patrons and expose the City to financial liability. By permitting alcohol only at designated locations, and only under specific conditions, the potential for alcohol-related problems at City facilities is minimized. This policy specifies the conditions under which alcohol may be permitted in City facilities.

Scope**Applicability**

This policy applies to:

- Organizers of events at which alcohol will be served, including City-sponsored Events held in any City Facility, whether the organizers are City staff, elected officials, or members of the public, and
- Facilities which are under a management agreement providing exclusive use of the property, to the extent that the policy does not conflict with the provisions of the particular management agreement – the provisions of the management agreement take precedence over the policy

Exclusions

This policy does not apply to:

- Businesses which are licensed to serve alcohol in City facilities (such businesses must have a valid liquor licence and are subject to the terms of their particular lease agreement with the City, and the terms and conditions of the liquor licence)
- City operations which are licensed to serve alcohol (such operations must have a valid liquor licence, and are subject to the terms and conditions of that licence), and

- Facilities which are leased for residential use (such facilities are subject to the terms and conditions of the lease, which is in compliance with the *Landlord and Tenant Act*)

Definitions

For the purposes of this policy:

A “Caterer’s Endorsement” is an addition to a liquor sales licence issued by the Alcohol and Gaming Commission of Ontario (AGCO). It permits the sale and service of alcohol at an event that is in an unlicensed area, under specific conditions. If an event is being conducted under a valid Caterer’s Endorsement, a Special Occasion Permit is not necessary.

“City Facility” includes all City-owned or leased buildings, rooms within buildings, parks and other outdoor areas, including roads.

“City-sponsored Event” is one which has been approved either by Council, the Leadership Team or a department head.

“Conditions of Serving Alcohol” are specific terms and conditions that will be attached to and form part of the Rental Agreement allowing the use of the facility.

“Customer Service Representative” (CSR) means the City staff person responsible for issuing a Rental Agreement with respect to the use of a Facility.

The “Person Responsible for the Event” means:

- The person named on the application for a Special Occasion Permit, the Rental Agreement, Conditions of Serving Alcohol and the Transportation Plan, or
- Where the event is being conducted under the authority of a Caterer’s Endorsement, the person who is named on the Rental Agreement, the Conditions of Serving Alcohol and the Transportation Plan.

A “Rental Agreement” means any agreement allowing the use of a City Facility, including a facility booking contract and any permit which may be issued for the use of roads or outdoor space, such as a Road Occupancy Permit or a Parks Permit.

A “Special Occasion Permit” is a permit from the Alcohol and Gaming Commission of Ontario (AGCO) to sell or serve alcohol. If an event is being conducted under a valid Caterer’s Endorsement, a Special Occasion Permit is not necessary.

A “Trained Server” is a person who has been trained in the responsible serving of alcohol through Smart Serve, a recognized Ontario-based server program.

Where Alcohol is Permitted

Alcohol is permitted only at locations which have been designated by the Commissioner of Community Services as facilities or portions of facilities at which alcohol may be permitted.

Alcohol will be permitted at events held on City roads only upon the approval of the Commissioner of Transportation & Works. Issuance of a road closure permit will be conditional on the applicant complying with this policy, obtaining a Special Occasion Permit and providing proof of insurance.

Where an applicant indicates that alcohol will not be served, the permit must clearly indicate that consumption of alcohol is not permitted.

Designation of Facilities

Designation of Facilities requires the prior approval of Mississauga Fire and Emergency Services, the Region of Peel Health Department and the Region of Peel Police Department. The Building Division of the Planning and Building Department must also be consulted prior to designation.

The Commissioner of Community Services may revoke a Facility's designation at any time. Further, notwithstanding any of the provisions of this policy, the City reserves the right to refuse to permit a specific alcohol related event in or on any of its Facilities or within specific areas of those Facilities, regardless of any prior designation.

List of Designated Facilities

A list of designated Facilities is available from the Community Services Department Customer Service Centre or from the City's web site. The Manager, Customer Service Centre is responsible for ensuring that a current copy of the list of designated Facilities is posted to the City's web site and is made available to Customer Service Centre staff, all community centres, Security Services, Corporate Services Department, and the AGCO.

Conditions of Serving Alcohol

All Rental Agreements for the use of Facilities for events at which alcohol will be served will be subject to the City's Conditions of Serving Alcohol. The Person Responsible for the Event will be required to sign the Conditions of Serving Alcohol to acknowledge that he/she has read and accepted the conditions as part of the Rental Agreement, including the condition that he/she must refrain from consuming alcohol prior to, during and after the event and final clean up.

Specifically, by signing the Conditions of Serving Alcohol, the Person Responsible for the Event is accepting responsibility for the following:

- Either obtaining a Special Occasion Permit or hiring a caterer with a valid liquor sales licence and Caterer's Endorsement -applies when alcohol is sold or provided at no cost (more

information on AGCO requirements for Special Occasion Permits and Caterer's Endorsements can be obtained from the AGCO)

- Meeting the licence/permit requirements of the AGCO, the *Liquor Licence Act* and Ontario Regulation 389/91, which deals specifically with Special Occasion Permits
- Obtaining a resolution of Council, if required (e.g. for extension of a liquor licence to a patio) and advising Peel Police, Fire and Emergency Services and the Region of Peel
- Adhering to the Responsible Alcohol Management Practices outlined in this policy
- Ensuring the minimum number of Trained Servers, as specified by the City, will be in attendance at the event (the names of these servers will be required as part of the Conditions of Serving Alcohol and servers may be required to show proof of Smart Serve training during the event)
- Insurance - the City must be provided with a certificate of insurance that includes a minimum of \$2,000,000 general liability insurance, including liquor liability coverage and adds the City as an additional insured for the event period. Insurance may also be purchased from the City. (Note that the amount of general liability insurance required may be increased to as much as \$5,000,000 at the discretion of the City's Risk Manager, depending on the scope of the event and level and degree of risk to the City.)
- Ensuring the Building Division, Planning and Building Department has been contacted to confirm the need for a permit for any tent or structure, including tiered seating, and any necessary permit has been obtained, and
- Compliance with all applicable by-laws including, for events held in parks, the Parks By-law and, for events held on City roads, the Special Events Temporary Road Closure By-law

Responsible Alcohol Management Practices

The Person Responsible for the Event must ensure that the following responsible alcohol management practices are followed:

General Controls

1. Controls must be in place to prevent intoxicated or rowdy people from entering the event and to ensure that the aforementioned participants will be refused service and escorted safely from the event.
2. All event workers must refrain from consuming alcohol prior to and during the event, including during breaks and after-event clean up.

3. Door monitors/gate security may be required. The number of monitors/security staff required will be established by the City.

Food and Beverage

4. Non-alcoholic beverages and food must be available. The supply of food must be appropriate to the number of people attending and must be within the immediate area of the bar.
5. Non-alcoholic beverages must be provided at no charge or at a cost significantly lower than alcoholic beverages.
6. Unused tickets must be redeemable for cash at any time during the event.
7. Promotions that encourage increased consumption of alcohol (discount tickets, double shots, drinking contests, etc.) are prohibited.
8. There will be no "last call" announcement or notice. All sales must stop by the end time stated on the Special Occasion Permit. Sales and service signs and all bottles and glasses that contain(ed) alcohol must be cleared a minimum of 45 minutes after the Special Occasion Permit end time. Note that all rental customers must also vacate the Facility by the Rental Agreement end time, having completed any necessary clean up, regardless of the Special Occasion Permit end time.
9. Outdoor licensed areas must be clearly defined and separated from unlicensed areas by a physical barrier with a minimum height of 42" (1.106m).

Enforcement and Accountability

10. All bar servers and at least one of the event workers in each of the following categories, at the discretion of the facility manager or his/her designate, or the designated staff liaison for an outdoor event, must be Trained Servers:
 - Door monitor
 - Ticket seller
 - Floor monitor
 - Floor supervisor
11. The Person Responsible for the Event is responsible for clean-up of the bar area and all areas associated with the event. Failure to do so may result in additional costs being assessed to the permit holder.
12. Forms of identification which will be accepted for proof of age include only:
 - a. Photo card issued by LCBO
 - b. Ontario driver's licence with photo

- c. Canadian passport
 - d. Canadian Citizenship card with photo, or
 - e. Other government card with photo stating date of birth
13. A copy of the Special Occasion Permit/Caterer's Endorsement must be provided to the City one week prior to the event by the specified deadline. The Special Occasion Permit must be posted at the event.
14. In accordance with Sandy's Law, a sign/poster warning women that drinking alcohol during pregnancy may cause Fetal Alcohol Syndrome must be posted near the bar.

Safe Transportation

15. An overview of a Transportation Plan to promote safe transportation options for those attending the event must be provided. These plans should include a range of options which may include, but are not limited to:
- Signs that raise RIDE awareness at the entrance to the event
 - Providing free non-alcoholic drinks for designated drivers, and
 - Arranging taxi and/or shuttle bus service as appropriate

Note: Safe transportation programs do not exempt the permit holder from abiding with AGCO regulations, which prohibit serving anyone to the point of intoxication or serving an intoxicated person.

Responsibilities

There will be only one Person Responsible for the Event for each event. The Person Responsible for the Event must be named on the application for a Special Occasion Permit, the Rental Agreement and the Conditions of Serving Alcohol. Where the event is being conducted under the authority of a Caterer's Endorsement, the Person Responsible for the Event must be named on the Rental Agreement and the Conditions of Serving Alcohol.

When Booking the Facility

The Customer Service Representative (CSR) is responsible for asking the Person Responsible for the Event if alcohol will be served. If alcohol will be served, the CSR will advise the Person Responsible for the Event of the City's requirements and will place the Facility on hold to allow the Person Responsible for the Event to make an appointment to view the Facility. Adherence to this policy, posted on the City's external website, and to the Conditions for Serving Alcohol is required by all event organizers and event staff.

After Booking the Facility and Prior to the Event

The Person Responsible for the Event must contact the Facility or, in the case of an outdoor event, a designated staff liaison to arrange a meeting to discuss specific requirements and obtain a Municipal Alcohol Policy Package (MAP) that includes the Conditions of Serving Alcohol.

At the sole discretion of the facility manager or his/her designate, or the designated staff liaison for an outdoor event, additional measures may be required, such as the hiring of security staff (paid duty police officers or professional security services) to attend the event, at the event organizer's expense.

Note: Security Services staff are available to assist in determining security requirements and whether professional security staff should be hired.

The staff representative will advise the Person Responsible for the Event of all of the City's requirements, including requirements for the submission of:

- The signed Rental Agreement
- The signed Conditions for Serving Alcohol, including the list of Trained Servers and ID number
- Proof of insurance
- A copy of the Special Occasion Permit or Caterer's Endorsement
- A Transportation Plan
- Any required information to establish compliance with the Responsible Alcohol Management Practices outlined in this policy, and
- Any other required documents, such as a permit for a tent or proof of hiring outside security.

The Person Responsible for the Event must comply with the City's requirements and must submit all required documents to the Customer Service Centre no later than one week prior to the event or as requested by the staff representative.

If the necessary documents are not provided as required, the staff representative will advise the Person Responsible for the Event that alcohol may not be served at the particular Facility. Should the Person Responsible for the Event wish to hold the event without alcohol, the Rental Agreement will be amended to remove the provision for the serving of alcohol. The revised Rental Agreement must be acknowledged by the Person Responsible for the Event.

At the Start of the Event

The Person Responsible for the Event must post the Special Occasion Permit and the Transportation Plan at the Facility at the start of the event. Facility staff are responsible for confirming that the permit has been posted. If the permit has not been posted, Facility staff will advise the Person Responsible for the Event that no alcohol may be served. If alcohol is on site, and the Special Occasion Permit is not posted, the event may be cancelled.

During the Event

The Person Responsible for the Event must ensure that all of the terms and conditions of the Special Occasion Permit, this policy, and the Rental Agreement, including the Conditions for Serving Alcohol, are met. Staff responsible for the operation of the Facility may take any action necessary to enforce the policy and the Rental Agreement, including the Conditions for Serving Alcohol.

If Agreement is not Complied With

In the event of non-compliance with this policy or the Rental Agreement, including the Conditions for Serving Alcohol, staff may take any of the following actions:

- Advise the Person Responsible for the Event that alcohol may not be served
- Ask any individual(s) to leave the Facility
- Close the event
- Call the police for enforcement

Note: Staff may request assistance from Security Services and will notify Security Services if police are called.

Depending on the nature of the non-compliance, future requests to rent City Facilities may be refused. Violations to the terms of the Special Occasion Permit issued by the AGCO may also result in penalties under the *Liquor Licence Act*.

Revision History

| Reference | Description |
|-------------------------|---|
| GC-0012-2008 2008 01 30 | |
| November 22, 2011 | regular policy review – minor admin updates |
| September 29, 2016 | Scheduled review – revised to reflect current practices |