

Request for Decision United Townships of Head, Clara & Maria Council

Type of Decision									
Meeting	Friday, May 23, 2014				Report	Friday, May-02-14			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed
#23/05/14/1203 – Municipal Alcohol Policy									

Subject:

An updated Municipal Alcohol Policy to ensure that the assets of the municipality are protected and that users of municipal facilities are made aware of proper alcohol service practises.

RECOMMENDATION:

That Council adopt the attached policy.

WHEREAS a comprehensive Municipal Alcohol Policy will help to promote a safe, responsible and enjoyable environment for people using municipal facilities during alcohol licensed events;

AND WHEREAS a policy well-advertised and followed will assist in preventing alcohol related problems at licensed events;

AND WHEREAS a reference tool provided for event organizers will help facility users to successfully operate events which include alcohol service and protect municipal assets;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby agree to adopt the updated and amended document entitled Schedule "A" to By Law 2008-29 MUNICIPAL ALCOHOL POLICY as its current policy to be followed by all facility users and to become effective immediately.

BACKGROUND/EXECUTIVE SUMMARY:

The municipality owns and manages facilities and property where alcohol consumption is not permitted and other facilities and property where alcohol consumption is permitted under the authority of a Special Occasion Permit.

The Municipality has developed this Municipal Alcohol Policy (Policy) in order to promote a safe, responsible and enjoyable environment for those who use these facilities. It will also prevent alcohol related problems that may arise from alcohol consumption within its facilities, parks and properties. Equally important the policy will provide a reference tool and guide for the use of event organizers to successfully operate events which include the service of alcoholic beverages.

Problems arise with the irresponsible consumption of alcoholic beverages. These problems can affect not only the person or persons consuming alcohol, but other people who use the facilities as well as the general public. This policy is to help manage events successfully so that problems do not occur or at least are minimized. Procedures to follow are included to provide guidance during event management in municipal facilities.

The policy is Council's guidance during events reflecting legislated requirements and Smart Serve guidelines ensuring safe operation of events where alcohol is served. Secondary and also important is the minimization of municipal liability.

Financial Considerations/Budget Impact:

There is no immediate financial or budget impact. Finances may come into effect if and when a problem related to alcohol consumption or service has occurred. The more the municipality can show that it promoted safe and responsible alcohol service, the better it can protect itself in the event of an incident. Secondary to the promotion of safe and responsible alcohol consumption and service is the protection of municipal assets, minimizing liability.

Funds have been spent to complete Smart Serve training for municipal volunteers.

Policy Impact:

Updated policy created in 2008 with a more comprehensive document.

Approved and Recommended by the Clerk

Melinda Reith,
Municipal Clerk

Additional Resources

<http://www.southwesternontario.ca/news/what-will-happen-to-the-buck-and-doe/>

http://www.ibc.ca/en/Business_Insurance/Risk_Management/Liquor_Liability.asp

http://www.e-laws.gov.on.ca/html/regis/english/elaws_regis_910389_e.htm

The permit holder shall provide security sufficient to ensure that unauthorized persons do not attend the event and to ensure that the conditions of the permit and requirements of the Act are observed. O. Reg. 389/91, s. 22 (1).

(2) In determining whether security is sufficient under subsection (1), the permit holder shall consider,

- (a) the nature of the event;
- (b) the size of the premises; and
- (c) the age and number of persons attending the event. O. Reg. 389/91, s. 22 (2).

<http://www.subject-control-and-combative-systems.com/liquorlicense.html>

The Ontario Liquor License Act FAQs

The Ontario Liquor License Act (L.L.A.) contains civilian use of force provisions but not civilian arrest authorities. It provides civilian authorities, in Ontario, with statutory use of force authority for the protection of their liquor license, licensed premises and persons on those premises. It provides arrest authority for Police only.

This is the act which empowers Ontario staff at licensed events or on licensed premises to use force when necessary to evict people from their property or event. This Act applies only on licensed premises or licensed events and does not apply at any non-licensed event or venue.

Here are the most frequently asked questions relating to the Liquor License Act (L.L.A)

What is a "private place" according to the LLA and what does it mean for corporate security?

3. (1) For the purposes of clauses 30 (13) (a) and 31 (2) (c) of the Act, "private place" means a place, vehicle or boat described in this section. R.R.O. 1990, Reg. 718, s. 3 (1).

(2) An indoor place to which the public is not ordinarily invited or permitted is considered to be a private place except at the times when the public is invited or permitted access to it. R.R.O. 1990, Reg. 718, s. 3 (2).

(3) Despite subsection (2), an indoor place that is available for rental by members of the public for occasional use is not a private place. R.R.O. 1990, Reg. 718,

According to section 34 of the LLA, what are the three main reasons for asking someone to leave a licensed premise?

34. (1) The holder of a license or permit issued in respect of premises shall ensure that a person does NOT remain on the premises if the holder has reasonable grounds to believe that the person,

- (a) is unlawfully on the premises;
- (b) is on the premises for an unlawful purpose; or
- (c) is contravening the law on the premises.

How much force can be used to remove a person for any one of the above three reasons?

34(2) No more force than is necessary.

Does a security officer have any arrest authorities under the LLA?

No, not for security officers, other civilians or even other "agents" of the license holder, only the police. However, does the T.P.A. (Ontario Trespass to Property Act) also apply on private, licensed premises? Yes, as does the Criminal Code and various other laws and regulations. Just be sure to correctly name which law you are drawing your authority from in each situation. Name the wrong one and your arrest may well be deemed unlawful.

Can security prohibit the entry of a person onto a licensed premise even if they have a paid ticket and have not been drinking? Why or why not?

Yes, you have the right to refuse entry if: (5) A licensee or employee of a licensee who has reason to believe that the presence of a person on the licensee's licensed premises is undesirable may,
(a) request the person to leave; or
(b) forbid the person to enter the licensed premises.

Is the removal of a person from a licensed premise considered an arrest/detention according to the Charter of Rights? Why or why not?

No because there is no intention nor L.L.A. authority to detain or arrest. There is only authority to effect the removal of the person(s) from the licensed premises or event.

The Liquor License Act and the Trespass to Property Act are the primary workhorses of the Ontario security industry. Problems arise however when individuals mix up these Acts or their authorities. We will continue to add to this FAQs page as needed.