

# City of Guelph Alcohol Risk Management Policy

Revised February 2015



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## Preamble

The City of Guelph owns and manages facilities where alcohol consumption is not permitted and other facilities, licensed by the LCBO, where alcohol consumption is permitted. The City of Guelph also owns and manages other facilities where alcohol consumption may be permitted only with a licensed Caterer's Endorsement or a Special Occasion Permit (SOP). These facilities include buildings where City services are provided as well as sport and cultural venues, sports fields, parks and gardens. The City of Guelph has developed this Alcohol Risk Management Policy in order to promote a safe, enjoyable environment for those who use these facilities and to prevent alcohol related problems that arise from alcohol consumption within City Property.

A range of problems and liabilities can arise from alcohol consumption. These problems can affect not only those who consume alcohol, but also other people who use the facilities and can include, but are not limited to :

- Vandalism and destruction of City property
- Injuries to drinkers and or other individuals
- Liability action arising from alcohol related injuries or death
- Increased insurance rates as a result of alcohol related incidents
- Loss of insurability should the insurer's risk assessment escalate
- Charges laid against the City or the Event Organizers under the Liquor License Act
- Suspension or loss of alcohol permit privileges by the Liquor License Board of Ontario
- Loss of enjoyment by patrons and participants
- 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

The majority of these problems will arise from drinkers who engage in four specific drinking practices:

- Alcohol consumption to intoxication
- Alcohol consumption and driving
- Underage alcohol consumption
- Alcohol consumption in prohibited areas

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

## **Purpose of the Policy**

The Alcohol Risk Management Policy consists of a range of measures designed to prevent alcohol related problems and to increase the enjoyment of those who use City Property. This policy is designed to facilitate responsible drinking where events involve alcohol consumption and to impede certain drinking practices that can lead to problems.

This policy is divided into four sections:

- Designation of facilities where alcohol use is prohibited
- Designation of facilities where alcohol use is permitted
- Management Practices and specifications of conditions under which alcohol use is permitted
- Enforcement of procedures for violations of the policy

## **Definitions**

### **ARMP**

Means the City of Guelph's Alcohol Risk Management Policy.

### **ARMP Committee**

Means City Staff who are appointed to a committee whose responsibility is to review applications under this Policy.

### **AGCO**

Means the Alcohol Gaming Commission of Ontario.

### **Catering Endorsement**

Means a certificate issued by the AGCO. A Catering Endorsement is required any time alcohol is offered for sale at a Private Event or at a Public Event hosted by an individual or a business.

### **City Property**

Means those facilities, lands, buildings, structures, premises or other real property for which the City of Guelph is the legal owner or over which the City has authority to grant use.

### **City Staff**

Means the City of Guelph staff identified by the City as the contact for either ARMP purposes or the City Property in question as the context requires.

### **Designate in reference to the Event Organizer**

Means an employee, agent, servant, representative, partner or other individual designated by the Event Organizer to manage the Event or to ensure compliance with the Event Organizer's responsibilities under the ARMP.

**Event**

Means any gathering, of any kind, whether social business or otherwise, and includes the set-up, tear down, clean-up and all other activities that occur in, on or around any City Properties related to the preparations for, conduct of or finalization of the Event and use of City Property.

**Event Organizer**

Means any person or organization applying to hold an event at City Property and includes the person or organization on whose behalf such persons apply or seek permission to hold the event, and the person listed as a sponsor on a Caterer's Endorsement for such event.

**Event Worker**

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

**LCBO**

Means Liquor Control Board of Ontario.

**Licensed Security**

Means security personnel (paid or unpaid) hired to monitor entrances and licensed areas and that are licensed under the *Private Security and Investigative Services Act (PSISA)*.

**Liquor License Act (LLA)**

Means the Provincial Act that establishes rules and regulations surrounding the sale and service of beverage alcohol in Ontario, outside of retail sale to the public.

**Monitor**

Means an Event Worker who monitors participant behavior, monitors for intoxication, responds to problems and complaints and works with the Server/Bartender to refuse service to intoxicated participants. ?

**Occasional Extension Authorization**

Means an authorization granted to an Ontario VQA Winery for the sampling and sale of VQA wines in Ontario farmer's markets for the two year pilot project commencing May 1, 2014.

**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 from the sale of alcohol.

**Server/Bartender**

Means an Event Worker serving or selling alcoholic beverages or selling or providing tickets for redemption for such alcohol, or who is acting as a bartender.

**Smart Serve**

Means the certification required by the Province of Ontario for anyone serving/selling alcohol or working in establishments where alcohol is served.

**Special Occasion Permit (SOP)**

Means a permit to serve and sell alcohol which is obtained from the AGCO and is required any time alcohol is offered for sale at a Public Event where the Event Organizer is any of the following:

- 1) A charity registered under the Income Tax Act (Canada);
- 2) An incorporated non-profit organization or association organized to promote charitable, educational, religious or community objects; or
- 3) An individual or business organizing or conducting an Event of provincial, national or international significance as agreed to by the Registrar of Alcohol and Gaming and the City of Guelph.

**Standard Drink**

A standard drink is defined as follows:

- (a) 341 ml (12oz) of beer, cider or cooler;
- (b) 29 ml (1oz) of spirits;
- (c) 142 ml (5oz) of regular wine;
- (d) 85 ml (3oz) of fortified wine.

## Section 1

### Application of Policy

This Policy applies to all Events on City Property where alcohol will be served either under Caterer's Endorsement, an SOP or an Occasional Extension Authorization, and applies whether the Event is hosted by the City or by a third party.

### Areas Designated where Alcohol Use is Prohibited

Unless specified in Section 2, the consumption of alcoholic beverages is prohibited in the majority of City Property. The City of Guelph Executive Management Team may change the designation of any site at its discretion.

## Section 2

### 2.1 Areas Designated where Alcohol is Permitted

#### 2.1.2 Areas Designated for Use of Alcohol

The Sleeman Centre and the River Run Centre are licensed establishments by the Liquor Control Board of Ontario. All alcohol sold or consumed in these facilities must be supplied by the City of Guelph.

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

The following City Property is currently designated for alcohol use under the authority of a Caterer's Endorsement (for Private Events) or an SOP (for Public Events).

Special Occasion Permits will no longer be permitted for Private Events. The City of Guelph Executive team may change the designation of any site listed, or not listed at its discretion.

##### Indoor Locations:

At City Hall:

Galleria

Room 112

Rooms A, B, C, D and hallway adjacent to these rooms

Staff Lunch Room

Council Caucus room

Outdoor courtyard

Centennial Arena

Civic Museum

Farmer's Market

West End Community Centre

Evergreen Community Seniors Centre

McCrae House

Victoria Road Recreation Centre

Exhibition Arena

##### Outdoor Locations:

Parks:

- Centennial Park
- Exhibition Park



- Margaret Greene Park
- Eramosa River Park
- Riverside Park
- Goldie Mill Park
- Guelph Lakes Sports Field
- York Road Park
- Royal City Park
- Hanlon Creek Park
- Silvercreek Park
- South End Community Park
- Royal City Jaycees Park
- John Galt Park

Civic Squares:

- Market Square
- St. George's Square

On Street/Road Allowance:

- Carden Street (between Wilson & Wyndham S)
- Wyndham N. (between Quebec & Woolwich)

## **2.2 Conditions for Private Events**

An Event Organizer who wishes to serve alcohol on a City Property for an Event that is closed to the general public and deemed to be a Private Event is restricted to using a Caterer's Endorsement only. The Event Organizer must complete an ARMP Agreement which stipulates the conditions under which alcohol may be served (see Appendix A). Special Occasion Permits are not permitted for Private Events serving alcohol. The licensed caterer is responsible for meeting all requirements of AGCO legislation regarding the sale and service of alcohol. Private Events with Caterer's Endorsement are subject to the requirements of the City's ARMP. The ARMP Committee reserves the right, in its sole discretion, to refuse an Event Organizer permission to run an Event on City Property.

## **2.3 Conditions for Public Events**

An Event Organizer who wishes to serve alcohol at a Public Event at a City Property must complete an ARMP Agreement that stipulates the conditions under which alcohol may be served (see Appendix A). In addition, the Event Organizer must obtain a Special Occasion Permit from the AGCO, if they are a registered charity or an incorporated non-profit organization. If the Event Organizer is an individual or business, they must operate a Public Event under a Catering Endorsement. The Event Organizer must ensure that all the conditions of the Liquor License Act and the City of Guelph ARMP are adhered to at the Event. The ARMP Committee reserves the right, in its sole discretion, to refuse an Event Organizer permission to run an Event on City Property.

## **2.4 Conditions for City Organized and Hosted Events**

Any City organized and/or hosted event at which alcohol will be served is restricted to using a Caterer's Endorsement. The responsible department must contact the Sleeman Centre first for available catering options. The Event Organizer must complete an ARMP Agreement which stipulates the conditions under which alcohol may be served (see Appendix A). Special Occasion Permits are not permitted for City organized and hosted events serving alcohol. City employees and departments are not allowed to obtain an SOP in their own name, nor can they use the City's charitable not-for-profit number for this purpose. The licensed caterer is responsible for meeting all requirements of AGCO legislation regarding the sale and service of alcohol. City organized or hosted events with Caterer's Endorsement are subject to the requirements of the City's ARMP. The ARMP Committee reserves the right, in its sole discretion, to refuse an Event Organizer permission to run an Event on City Property.

## **2.5 Designated Roles**

### **25.1 Role of City Staff**

City Staff will provide written information identifying the conditions and requirements of the ARMP to the Event Organizer upon request. Upon application City Staff will provide a list of requirements for the Event. Included in this list will be the ARMP Compliance and Planning Questionnaire which must be completed and returned at least 60 days prior to the Event (See Appendix B).

Upon receipt of the ARMP Compliance and Planning Questionnaire, the ARMP Committee will review and assess the Questionnaire and Event application and may approve the application, or request additional information and/or conditions for compliance, including but not limited to paid duty police requirements.

### **2.5.2 Role of Event Organizer(s)**

The Event Organizer or their Designate is responsible for the management and control of the Event in every respect, including but not limited to organization, planning, set up of the Event, training of their Designates and Event Workers, inspection of the City Property, the safety and sobriety of people attending the Event including those persons turned away to control the Event or because of intoxication, control of or access to the premises at any time during the occupation of City Property, response to emergencies at any time during the occupation of City Property, response to emergencies including contacting police or other emergency services, the return of City Property in vacant and proper

condition, as well as compliance with the Liquor License Act and the City of Guelph's ARMP and any other conditions of the permission for use of City Property granted by the City.

The Event Organizer or their Designate as identified in the Caterer's Endorsement or SOP must be present for the duration of the Event.

It is the Event Organizer's responsibility to ensure that Event Workers and Event guests are following the conditions and requirements laid out in the LLA, the ARMP and other agreements for use of City Property, and that sufficient numbers of trained Event Workers are in attendance and applied as needed to monitor, manage and control the Event and use of City Property for the purposes of their responsibilities. In no event shall delegation of a Designate relieve the Event Organizer of their responsibilities, liabilities or duties pursuant to the ARMP or pursuant to any contract with the City.

The Event Organizer has a duty to report to City Staff any incident that involves bodily injury or property damage or any LLA or ARMP violations, as soon as is practicable.

## **Section 3**

### **Event Management Practices**

All Event Organizers are required to adhere to the following management practices and conditions.

#### **3.1 Event Workers and Control**

All Event Organizers must complete an ARMP Compliance and Planning Questionnaire and submit it to the City at least 60 days prior to the Event. This form will supply details of the Event, the service of alcohol, and the Event Organizer's security plan. A copy of this form is attached to this Policy as Appendix B.

- 3.1.1 All Public Events requesting a licensed area capacity greater than 50 persons are required to provide Licensed Security. Proof of Licensed Security certification must be provided to the City at least two (2) weeks prior to the Event.
- 3.1.2 For Private Events security arrangements are the responsibility of the Caterer.
- 3.1.3 For both Private and Public Events, details of the security arrangements must be provided in the ARMP Compliance and Planning Questionnaire.

- 3.1.4 A Server/Bartender will accept only the types of photo identification that are listed on the AGCO website. No individual under the legal drinking age will be served alcohol.
- 3.1.5 The Event Organizer will ensure the Server/Bartenders do not serve alcohol to underage, intoxicated, rowdy or unauthorized people at the Event.
- 3.1.6 Servers/Bartenders and Monitors must be Smart Serve certified, details of which must be supplied in the Planning and Compliance Questionnaire.
- 3.1.7 Event Workers will supervise the Event to ensure legal drinking behaviour and ensure that any problems that arise are dealt with appropriately.
- 3.1.8 The Event Workers, while in an official capacity at the Event, will not consume alcohol during the Event, nor will they be under the influence of any alcohol consumed before the Event.
- 3.1.9 The Event Workers, while in an official capacity at the Event must wear an I.D. name tag or some type of identification that states they are an Event Worker.
- 3.1.10 The Event Organizer will be responsible for recognizing the need for assistance during the Event, and requesting it from the appropriate City Staff.
- 3.1.11 Permitted hours of alcohol service are dependent on the City Property being used for the Event.
- 3.1.12 The Event Organizer or their Designate must be present for the entire Event, and they or their Designate (who shall be named on the SOP or Catering Endorsement) are the person (s) responsible for the entire Event. The Event Organizer cannot consume alcohol prior to or during the Event. Event Organizers are responsible for the safety and sobriety of the people attending the Event.
- 3.1.13 The responsibility of the Event Organizer extends to the care and control of the individuals attending the Event. The Event Organizer must ensure that individuals do not consume alcohol in unauthorized areas or leave the function in an intoxicated state.

## **3.2 Sale of Alcohol**

- 3.2.1 A maximum of two drinks per person will be served at one time. Discounts may not be offered for volume ticket purchases.

- 3.2.2 No Standard Drink will be sold or supplied for less than \$2.00, including taxes, whether the liquor is sold separately or as part of a package that includes food.
- 3.2.3 There will be no “LAST CALL” announced.
- 3.2.4 Food, not snacks only, must be available when alcohol is being served. A description of the food to be provided at the Event will be required in the ARMP Compliance and Planning Questionnaire. For performances at River Run and Sleeman Centre, food does not have to be available if alcohol is sold and served for a maximum of one hour before a performance, during intermission and for one hour after the performance.
- 3.2.5 Alcohol may not be offered or given as a prize in a contest.
- 3.2.6 No alcohol advertising by the Event Organizer will be permitted in any City Property.
- 3.2.7 Marketing practices which encourage increased consumption, such as oversized drinks, double shots of spirits, drinking contests and volume discounts, are strictly prohibited.

### **3.3 Low Alcohol and Non-Alcohol options**

- 3.3.1 The Event Organizer will ensure that low alcohol and non-alcohol beverages are offered at the Event. Non-alcoholic beverages will be available at a lower cost than the alcoholic beverages. Energy drinks are prohibited.

### **3.4 Accountability**

#### **3.4.1 Signage**

The Event Organizer shall post signage for the Event as required under the guidelines of the AGCO, LLA and this ARMP relating to:

- SOP permit (acquired from AGCO)
- Fetal Alcohol Spectrum Disorder as specified in the LLA (to be posted regardless of the requirements under the Liquor Licence Act). A downloadable version of this sign is available on the AGCO website
- Signage clearly delineating the boundaries of the licensed area
- Signage identifying the low alcohol and non-alcoholic beverages available at the event

#### **3.4.2 Insurance and Indemnity**

The Event Organizer will provide the City an original certificate of insurance with a minimum of five million dollars liability insurance and name The City of Guelph as an additional insured, at least two weeks prior to the Event. The insurance coverage must also include host liquor liability. The Event Organizer shall indemnify and save the City of Guelph, its directors, officers, employees and agents, harmless from and against any and all claims, damages, losses, liabilities, demands, judgments, causes of action, legal proceedings, economic loss, penalties or other sanctions and any and all costs and expenses arising in connection therewith (including legal fees and disbursements on a solicitor-client basis) that may, directly or indirectly, result from, arise out of or be in relation to (i) any breach, violation or non-performance by the Event Organizer, or by any of its employees, subcontractors or other persons for whom it is responsible, of any term, condition, representation, warranty or covenant contained in the ARMP or in any agreement with the City; and/or (ii) any negligent act or omission of the Event Organizer or any of its employees, subcontractors or other persons for whom it is responsible at law or in equity.

### **3.5 Safe Transportation**

- 3.5.1 The Event Organizer will be responsible for promoting and advertising a safe transportation option(s) for all drinking participants. Examples of safe transportation options are:
- A designated driver selected from non-drinking participants at the event;
  - A designated driver provided by a sponsoring group; or
  - A taxi paid by either the sponsoring group or the participant.

### **3.6 Other**

- 3.6.1 The City of Guelph reserves the right to introduce other conditions from time to time at its discretion.

### **3.7 Occasional Extension Authorizations from AGCO**

- 3.7.1 Commencing May 1, 2014, the AGCO will grant occasional extension authorizations to VQA winery retail stores for sales in farmer's markets for a two year pilot project. .
- 3.7.2 To be eligible to apply for an Occasional Extension Authorization, a winery must:
- Have a valid AGCO manufacturer's licence;
  - Operate an authorized on-site winery retail store; and
  - Produce VQA wine
- 3.7.3 A request from an Ontario winery wishing to provide product sampling within the Guelph Farmer's Market is subject to review by the ARMP Committee and must comply with this Policy. Such requests will be subject to any conditions imposed by the Committee.

## **Section 4**

### **Enforcement Procedures for Policy Violation**

#### **4.1 Areas Where Alcohol Consumption has not been Designated**

##### Failure to Comply

- 4.1.1 A violation of this policy occurs when individuals consume alcohol at an Event in a City Property or area of a City Property where alcohol consumption has not been designated.
- 4.1.2 A member of the Guelph City Police, the O.P.P, or a City By-law Officer may intervene in a violation of this policy on his or her initiative or in response to a request from either a City Staff member, an Event Worker, or a member of the general public. The officer may ask that the alcohol consumption stop, or can order individuals or organized group to leave the City Property. In addition, a police officer may, at his or her discretion lay charges against the offending individuals under the Liquor License Act of Ontario or any relevant legislation.
- 4.1.3 Where a member or members of a Private Event or Public Event have violated this section of the ARMP, the group will be suspended from organized use of any City Property for a licensed Event, the duration of suspension being subject to review by City Staff. A letter will be sent to the Event Organizer advising of the suspension. A copy of the suspension letter will be provided to City Council.

#### **4.2 Areas Where Alcohol Consumption has been Designated**

##### Failure to Comply

- 4.2.1 A violation of this policy occurs when the Event Organizer fails to comply with the conditions of the Liquor License Act of Ontario or the ARMP.
- 4.2.2 A member of the Guelph City Police, the O.P.P. or a City By-law Officer may intervene in a violation of this policy on his or her initiative or in response to a request from either a City Staff member, an Event Worker, or a member of the general public. The officer may ask that the alcohol consumption stop, or can order individuals or organized group to leave the City Property. In addition, a police officer may, at his or her discretion lay charges against the offending individuals under the Liquor License Act of Ontario or any relevant legislation.
- 4.2.3 A violation under this section may require the Event to be closed down immediately.

- 4.2.4 Where a member or members of a Private Event or Public Event have violated the ARMP, the group will be suspended from organized use of any City Property for a licensed Event, the duration of suspension being subject to review by City Staff. A letter will be sent to the Event Organizer advising of the suspension. A copy of the suspension letter will be provided to City Council.

## Policy Review

The City of Guelph ARMP will undergo periodic review.

### Appendix A

#### ARMP Agreement

This ARMP agreement is between:

THE CORPORATION OF THE CITY OF GUELPH,

an Ontario municipality

("City")

- and-

("\_\_\_\_\_")

1. I acknowledge that I have read the ARMP Policy document in full and understand the terms and conditions under which alcohol may be served.
2. I understand that for a Private Event, I am restricted to using a Caterer's Endorsement for the service of alcohol.
3. I understand that for a Public Event for a registered charity or a non-profit organization,, I must obtain a Special Occasion Permit from the AGCO or a Catering Endorsement.



4. I understand that for a Public Event for an individual or business, I must obtain a Catering Endorsement.
5. I agree to ensure that all conditions of the *Liquor License Act* and the City of Guelph ARMP are adhered to at the Event.
6. I understand that if any infraction of the ARMP or the *Liquor License Act* occurs at the Event, the City will suspend my organization from using any City facility for a licensed Event, the duration of the suspension being subject to review by City Staff.
7. I understand that I can be held liable for any injuries or damages that arise from failing to adhere to the conditions of this ARMP or the *Liquor License Act*, or from otherwise taking action to prevent a foreseeable harm from occurring.
8. I understand that the Guelph Police Service or an AGCO Inspector can lay charges for infractions of the *Liquor License Act* or any other relevant legislation.
  
9. I ACKNOWLEDGE THAT I HAVE READ THIS DOCUMENT IN FULL AND UNDERSTAND THE TERMS OF USE AND MY RESPONSIBILITIES AS AN EVENT ORGANIZER. I AGREE TO THESE TERMS IN THEIR ENTIRETY AND AGREE TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS POLICY.

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Signature of Event Organizer

For a full explanation of Special Occasion Permits and the regulations of the AGCO please visit [www.agco.on.ca](http://www.agco.on.ca)