

**Township of Perth East
Municipal Alcohol Policy**

Revised March 20, 2007

1. INTRODUCTION:

- 1.1. The Township of Perth East operates facilities where the use of alcohol is permitted under Permanent Liquor Licensed events or Special Occasions Permit (SOP) event and other facilities where alcohol is not permitted.
- 1.2. A Municipal Alcohol Risk Management Policy has been developed to reduce alcohol related problems within Municipal facilities, and at the same time, promote a safe, enjoyable environment for those who use those facilities. By reducing the potential for alcohol-related problems, the Township of Perth East reduces their risk of liability and fosters safe, enjoyable facility use for public enjoyment.

2. GOAL STATEMENT:

A Municipal Alcohol Policy provides the Township of Perth East staff and users of facilities guidelines for the reasonable use of alcohol, for the protection of property and for a safe and enjoyable experience.

3. POLICY OBJECTIVES:

- 3.1. To provide appropriate and reasonable procedures and education to individuals or groups wishing to hold events in municipal recreation facilities in order to encourage and enforce responsible drinking practices and adherence to the Liquor License Board of Ontario Regulations.
- 3.2. To reduce problems associated with excessive consumption and to reduce liability.
- 3.3. To ensure proper supervision and proper operation of licenced events in order to protect the organizers, the participating public, volunteers, and the Corporation and its staff from liability by providing education in prevention and intervention techniques and through effective management procedures.
- 3.4. To honour the decision of abstainers and to encourage their participation by providing alternative, non-alcohol beverages.
- 3.5. To provide for a balanced use of wet and dry facilities in order to ensure that consumers, abstainers, adults, youth and families will receive adequate service and protection.
- 3.6. To be proactive in the reduction of incidents including injury and death through the implementation of a municipal alcohol policy.
- 3.7. To develop an alcohol risk management policy that is easy to read and understand.

4. POLICY REGULATIONS:

Anyone who wishes to serve alcohol at a designated site must complete an agreement form that stipulates the conditions under which alcohol may be served. In addition, the responsible person may either obtain a Special Occasion Permit (SOP) from the Liquor License Board of Ontario or have the event under the Township of Perth East Permanent Liquor License if the event is being held at PERC.

The SOP holder must ensure that all conditions of the Liquor License Act, the Municipal Alcohol Policy and the Township of Perth East rental agreements are adhered to for the event. The Municipality reserves the right to refuse any applicant permission to run a licensed event on Municipal property and to impose on the event whatever restrictions it deems appropriate to the circumstances.

4.1. Regulation 1 – Facilities Eligible for Special Occasion Permit Events

Rationale: SOP sites must meet requirements set out in the Liquor License Act.

4.1.1 Special Occasion Permit

The Township of Perth East designates the following Municipally owned facilities and areas suitable for SOP functions subject to the event sponsor obtaining a Special Occasion Permit from the Liquor License Board of Ontario and agreeing to conditions as set out.

- Perth East Recreation Complex Banquet Facility
- Perth East Recreation Complex Auditorium
- Perth East Recreation Complex Arena Floor
- Perth East Recreation Complex grounds (Ag Society Pavilion)
- Shakespeare Park

4.1.2 Special Occasion Permit – Community Festival

The Township of Perth East designates the following Municipally owned facilities and areas suitable for SOP functions subject to the event sponsor obtaining a Special Occasion Permit from the Liquor License Board of Ontario and agreeing to conditions as described as a Community Festival.

- Morningdale Centennial Park
- Greenwood Park, Milverton
- Quinlan Park, Rostock
- Newton Park
- Lyle Yost Memorial Park, Millbank

All other recreational facilities and areas are not suitable for SOP events without written consent of the Council of the Township of Perth East.

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4.2. Regulation # 2 – Facilities Not Eligible for Special Occasion Permit Events

4.2.1. Municipal Parks

Rationale:

Municipal parks are locations where many family events occur. These parks are open parks absent of enclosures and controls and are not suitable for alcohol consumption.

4.2.2. Arena Dressing Rooms

Rationale:

The arena change rooms shall be clearly designated as areas not suitable for drinking alcohol before, during or after sporting events.

4.2.3. Arena Spectator Seating

Rationale:

The arena seating area is designated as not suitable for drinking alcohol due to safety concerns.

4.2.4. North Easthope Hall

Rationale:

Traditionally this hall has not been designated as a suitable location for licenced events.

4.2.5. Rostock Hall

Rationale:

Traditionally this hall has not been designated as a suitable location for licenced events.

4.2.6. Perth East Recreation Complex Swimming Pool

Rationale:

Alcohol is not permitted in this area due to safety concerns.

4.2.7. Administration Building

Rationale:

This facility is a work place and not suitable for alcohol related events.

4.2.8. Public Works Buildings

Rationale:

These facilities are a work place and not suitable for alcohol related events.

4.3. Regulation # 3 - Signage

4.3.1 Statement of Intoxication

Rationale:

In Ontario, it is illegal for anyone to serve a person to the point of intoxication. Signage provides authoritative support to servers and supervisors should they have to refuse service to consumers approaching the point of intoxication. This message indicates that the sponsor is aware of the Liquor License Act and the Municipal Alcohol Policy. This message is consistent with the LLBO Special Occasion Permit Application which states that the holder of the Special Occasion Permit and the facility owners are jointly responsible for the “safety and sobriety of the people attending the event.”

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The following sign shall be prominently displayed during all licenced events in all designated Municipal facilities.

“The Township of Perth East strives to provide facilities available for the enjoyment of all members of the community. Servers are required by law not to serve an intoxicated person or to serve anyone to the point of intoxication. Event organizers are pleased to also provide non-alcohol beverages and food items.”

4.3.2 R.I.D.E. Awareness

Rationale:

A 1980 Ontario Roadside study found that 12.7% of impaired drivers detected at roadside spot-checks were traveling from recreational facilities. In a 1986 survey, 5% of drivers above .05 were returning from a SOP event (Smart 1988). The following sign politely informs participants that Police regularly conduct roadside sobriety spot-checks. Consequently, drivers are aware of the possibility of apprehension should they be considering drinking and then driving.

The following statement will appear on a wall sign, supplied by the Municipality, which measures a minimum of 16 inches by 16 inches and located at the main entrance of a licenced event.

“The Sebringville Detachment of the Ontario Provincial Police Reduce Impaired Drivers Everywhere (RIDE) program thanks you for helping to reduce impaired drivers everywhere. We look forward to personally thanking you at one of our spot-checks for leaving this event a Sober Driver.”

4.3.3 Accountability

Rationale:

Although informed of the date, time and place of SOP events in their area, police do not always have the time to drop in. The Liquor License Inspector may not be readily available to check in on SOP events. The following sign informs the participants that there is a procedure for lodging complaints even if enforcement personnel are not present at the event.

The following information will appear on a wall sign measuring 16 by 16 inches and located at the main entrances and in bar areas of the event:

**“ Township of Perth East
Responsible Alcohol Management
Anyone concerned about the operation of this event can direct his or her comment to:**

PERC Department 40 Temperance Street Milverton, ON N0K 1M0 (519)595-8375	O.P.P. Sebringville Detachment P.O. Box 38 Sebringville, ON N0K 1X0 (519)393-6123
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(Event Name)

(Event Sponsor)”

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The wall sign will name the sponsor of the event and will provide the address and telephone number of the Municipal Department and the Ontario Provincial Police.

4.3.4 Event Service

Rationale:

While this policy addresses the need for control measures to be in place by event organizers, there is an additional need to assist the event organizers in the education of event participants. This sign informs the participants of some of the basic control measure for the event and should serve to assist such enforcement by event organizers.

The following information will appear on a wall sign and shall be prominently displayed during all Special Occasion Permit functions in all designated Municipal facilities.

1. **No more than four (4) drink tickets may be purchased by any person at one time**
2. **No more than four (4) drinks may be served to one person at one time**
3. **Food is available for purchase throughout the duration of this licenced event**
4. **Only single drinks will be served (no more than one shot in one glass)**
5. **Drink tickets must be purchased no later than 12:30 am**
6. **The bar will be closed at 1:00 am**
7. **There will be no last call**
8. **All entertainment will end at 1:00am**
9. **All tables will be cleared of alcohol by 1:30am**
10. **Facility must be vacated by 2:00 am**
11. **Unused drink tickets may be redeemed for cash during this licenced event, any time prior to 12:30 am.**

4.4 **Regulation #4 – Staffing**

4.4.1 Server Training

Rationale:

Reducing the risk of litigation requires not only the components of policy and procedures, but also the recruitment of appropriately trained supervisors and servers. The Municipality is morally obliged to inform volunteers of the potential for litigation and to provide them with the tools to avoid such action. In order to provide a safe environment and control behaviour, public event organizers must supervise entrances and exits. By controlling entry, underage, intoxicated, rowdy and/or unauthorized people can be prevented from entering an event. This will considerably reduce the likelihood of a problem occurring.

4.4.2 Requirements of Servers at SOP Events

In order to become eligible to hold a SOP function at a Municipal facility, the sponsor must demonstrate to the satisfaction of the Municipality that the event servers and ticket sellers have attended a Smart Serve course and have been trained in responsible server techniques.

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The event sponsors shall provide the Municipality with a list of bartenders, servers and monitors. Those who have previously over-served, served minors and served intoxicated patrons can be asked to not participate in the event. The skills and awareness obtained by the training provided in the Smart Serve Course will assist the sponsor in providing for a responsible SOP event.

Where possible, a list of individuals with Smart Serve Intervention training will be provided to the event sponsor.

4.4.3 Required Number of Servers

In addition to adhering to the contract requirements the sponsor must provide Smart Serve trained personnel according to the following guidelines. It is understood that the guidelines represent the required number of Smart Serve trained personnel only and that the sponsor will provide additional personnel numbers sufficient to operate an enjoyable and safe SOP event.

TYPE OF EVENT	Up to 300	301 - 500	500 and over
Private gatherings and Invitation Only events	1 Bartender 1 Floor Monitor 1 Ticket Seller	2 Bartenders 1 Floor Monitors 2 Ticket Sellers	4 Bartenders 1 Floor Monitor 2 Ticket Sellers
Private Outdoor Functions	1 Bartender 1 Floor Monitor 1 Ticket Seller	2 Bartenders 1 Floor Monitor 2 Ticket Sellers	4 Bartenders 1 Floor Monitor 2 Ticket Sellers
Public Events	1 Bartender 1 Floor Monitor 1 Door Supervisor 1 Ticket Seller	2 Bartenders 1 Floor monitor 1 Door Supervisor 2 Ticket Sellers	4 Bartenders 1 Floor Monitors 1 Door Supervisor 2 Ticket Sellers

4.4.4 PERC Servers

Any SOP events at PERC, which includes the Banquet Hall, Auditorium and Arena Floor, the PERC Manager will determine the number of municipal bar staff required to operate the bar based on the size of the event. The cost of bar service will be charged accordingly to the sponsor of the event. Additional volunteer ticket sellers, with Smart Serve, would be provided by the SOP event sponsor.

4.5 Regulation # 5 – Safe Transportation

Rationale:

The greatest risk of liability is viewed as the impaired driver leaving an alcohol related event. Awareness of police spot-checks for impaired drivers raises the possibility in the mind of the driver of probable apprehension. Positive tone reinforces responsible behaviour by most drivers and does not deter from party atmosphere of an event. The O.P.P. have initiated roadside spot-check programs for impaired drivers.

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Prior to receiving rental privileges of a Municipal facility for a licenced event, event sponsors shall be required to demonstrate to the satisfaction of the municipality that a safe transportation strategy be implemented. This strategy will include a designated driver program* or additional alternative home transportation options** (to prevent intoxicated participants from driving) combined with the promotion of the community's sober driver spot-checks.***

A. *Designated Driver

- designated driver program advertised at event;
- identified designated drivers (wearing button or other means of identification
- receive free non-alcoholic drinks such as coffee, pop, juice)

OR

B. **Alternate Transportation Options

- have sponsor drive intoxicated participant home and/or,
- call a friend, relative or taxi to assist intoxicated driver and/or collect keys upon entry and/or,
- if necessary, call police, warn or detain the impaired driver

4.6 Regulation # 6 – Incident and Occurrences

Township staff on duty during events will maintain an incident and occurrence log which shall be reported to the Manager of the facility.

4.7 Regulation # 7 – Event Deposit

The Municipality reserves the right to require an “Event Deposit”. Amount to be set out in the user agreement.

4.8 Regulation # 8 – Policy Monitoring and Revisions

The Municipality will perform revisions of the policy as may be required to allow for changes and modifications that may become necessary or come to light after policy implementation. All such revisions will be passed by Council and will be published as an updated version of the policy.

4.9 Regulation # 9 – Insurance

Rationale:

By insisting on insurance, potentially risky groups may be discouraged from sponsoring events since they may be unable to obtain insurance. Case law indicates that judges and juries are sympathetic towards the injured plaintiff. SOP permit holders, hall owners, club executives and volunteers could all be named in a lawsuit. Municipalities can be held jointly liable and could end up paying the predominant share of an award to a plaintiff should the sponsor be uninsured.

4.9.1 Insurance Requirements

The sponsor(s) of an SOP event being held in a municipally-owned facility are required to provide proof, at least 14 days prior to the event, that they have purchased a minimum of two million dollars in liability insurance. This public liability insurance shall state the Township of Perth East as an additional named insured with a cross liability clause

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holding the Township of Perth East harmless. The public liability insurance shall also name additional insured with a cross liability clause holding the additional named insured harmless as follows:

- a) Township of Perth East Council
- b) Township of Perth East Staff
- c) Township of Perth East Recreation Complex Advisory Committee

4.10 Regulation # 10 – Policy Promotion

Rationale:

Without a publicity campaign, the policy will have no impact on community behaviour. Most people are law-abiding citizens and will comply with rules if adequately informed. Public receptivity to the Municipal Alcohol Management Policy Publicity Campaign has been very positive in other communities. Publicizing the policy actually helps to affect public behaviour and compliance to the policy.

The Municipality will orient all community user groups to the Policy requirements and will promote the Policy to the community at large.

4.11 Regulation # 11 – Control

Rationale:

The law clearly states that the sponsor of an event has a “duty to control”, that is to protect participants from foreseeable harm to themselves or others. It would be difficult to demonstrate control if the control agents had been consuming an intoxicating substance.

Controlling the door to prevent underage, intoxicated and/or rowdy people from entering an event considerably reduces the likelihood of problems occurring. Properly trained floor supervisors are able to identify potentially troublesome situations and correct the problems before they are out of control. Selling tickets slows down the rate of consumption, as people are required to make two stops before getting their drinks. This provides event supervisors with the opportunity to look for signs of intoxication and to read the climate of the event.

The role of paid duty officer(s) or trained security personnel at an event is to generally keep the peace. It is still the responsibility of the event sponsors to ensure that all necessary controls and precautions are taken to have a safe and enjoyable event. It is unlawful to allow anyone under the legal age to consume alcohol at a licenced event. Reasonable precautions must be taken by event sponsors to ensure that the above is being enforced.

In order to be eligible to rent a Municipal facility for a licenced event, the sponsor must demonstrate to the satisfaction of the Municipality:

- a) that the alcohol management policy is understood;
- b) that the regulations will be strictly observed;
- c) that sufficient controls are in place which will assist in ensuring compliance to the policy.

4.11.1 Security Requirements

Written confirmation no later than forty-eight(48) hours prior to the function or facility rental that uniformed police officers or private security have been scheduled for the

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event where required. It is the role of the security to keep peace. Security can assist with checking identification; assist with managing unacceptable behavior; and patrolling the facility and parking lot.

TYPE OF EVENT	Up to 300	301 - 500	500 and over
Private gatherings and Invitation Only events	Do not require security at private functions, such as Wedding Receptions and invitation only events		
Public Outdoor Functions	Minimum 2 officers or private security	Minimum 2 officers or private security	Minimum 4 officers or private security
Public Events	Minimum 2 officers or private security	Minimum 2 officers or private security	Minimum 4 officers or private security

4.12 Regulation # 12 – Facility Occupancy Rating

Facility Capacity for SOP functions		
Note: facility ratings for non-alcohol functions may be increased		
Facility	Location	Maximum Capacity
PERC Banquet Hall	Perth East Recreation Complex	500
PERC Auditorium	Perth East Recreation Complex	200
PERC Arena Surface	Perth East Recreation Complex	1,200
Ag Society Pavilion & Fenced Area	Perth East Recreation Complex	500
Lyle Yost Memorial Park	Millbank	300
Shakespeare Park	Shakespeare	200

4.13 Regulation # 13 – Enforcement Procedures for Policy Violation

A violation of this policy occurs when SOP holders or individual(s) fail to comply with this policy, the conditions of the Liquor License Act of Ontario, or any other relevant legislation. A participant at the event, a municipal employee, a member of the Ontario Provincial Police Service or an Inspector of the L.L.B.O. can initiate intervention.

Municipal staff may at any time invoke the Trespass to Property Act in addition to the procedures herein described.

A member of the organizing group or the designated monitor may intervene by informing the offending individual(s) of the policy violation and that it ceases. Group members and monitors should feel encouraged to intervene in this way because intervention at other levels could result in loss of privileges, fines and legal charges.

A staff member with recognized authority in the Township of Perth East might intervene whenever he or she encounters a violation of the policy. Depending upon the severity of the violation, Municipal staff may ask the event organizers or individual(s) to stop the violation or

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they may close down the event. Should the event organizers or individual(s) fail to comply, the staff member may call the police for enforcement.

Where the Special Occasion permit holders or individual(s) have violated the Municipal Alcohol Policy, and have been confronted by a Municipal staff member, the group or individual(s) will be sent a letter advising them of the violation and indication that no further violation will be tolerated. At this time the Municipality may at their discretion revoke user privileges for the organizing group or individual(s), based upon the severity of the violation(s). The organizing group or individual(s) will also forfeit any deposit, if applicable. The organizing group or individual(s) will also be invoiced for any additional costs or damages.

Should members of an organized group or any individual violate the policy within one year of receiving notice of their first violation, the group or individual may be suspended from organized use of the Township of Perth East facilities and areas for a period of one year. The Municipality will send a registered letter to the contact person or individual advising of the suspension.

A member of the Ontario Provincial Police or L.L.B.O. Inspector may intervene in a violation of this policy on his or her initiative or in response to a request from either a Municipal staff member or a member of the general public. Depending on the severity of the infraction, charges may be laid under the Liquor License Act of Ontario and/or any other relevant legislation.

An individual or organized group may appeal to the Municipality to have their privileges reinstated.