



City of
Peterborough

To: Members of the Committee of the Whole

From: John Kennedy, City Clerk

Meeting Date: June 19, 2017

Report: CPCLK17-015
Alcohol Policy Update

Purpose

A report to present an updated Alcohol Policy for Council approval.

Recommendation

That Council approve the recommendation outlined in Report CPCLK17-015 dated June 19, 2017, of the City Clerk, as follows:

That the amendments to the Alcohol Policy, attached as appendix A, be approved.

Budget and Financial Implications

There are no direct budget or financial implications as a result of the recommendation. The fees collected are intended to recover costs for the City.

Background

Over the years the types of outdoor events being held, have changed and there are now more events serving food and alcohol in the City. Road closures for special events and rental of City facilities, such as parks, often involve the serving of alcohol. Event organizers have expressed concern about the cost to operate these events and as it had been ten years since the policy was enacted, it was decided to review the security provisions related to the Alcohol Policy.

The provision of security at these events currently only allows for paid duty officers and does not consider the use of private security. Event organizers have expressed concern with the relatively high cost to provide event security at events with alcohol.

As a result, a staff working group including the police, was established in 2016 to look at the costs associated City's Alcohol Policy. The committee was composed of representatives from the Police Service, the Arena Division, the Art Gallery, Recreation, Risk Management and the Clerk's Office. The group met on a number of occasions in 2016 and 2017, to discuss general concerns with the policy and look at ways to help control costs while continuing to protect the event organizers, the City, and individuals attending these events.

The review of the policy was focused on the security needs and the resultant costs to enable changes to be made prior to the summer season when most of these events are held. It is anticipated that at some future date, the Alcohol Policy will undergo a more comprehensive review/update to areas not examined by the committee.

The Current Policy

One of the largest costs to organizers of events serving alcohol is the cost of security. In the existing policy, a minimum of three paid duty officers are required for large events and there is a minimum three hour charge per officer. A review of the hourly rate for paid duty officers in York Region, Barrie, Toronto, Belleville and Kingston showed that Peterborough's rate was the lowest at \$65.00/hr. Although the Peterborough Police Service has worked to control costs to event organizers, these fees form a major portion of the event charges levied by the City.

The City's existing alcohol policy requires that paid duty officers for events with 500 people or more. As a result, an event with 499 people does not require any paid duty officers regardless of the risk, and an event with 501 people with very little risk (such as invitation only retirement party), would require paid duty officers. The current policy is also silent on the possible use of licenced security providers.

In its current form, the policy may not ensure an adequate level of security at smaller events and may require too much expensive security at low risk events. The result is unnecessarily larger costs for some events and the lack of adequate security at riskier events. Committee members believe that security requirements should be tailored to the specific event. The result will hopefully better protect all parties involved and ensure that costs are kept proportional to the risk.

Research

As part of the research undertaken by the group, the alcohol policies at various other municipalities were examined. Municipalities that were looked at included the City of Toronto, Hamilton, York Region, Barrie, Peel Region, Kitchener and Oshawa. It was noted that some municipalities are using a risk based approach to categorize events. This approach would allow the committee to exercise flexibility in the security requirements for each event, based on the potential risk as staff wanted to ensure that the risks associated with events on City property involving alcohol are adequately address.

Consultations with Event Organizers

The committee invited representatives from organizations that hold events serving alcohol to meetings to review the proposed changes. A number of these individual meetings were held and staff presented the proposed changes and received feedback from the groups. Some of the feedback included: it is important for organizers and the City to share information that is submitted to the province for the Special Occasion Permit (SOP), and that a combination of police and private security could be used at events to assist with costs.

Proposed Changes

As a first step, the definitions in the policy have been updated and clarified. Changes were also made to the Special Occasion Permit (SOP) Requirements in Part I, Regulation 3. This revision will ensure that the applications are received in adequate time to be circulated to the members of the committee for evaluation (which is the same process currently used for road closure applications). Each committee member will receive the applications and can provide comment on their area of expertise.

The Committee will examine each event and based on the risk, make a determination if licenced security and/or paid duty officers are required, and if so, the number required. As part of this process the Committee developed an “Event Risk Table” which provides examples of passive, moderate and high risk events so that event organizers can more fully understand how the set-up of their event impacts the cost. Under the new policy, the SOP obtained by the applicant will be circulated to the Alcohol Policy Committee members for review with the application.

The committee makes the final determination on the number of paid duty/licenced security required at the event based on the application information and the SOP. The primary concern is to ensure that events serving alcohol are safe for all involved.

Next Steps

Following approval of the changes to the Alcohol Policy, the updated document will be provided to the Road Closure Committee as well as individuals and groups who organized events serving alcohol in 2016. The updated policy will also be available on the City's website for reference.

The Community Services Department will host a meeting for community organizations to discuss the changes to this policy.

Summary

The Alcohol Review Committee recommends that the Alcohol Policy be revised as recommended to better reflect varying levels of risk at events.

Submitted by,

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City Clerk

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Attachment:
Appendix A – Revised Alcohol Policy [changes are highlighted]

Attachment A



Draft

City of Peterborough

Alcohol Management Policy

Goal

The Corporation of the City of Peterborough shall ensure that all citizens and guests enjoy the right to visit any City-owned facility and that consumption of alcohol at a facility not infringe upon that enjoyment.

The Corporation of the City of Peterborough will establish Policies and Procedures to ensure that all reasonable measures are taken to safeguard the well being of all users of City-owned facilities.

Revised May 2017

City of Peterborough Alcohol Management Policy

Preamble

The City of Peterborough owns and manages facilities where alcohol consumption is not permitted and other facilities where alcohol consumption is permitted under the authority of Special Occasion Permit. The City of Peterborough has developed an Alcohol Management Policy in order to prevent alcohol related problems that arise from alcohol consumption within its facilities and to promote a safe, enjoyable environment for those who use these facilities.

A range of problems can arise from alcohol consumption. These problems can affect not only the drinkers, but other people who use the facilities. These problems include:

- vandalism and destruction of City property
- police being called to City property
- injuries to drinkers or other individuals
- liability action arising from alcohol related incidents
- increased insurance rates as a result of alcohol related incidents
- loss of insurability should the insurers risk assessment escalate
- charges laid against the City or the Special Occasion Permit holders under the Liquor License Act
- suspension or loss of alcohol permit privileges by the Liquor License Board of Ontario
- loss of enjoyment by non-drinkers and moderate drinkers
- complaints lodged by offended parties
- withdrawal from use of facilities by people concerned about alcohol consumption
- loss of revenue due to reduced participation
- increased public concern about alcohol consumption

In many instances, these problems will not be attributable to moderate drinkers or to those who respect the rules regarding alcohol consumption. The majority of these problems will arise from drinkers who engage in four specific drinking practices:

- a) drinking to intoxication
- b) drinking and driving
- c) underage drinking, and
- d) drinking in prohibited areas

To the extent that these four drinking practices can be reduced, the likelihood of alcohol related problems will correspondingly diminish. For those who do not engage in these targeted drinking practices, the policy will be minimally intrusive. The policy is not intended to stand in opposition to legal and moderate drinking.

City of Peterborough Alcohol Management Policy

Purpose of the Policy

The Alcohol Management Policy consists of a range of regulations designed to reduce alcohol related problems and to increase the enjoyment of those who use the facilities. By reducing the potential for alcohol related problems, the City of Peterborough concurrently reduces the risk of liability actions. In this context, policy measures introduce barriers which impede the adoption of the targeted drinking practices.

The policy is divided into six sections:

- I) Responsibility of the Sponsoring Organization
- II) Operation of the Event
- III) Signage and Community Awareness
- IV) Sale of Alcohol
- V) Designated Licensed Facilities
- VI) Failure to Comply with the Alcohol Management Policy

City of Peterborough Alcohol Management Policy

Statement of Purpose

It is the intention of the Corporation of the City of Peterborough that all reasonable measures should be undertaken by the City and by the organizers of events where alcoholic beverages are served, to preserve the safety of the citizens of the City while permitting the enjoyment of such events by the participants.

Note: The regulations outlined in the Alcohol Management Policy are not intended to absolve Special Occasion Permit holders of their responsibility to conduct a safe event.

Controls

Definitions:

Alcohol Review Committee – Committee that reviews events involving alcohol and is composed of representatives from Police services, the Arena Division, Recreation Division, Clerks Office and Risk Management, to determine security requirements.

Caterer's Endorsement – A liquor sales licence authorizing the applicant to sell and serve liquor for an event held on premises other than the premises to which the liquor sales licence applies.

Door Monitor – A paid/volunteer person(s) appointed by the event organizer, who is over the age of 19 and who has satisfactorily proven to the organizer that he/she will act in accordance with the Alcohol Management Policy. A door monitor checks identification and for signs of intoxication, keeps out intoxicated and troublesome individuals, monitors for those showing signs of intoxication when leaving the event and arranges safe transportation. The Door Monitor shall not consume alcohol during the event.

Floor Monitor - A paid/volunteer person(s) appointed by the event organizer, who is over the age of 19 and who has satisfactorily proven to the organizer that he/she will act in accordance with the Alcohol Management Policy. A floor monitor talks with participants, monitors patron behaviour, monitors for intoxication and underage drinkers, responds to problems and complaints, assists door monitors when necessary, removes intoxicated persons and arranges safe transportation. The Floor Monitor shall not consume alcohol during the event.

Licensed Security – Security personnel monitoring entrances and patrolling licenced areas be licenced under the *Private Security and Investigative Services Act*, to ensure the safety and security of the establishment, its employees and patrons.

Outdoor Event – An outdoor event is one at which any alcohol is consumed in an outdoor space (including pavilions or temporary structures).

Private Event – Means an event attended only by invited guests. Private events cannot be advertised and there can be no intent to gain or profit from the sale of alcohol at the event.

Public Event – Means an event for which participation in the event is open to the public. Public events can be advertised and allow for fundraising or profit to be made from the sale of alcohol.

Sponsor - In this policy, "sponsor" shall mean any person or group responsible for organizing an event involving alcohol in a City operated building or on City lands under the authority of provincial legislation, related regulations and the Alcohol and Gaming Commission of Ontario.

Part 1 - Responsibility of the Sponsoring Organization**Regulation No. 1: Accountability**

- 1a)** Individual representative(s) of the sponsor shall be identified and at least one of them must be present at the event at all times.

Rationale

- The responsibility for the safety and enjoyment of patrons at an event that involves alcohol rests with the sponsor and therefore individual representative(s) of the sponsor must be identified, and present at the event.
- Having an individual or group of individuals identified as the responsible party will place greater emphasis on their responsibilities in operating a safe function.

- 1b)** Individual representative(s) of the sponsor will read and acknowledge the responsibilities of the sponsor and ensure that the event is carried out in strict compliance with the terms of the City's Municipal Alcohol Policy and the Special Occasion Permit (SOP).

Rationale

- Individual representative(s) of the sponsor must clearly understand the risks associated with events involving alcohol

Regulation No. 2: Insurance

- 2a)** The City of Peterborough will not provide liability coverage for events taking place in City-owned buildings or on public lands. The sponsor is responsible for paying any insurance premium required to obtain insurance. Proof of satisfactory insurance containing a liability clause protecting the City of Peterborough must be provided.

Rationale

- In an effort to minimize the municipality's exposure with respect to liability, a sponsor must have liability coverage.

- 2b)** The City requires liability insurance with a minimum of \$5.0 million. The deductible is the responsibility of the sponsor.

Rationale

- The sum awarded those who have suffered injury at alcohol related events has increased dramatically in recent years so a higher level of coverage is warranted.

Regulation No. 3: Special Occasion Permit Requirements

3a) The event application shall be submitted a minimum of 90 days prior to the event date and must include the SOP application information. Proof of the approved SOP must be provided prior to the event. The sponsor shall provide to the City a list of bartenders and monitors trained in the Smart Serve Program, and a copy of their certificates, at least 90 days in advance of the event.

For road closures involving alcohol, the event application and SOP information is required 90 days prior to the event date.

Applications will be reviewed by the Alcohol Review Committee to determine adequate event provisions and security.

Rationale

- The City should feel comfortable with the planning and preparation of any event operating a City building or on City land. Information contained on the permit will give City officials details about the type of event, its scope, the potential dangers, and the controls provided by the event organizers.

3b) The Special Occasion Permit must be posted and clearly visible during the operation of the event.

Rationale

- It is a regulation of the A.G.C.O. to have the Special Occasion Permit posted and clearly visible during the operation of any Special Occasion Permit function.

Part II - Operation of the Event**Regulation No. 4: Event Controls**

4a) The responsible City Department should be identified and contact names and phone numbers should be available at the event.

Rationale

- In the event that security officials, the Police Department, or Emergency officials are called to an event, it is important that a responsible City official be contacted, in an expedient manner.

- 4b)** The sponsor must operate the bar in the area designated by the facility operator and in compliance with the Special Occasion Permit. The City Department which is responsible for a facility shall review any proposal for a temporary bar location on city lands (such as a beer garden).

Rationale

- The facility operator has designated an area of a City building that is the most appropriate for the bar, taking into account traffic flow, public safety, crowd control, etc.
- 4c)** The sponsor shall ensure that identification is inspected before any person suspected to be under 19 years of age is served alcohol. The only acceptable forms of identification shall be an age of majority card, a driver's licence with photo, or a passport.

Rationale

- Controlling service at the bar will reduce the likelihood of underage drinking.

Regulation No. 5: Server Training

- 5a)** The sponsor must provide at least one (1) bartender trained in Smart Serve for events up to 135 persons in attendance. For events attended by more than 135 persons, one additional Smart Serve bartender shall be provided for each 135 or fewer additional attendees. The Smart Serve bartender(s) must oversee all other servers during the operation of the bar.

Rationale

- The Addiction Research Foundation Server Intervention Training Program has been endorsed by the Ministry of Consumer and Commercial relations, and sections of it are now used by the A.G.C.O. in considering new hotel licences.
 - The Server Intervention Program, with which the City of Peterborough has been involved for many years, is an acceptable means of training staff or volunteers involved in operating alcohol related events.
- 5b)** The sponsor must provide one (1) door monitor who shall control the entrance to the event. Any person acting as a door monitor or seller of tickets for alcohol shall be at least 19 years of age and shall not consume alcohol during the event.

Rationale

- It is important that the sponsor provide sufficient control at the entrance to the event. Anyone appearing to be intoxicated should not be permitted into the facility.
- 5c)** The individual representative(s) of the sponsor, as specified in regulation 1, together with all servers, ticket seller(s), door and floor monitors, will not consume alcohol during the event, or be under the influence of alcohol consumed before the event.

Rationale

- The law clearly states the event sponsor has a “duty to control”- that is to protect participants from harm to themselves or others. The consumption of alcohol impairs judgement and therefore those who are controlling the event should not be drinking alcohol.

Regulation No. 6: Security

- 6a)** The sponsor must provide one clearly identifiable floor monitor for events attended by less than 135 people. Additional floor monitors must be provided for larger events, at a rate of one per 135 or fewer additional people. Floor monitors must be at least 19 years of age.

Rationale

- Floor monitors may be able to identify troublesome situations and correct the problems before they are out of control.
- 6b)** Security may be composed of licenced security personnel or paid duty police officers as required based on the event type, size and risk and as determined by the Alcohol Review Committee. (See Table “A”.)

Rationale

- The responsibility for ensuring that an alcohol related event will be safe and enjoyable is that of the event sponsor who must bear that cost.
 - The problems experienced at large events generally occur near the end of the function. Paid-duty officers will assist by minimizing the likelihood of rowdy behaviour and by ensuring the facility is cleared at the appropriate time.
- 6c)** Where admission is charged to an event, patrons leaving the premises must pay admission to re-enter the premises.

Rationale

- Restricting unlimited access to an adjacent parking lot at events where paid admission is charged will deter those individuals who may wish to consume alcoholic beverages outside the licensed area.
- 6d)** The sponsor must provide one person who is at least 19 years of age to act as door monitor at each exit.

Rationale

- The ability to reduce the likelihood that individuals are consuming alcohol outside of the licenced area is enhanced if door monitors are provided at all exits.

Part III - Signage and Community Awareness**Regulation No. 7: Posting of Signs Respecting Intoxication**

- 7a)** The City will install a highly visible sign in the alcohol serving area of each City-owned building or on City-owned lands, containing the following statement:

Serving to and Beyond the Point of Intoxication

The operators of this facility and the sponsors of this event **must not** serve alcoholic beverages to anyone who appears to be intoxicated. It is against the law in Ontario to serve to the point of intoxication. Bartenders reserve the right to refuse service. No minors will be served alcoholic beverages.

Rationale

- While there are controls to reduce the likelihood that patrons do not drink to the point of intoxication, it is the responsibility of the sponsor to ensure that individuals who appear intoxicated are not served alcoholic beverages. Signs will promote and enhance this responsibility.

Regulation No. 8: Promotion of the Policy

- 8a)** A sponsor of an event will be provided with a copy of the Municipal Alcohol Policy and a checklist of responsibilities.

Rationale

- Because organizers of alcohol related events are often not aware of their responsibilities, it is appropriate to inform anyone interested in hosting an alcohol related event that (s)he is assuming a great deal of responsibility.

Part IV - Sale of Alcohol**Regulation No. 9: Sale of Alcohol**

- 9a)** The sponsor must make low and non-alcoholic drinks available. Non-alcoholic drinks must be available at a lower price than alcoholic drinks.

Rationale

- Not all patrons of a Special Occasion Permit function wish to drink alcoholic beverages.
 - Those having to choose between alcoholic drink and non-alcoholic drink at the same price, may choose the alcoholic drink.
 - Those who attend Special Occasion Permit functions are becoming increasingly aware of the importance of having a designated driver in their party, therefore make a special effort to ensure that they will leave the function safely. This will further promote this safe practice.
- 9b)** The sponsor must ensure that no beer served exceeds five and one half percent (5.5%) alcohol content. At least 25% of the total amount of beer and draft beer, available for sale at an event must be classified as "light" beer and so posted.

Rationale

- Beer that exceeds five and one half percent (5.5%) alcohol content results in individuals becoming intoxicated more quickly. It is therefore counter to the idea of controlled alcohol consumption.
- "Light" beer has a lesser alcohol content and will reduce the likelihood of a high level of intoxication or more rapid intoxication.
- "Light" beers are generally highly popular at Special Occasions Permit functions.

9c) No special sales or reductions will be permitted for volume ticket purchases.

Rationale

- Special sales, which promote increased purchasing, could result in the unsafe practice of accelerated drinking.

9d) A maximum of two drinks will be served to an individual at any one time.

Rationale

- Limiting the number of drinks served to an individual at any one time results in a more controlled form of consumption.
- It is illegal to serve alcohol to the point of intoxication and serving an unlimited number of drinks to an individual could result in his/her intoxication.

9e) Beer must be served in non-breakable cups.

Rationale

- The practice of serving patrons beer in glass bottles is unsafe. The clean-up associated with serving beer in anything other than cups is no longer and more tedious.

9f) Food must be available at all times when alcohol is being served.

Rationale

- A Special Occasion Permit function is required to have food available for its patrons. Snacks (potato chips, pretzels, etc.) **are not** considered food.

9g) Patrons wishing to turn in unused drink tickets may do so and be fully refunded at any time during the event.

Rationale

- By providing the option of having unused drink tickets fully refunded, organizers are minimizing the need for patrons to practice accelerated consumption of alcoholic beverages.

- 9h) The sponsor shall ensure that no announcement of “last call “is made and that the bar simply closes at the required time.

Rationale

- It is a practice of some to purchase as many drinks as possible immediately prior to the bar being closed. This practice results in accelerated drinking, which should be discouraged.
- Ensuring that patrons do not have a significant quantity of alcohol to consume immediately prior to the event closing will result in patrons vacating the premises more quickly.

Part V - Potential Facilities/Locations

The City will consider requests to use city facilities/locations on a case-by-case basis and the use is at the discretion of the City.

Part VI - Failure to Comply with the Alcohol Management Policy

Failure to comply with the terms of this policy will result in the following:

- 1) The Director of Community Services shall advise the sponsor, in writing, of the violation and shall indicate that, depending on the infraction, the damage deposit be forfeited. For events at the Peterborough Public Library and the Art Gallery of Peterborough, the Chief Executive Officer of the Peterborough Public Library and the Art Gallery of Peterborough, respectively, shall advise the sponsor, as indicated above, with a copy to the Director of Community Services.
- 2) Prior to any future rental, the sponsor shall meet personally with a City representative to discuss how the sponsor will ensure that the policy shall be complied with at such event.

Table A – Event Risk

Event Details	Passive Risk	Moderate Risk	High Risk Major Event
Age/maturity of participants	Adult/senior booking an event with most guests over 25 years old	Adult booking event with most persons under 25 years of age	Events mostly attended by people under age of 25
Numbers	Less than 100	100-499	500+
Event History	Well known	Has done events before	Unknown
Incident History	None	Minor – resolved prior incident	Prior incident(s)
Event Type	i.e. Stage performance/ dinner or banquet indoors	i.e. Open air event	Major outdoor event
Invitation	Invitation only	Closed event – advanced ticket sales	Open – general admittance
Supervision and Security	Sponsor acts as door monitor, potential for licenced security and/or police if required	Requires sponsor, door and floor monitors; possibly licenced security staff and/or police presence.	Requires sponsor, door and floor monitors, licenced security staff, and police presence. The number of police will be determined based on the size of the event, type and location.
Threats/ Concerns	None apparent	Within 100 meters of a residential property	Ice surface, waterfront, dunk tank, motorized vehicles or equipment, bouncy castles, time of event, fireworks or pyrotechnics
Impact on Residents	Held inside facility. Little impact.	Parking may impact residents.	Noise control may be an issue, parking challenges
Special Requirement		Safety plan may be required.	Safety plan may be required.

Please note: The City of Peterborough reserves the right to determine the number of licenced security and/or police required at any event, based on the event type, size and risk.