



POLICY NO.
DATE ENACTED:
AMENDED BY:
PAGE:

P09-Alcohol
July 19th, 1999
#C-248-04
1 of 19

SUBJECT: MUNICIPAL ALCOHOL RISK MANAGEMENT POLICY

That the Municipal Alcohol Risk Management Policy, as attached to Report CAO 22/99 dated July 2nd, 1999, be adopted.

(CAO 22/99)

Amended by Report REC 11/04

Municipality of Leamington Alcohol Management Policy

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MUNICIPAL BYLAW

As per Confirming By-law 522-04

Please be advised that the Council of the Corporation of the Municipality of Leamington, at its meeting held Monday, June 14, 2004, enacted the following resolution;

No. C-248-04

That Council adopt the updated Municipal Alcohol Management Policy dated 2004 as presented by Administration;

And further, that Municipal Administration be directed to implement the recommendations in the policy (REC 11/04.)

INTRODUCTION

The Municipality of Leamington owns and manages facilities where alcohol consumption is not permitted, and other facilities where alcohol consumption is permitted under the authority of a Special Occasion Permit. The Municipality of Leamington has developed an alcohol risk 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 also other people who use the facilities. These problems include:

- vandalism and destruction of Municipal property
- police being called to Municipal property
- injuries to drinkers or other individuals
- liability action arising from alcohol related injuries or deaths
- increased insurance rates as a result of alcohol related incidents
- loss of insurability should the insurer's risk assessment escalate
- charges laid against the Municipality 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-drinking and moderate drinking 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

In many instances, these problems will not be attributable to moderate drinkers or 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.

Goal of the Municipal Alcohol Policy

The Municipality of Leamington wishes:

1. to ensure there are effective management practices at social events held in municipally owned facilities where alcohol use is permitted
2. to reduce alcohol-related problems at these social events
3. to protect the municipality, its staff, community organizations, volunteers and participants from contributing to a problem which could result in a lawsuit

Policy Objectives

1. to designate facilities where alcohol use is permitted
2. to designate facilities where alcohol use is prohibited
3. to provide operational procedures for those holding events in municipally owned facilities where alcohol use is permitted
4. to comply with the provincial Liquor License Act
5. to ensure that events where alcohol use is permitted are properly supervised and operated
6. to equip staff and volunteers with the skills they need to manage events and enforce the policy

Conditions for Special Occasion Permits

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 (**see Appendix B**). In addition, the responsible person must obtain a Special Occasion Permit from the Alcohol and Gaming Commission of Ontario (AGCO). The Special Occasion Permit holder must ensure that all the conditions of the Liquor License Act and the Municipality of Leamington are adhered to at the event.

The Municipality of Leamington reserves the right to refuse any applicant permission to run a licensed event on its property and to impose on the event whatever restrictions it deems appropriate to the circumstances.

The Municipality of Leamington reserves the right to introduce other conditions from time to time at its discretion.

The Municipality of Leamington, in the interest of public safety may, in its discretion, direct termination of a Special Occasion Event (i.e. rowdy behaviour.)

The Municipality shall not be liable to the organization for any costs, damages, loss of profit or any other amount for terminating the event.

Facilities and Outdoor Areas Not Eligible for Alcohol Use

Leamington Kinsmen Recreation Complex:

- Lobbies
- Arena Seating and Standing areas
- Dressing Rooms/Change Rooms
- Pool Deck and Pool Viewing Area
- Weight Room
- Jogging Track
- Courts and Court Viewing Areas

Municipal Parks (Council By-law #3469):

- All municipally owned parks, beaches and green spaces not designated as eligible for alcohol use
- All outdoor sports facilities

Other Areas:

- All other municipally-owned facilities and buildings not designated as eligible for alcohol use
- Street parties

All users who have a permit/contract to use the above parks and facilities will be asked to sign a form agreeing that people included in the activity or event will not consume alcohol.
(see Appendix A)

Leamington Municipal Council may change the designation of any park/facility/street to allow alcohol at its discretion. A complete list of these areas can be obtained from the Municipal Offices.

Facilities Eligible for Alcohol Use Events

Leamington Kinsmen Recreation Complex

- Gymnasium
- Fitness Studio
- Sherk Auditorium
- Leamington Meeting Room (Heinz Arena)
- Locker Room Lounge
- Heinz Ice Surface (*during times when ice is out*)
- Unico Ice Surface (*during times when ice is out*)

Leamington Marina - (see attached Map page 18)

- Lounge (Main Marina Building)
- Patio (Area in front of Main Marina Building)
- Marina Picnic Shelter
- Deck/Green Area Behind Shelter

Leamington Arts Centre

- Gallery (Main Floor)

All permit holders must comply with the Municipal Alcohol Policy.

Required Ratio of Event Workers *at Alcohol Events*

NUMBER OF PARTICIPANTS	BARTENDERS	FLOOR SUPERVISORS	DOOR SUPERVISORS	TICKET SELLERS
Under 25	1 (1*)	0	1	0
25 to 50	1 (1*)	1 (1*)	1 (1*)	1 (1*)
51 to 100	2 (1*)	2 (1*)	2 (1*)	2 (1*)
101 to 200	2 (1*)	3 (1*)	3 (1*)	2 (1*)
201 to 300	3 (1*)	3 (1*)	3 (1*)	3 (2*)
301 to 400	3 (1*)	3 (1*)	4 (2*)	3 (2*)
401 to 500	4 (1*)	4 (2*)	4 (2*)	5 (3*)
501 to 750	6 (1*)	6 (3*)	6 (2*)	6 (3*)
751 to 1300	8 (1*)	8 (4*)	8 (4*)	8 (4*)

* indicates minimum number that must be Smart Serve Ontario certified

BEER TENTS/OUTDOOR EVENTS – Maximum Number of Participants to be determined by the Municipal Fire Chief and the Municipal Building Inspector based on the number of exits, washrooms, and the floor area.

The role of event workers is not only determined by the number of participants, but by the design and location of the facility e.g., walls restricting clear view of participants, stairs, door access and exits, washroom accessibility, proper lighting, room capacity and fire regulations

Volunteer Job Descriptions and Responsibilities

Permit Holder: Signs the alcohol permit, is the general manager of the event and assumes responsibility and liability for the operation of the event.

Event Sponsor: She/He must attend the event, ensure that adequate server-trained staff are available, co-ordinate and help staff, ask for help from security if necessary.

Bartenders: Accept tickets for the purchase of alcohol drinks, serve drinks, monitor for intoxication, refuse service when patron appears to be intoxicated or near intoxication and offer no-alcohol substitutes.

Floor Supervisor/Monitor: Chats with participants, monitors patron behaviour, monitors for intoxication, responds to problems and complaints, refuses service, removes intoxicated persons, suggests safe transportation alternatives.

Door Supervisor/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, recommends safe transportation options, and arranges for coat checking.

Ticket Seller: Sells alcohol tickets to a maximum of four (4) per person per purchase, monitors for intoxication, refuses sale to patrons at or near intoxication, refunds tickets on request.

Special Security: Patrols the room, scans for potential trouble, notifies event staff and permit holder of potential incidents, helps event staff in handling disturbances.

**Event staff work as a team.
This provides support for all team members
and ensures that any potential problems
are quickly identified and dealt with**

Signs at Alcohol Permitted Events

1. A sign must be posted at the bar and at the ticket counter in all facilities designated as eligible for alcohol stating the law on serving to intoxication and minors.

The sign will reflect the following message:

The Municipality of Leamington strives to provide recreation facilities for the enjoyment of all members of the community.
Our servers are required by law not to serve an intoxicated person or to serve anyone to the point of intoxication.
You must be 19 years of age or older to purchase or consume alcoholic beverages.
Acceptable proof of age must be provided by the consumer.

2. A sign, approved by the Municipality of Leamington must be posted, stating the name of the Special Occasion Permit holder and the telephone number of the facility operator and the Alcohol and Gaming Commission of Ontario.

Name of Permit Holder & Rental Group
Leamington Police: 326-6111
Alcohol and Gaming Commission of Ontario: 1-800-522-2876
Leamington Department of Culture & Recreation Services: 322-233

3. A sign must be posted in all facilities designated as eligible for alcohol thanking designated drivers for their contribution to the health and safety of their friends and the community at large.

We appreciate our Designated Drivers and thank them for their contribution to the health and safety of their friends and the community.
In recognition of your contribution, we are pleased to offer free coffee and soft drink

Management Practices: Before the Event (Where Alcohol Permitted)

Event Sponsor/Permit Holder Responsibilities

1. The organizing group must get the appropriate Special Occasion Permit from the Alcohol and Gaming Commission of Ontario, obtained at the local LCBO and show proof of the approved permit to the Municipal Representative at least five days prior to the event.
2. When applying for the permit, the organizing group must notify the following agencies in writing with a “Notification Package” of the proposed event, including a floor plan or site map:
 - **Leamington Police Department**
Note: The Chief of Police will notify the renter of requirements for crowd control and policing of the event.
 - **Leamington Fire Department**
*Note: If a tent is being used, the Notification Package must include a copy of the tent’s “**Flame Spread Rating Certificate**” available from the Rental Company.*
 - **Windsor-Essex County Health Unit**
 - **Leamington Municipal Building Department**
Note: Notification needed only if the event is outdoors and/or requires the erection of a tent or structure.

A copy of the floor plan/site map must accompany the Special Occasion Permit application.

(see page 17 for addresses) Letters and site maps of Marina available at the Dept. of Recreation Office.

3. Renters must show a municipal representative that they understand the policy and their obligations and that they intend to comply with its regulations by signing the rental agreement **(see Appendix B)**. Failure to do so will result in the application being denied, even if a Special Occasion Permit has been obtained from the AGCO.
4. The permit holder must provide proof of liability insurance (\$2 million minimum) to the municipal representative at least 14 days before the event naming the Municipality of Leamington as an additional insured. The permit holder will indemnify and save the Municipality of Leamington harmless from all claims arising from the permit or event.
5. The permit holder must provide a list of all bartenders, servers and other event workers, aged 19 or over to the Municipality at least 14 days before the event. Monitors will supervise the event; encourage legal and moderate drinking behaviour and ensure that any problems that arise are dealt with appropriately. The permit holder must ensure that only those listed will serve alcohol.
6. Before the event begins, the permit holder and Municipal Staff must ensure the physical setting is safe for drinkers and non-drinkers. The facility must be adequately lit, signs visible and stairs clear.

Management Practices: Before the Event (cont'd) ***(Where Alcohol Permitted)***

7. The permit holder must agree to attend the event and be responsible for making decisions about the operation of the event based on the Municipal Alcohol Policy and the Liquor License Act of Ontario.
8. At least one member of the organization/group wishing to rent a Municipal facility associated with a Special Occasion Permit must be Smart Serve Ontario certified. The certified person must be present at the event.
9. The permit holder will ensure that a portion of the alcoholic beverages offered consists of low alcohol options (i.e. low alcohol beer, light wine and low alcohol spirits). Further, the permit holder must endeavour to provide coffee/soda drinks.
10. **NO** “high alcohol” beer or coolers (over 5%) are to be served.
11. The renter understands that “food services” to be offered at special events must be approved by the Windsor-Essex County Health Unit. As well, Ontario Food Premises regulations are available through the local health unit office.

Management Practices: During the Event (Where Alcohol Permitted)

1. The permit holder will accept only an Age of Majority card, a photo driver's license, or a passport as identification for alcohol purchase or consumption.
NO MINORS ALLOWED, unless approved two weeks in advance by the facility operator.
2. The monitors, bartenders, servers and permit holder will not consume alcohol during the event, nor will they be under the influence of any alcohol consumed before the event.
3. The Municipalities specified ratio (page 5) of event workers to participants must be adhered to.
4. All event workers must wear highly visible identification e.g. shirts or badges.
5. The entrance must be monitored by at least one person, aged 19 or over. This allows staff to screen for identification and to ensure under age, intoxicated, rowdy or potentially troublesome patrons are not allowed entrance.
6. Each exit must be monitored by at least one person, 19 years of age or over. This allows you to take reasonable steps to prevent impaired people from driving. This can include using a designated driver either from the non-drinking participants at the event or from your group of helpers or a taxi paid by either your group or the participants. If these efforts fail, staff may attempt to detain impaired drivers and call the police.
7. The renter will be responsible for providing and paying for (if required) the ticket taker and seller, and for crowd control and policing. Crowd control and policing will be at the discretion of the Chief of Police **(see Page 8 Paragraph 2)**.
8. All event workers must be sober and drink no alcohol while the event is in progress. (Workers may only drink alcohol if they have completed their shift and their work responsibilities have ended for the entire event.)
9. Patrons must purchase drink tickets from a designated ticket seller to a maximum of four tickets or drinks per purchase per person. No discounts will be offered for volume purchase of tickets.
10. Do not contravene the Liquor License Act by serving minors, intoxicated patrons, or by serving to intoxication. Ensure that serving staff know the signs of intoxication and are prepared to cut off patrons.
11. The permit holder and event staff must intervene if patrons begin to engage in risky or inappropriate activities that could harm themselves or others.
12. The permit holder will be responsible for recognizing the need for assistance during the event, and requesting it from the appropriate Municipality of Leamington staff.

Management Practices: During the Event (cont'd) ***(Where Alcohol Permitted)***

13. All bartenders are responsible to see that no beer/liquor bottles be allowed to leave bar facility for consumption. Bartenders are responsible for enforcing the liquor regulations as set by the L.C.B.O. All bartenders are encouraged to be Smart Serve Ontario certified.
14. If an alcohol-related violation occurs, act promptly to rectify the situation. Whenever the Liquor License Act is violated, you are at risk of being charged and of having a liability action launched against you.
15. No self-serve of alcohol is permitted.
16. In order to reduce the levels of intoxication and the rate of consumption, staff should encourage patrons to consume food, low alcohol beverages and non-alcoholic beverages.
17. In order to reduce the risk of intoxication, avoid serving oversize drinks, double shots of spirits, or beer in pitchers. Do not allow drinking contests, volume discounts, or any other marketing practices, which encourage increased alcohol consumption.
18. All outdoor events and their entertainment are governed by the Municipal Noise Bylaw #431-03. Hours of operation and entertainment start and finish times will be determined by council on an individual event basis.
19. There must be no "LAST CALL." Ticket sales will not be permitted after 12:30 a.m. Bar will close no later than 1:00 a.m. and all lights will be turned on.
20. If tickets are purchased for drinks, refund unused tickets for cash on demand. To do otherwise encourages increased consumption and intoxication.
21. All spirits, wine and beer must be removed from the tables by 1:30 a.m. All remaining spirits, wine and beer must be removed from the facility immediately after 1:30 a.m. Any left at the facility are the responsibility of the renter.
22. Facilities must be vacated by 1:45 a.m. per the Liquor License Act of Ontario.

Management Practices: After the Event

Both Alcohol and Non-Alcohol Events

1. The renter will be responsible for the clean up of facilities used. This will include the wiping of tables, counter tops, washing and drying of any utensils used and the removal of all decorations. Renter must supply detergent, tea towels, dish cloths, etc., necessary for proper kitchen clean up.
2. Any damage to the facility and/or property during contracted times will be compensated in full and expenses will be invoiced to the renter.
3. The renter will be extra billed for all additional costs of labour to the department resulting from special set-ups or if additional clean up required.

Enforcement Procedures and Penalties

Facilities and Areas Where Alcohol is Permitted

A violation of this policy occurs when the Special Permit holder fails to comply with the conditions of the Liquor License Act of Ontario or the Municipal Alcohol Policy.

Intervention can be initiated by:

- a participant at the event
- a group member from the rental organization
- a staff member with recognized authority in the Municipality of Leamington
- a member of the Leamington Police
- an Inspector of the Liquor License Board of Ontario

Enforcement Procedure:

1. A participant at the event should notify a member of the organizing group of the violation.
2. A member of the organizing group should inform the offending individual(s) of the policy violation and ask that it stop. If this fails, call police for enforcement.
3. A staff member should inform the organizers of the event to stop the violation or they may close down the event. If this fails, call police for enforcement.
4. A Police Officer or Inspector from the Liquor License Board will intervene if they are on site or in response to a call from a staff member or group member. The offending individual(s) will be informed that they are in violation of the policy and be asked to stop. The offender(s) and perhaps the organizing group may be asked to leave the facility or area. Charges may be laid against the offending individual(s) under the Liquor License Act of Ontario.

Penalties:

1. Where the Special Occasion Permit holders have violated the municipal policy, and have been confronted by Municipality of Leamington staff, the group will be sent a registered letter advising of the violation, and indicating that no further violations will be tolerated.
2. Should the Special Occasion Permit holders violate the policy within one year of receiving notice of their first violation, the organizers will be suspended from organized use of the Municipality of Leamington facility or area for a period of one (1) year. A registered letter will be sent to the contact person advising of the suspension. A copy of the suspension letter will be provided to Municipal Council.
3. An individual or organized group may appear as a delegation to Council to appeal their suspension or to have their privileges re-instated.

Enforcement Procedures and Penalties

Facilities and Areas Where Alcohol is Prohibited

A violation of this policy occurs when individuals consume alcohol in a municipal facility or area where alcohol consumption is prohibited.

Intervention can be initiated by:

- a participant at the event
- a group member from the rental organization
- a staff member with recognized authority in the Municipality of Leamington
- a member of the Leamington Police

Enforcement Procedure:

1. A participant at the event should notify a member of the organizing group of the violation.
2. A member of the organizing group should inform the offending individual(s) that municipal policy prohibits alcohol consumption and ask that it stop. If this fails, call police for enforcement.
3. A staff member should inform the offending individual(s) that municipal policy prohibits alcohol consumption and ask that it stop. Staff may request that the offender(s) or group leave the facility or area. If this fails, call police for enforcement.
4. A Police Officer will intervene if they are on site or in response to a call from a staff member or group member. The offending individual(s) will be informed that municipal policy prohibits alcohol consumption and be asked to stop. The offender(s) and perhaps the organizing group may be asked to leave the facility or area. Charges may be laid against the offending individual(s) under the Liquor License Act of Ontario.

Penalties:

1. When a member(s) or organized group(s) have violated the municipal policy, and have been confronted by Municipality of Leamington staff, the group will be sent a registered letter advising of the violation, and indicating that no further violations will be tolerated.
2. Should members of an organized group/team violate the policy within one year of receiving notice of their first violation, the group will be suspended from organized use of the Municipality of Leamington facility or area for a period of one (1) year. A registered letter will be sent to the contact person advising of the suspension. A copy of the suspension letter will be provided to Municipal Council.
3. An individual or organized group may appear as a delegation to Council to appeal their suspension or to have their privileges re-instated.

**APPENDIX A
PROHIBITED AREAS**

SPORTS ACTIVITY AGREEMENT

Name of Team/Group _____
(please print)

Name of Contact Person _____
(please print)

Address & phone: _____
(please print)

Name of Facility _____
(please print)

In consideration of the Municipality of Leamington permitting us to use its facilities, it is hereby acknowledged and agreed that:

- 1) I/we understand that alcohol cannot be consumed in the Municipality of Leamington facilities and areas in compliance with the Liquor License Act of Ontario and the Municipal Alcohol Management Policy.
- 2) I/we understand that if any member of my league/team is consuming alcohol in these facilities or areas, a registered letter of warning will be issued advising of the policy violation and indicating that no further violations will be tolerated. Independent action can be taken by the Leamington Police at its discretion.
- 3) I/we understand that if any member of my league/team violates the policy within one year of receiving a warning, our group will be suspended from using any Municipality of Leamington facility or area for a period of one year.
- 4) Prior to the use of municipal facilities, I/we will provide Municipality of Leamington staff with the names and addresses of the team captains so that a brochure outlining the policy can be sent to them.
- 5) I/we understand, as a tournament organizer, that I will review the terms of this agreement with tournament participants and that violation of this policy will not be tolerated. Violation could result in independent action by the Leamington Police and future facility tournament usage could be jeopardized.

Signature _____
Organization Representative

Position

OFFICE USE

Agreement executed and received by: _____
Signature of Municipal Representative

Date: _____
Day/month/year

APPENDIX B
SPECIAL OCCASION PERMIT HOLDER AGREEMENT

Name of Team/Group _____
(please print)

Name of Contact Person _____
(please print)

Address & phone: _____
(please print)

Name of Facility _____
(please print)

In consideration of the Municipality permitting our organization to hold an event licensed for the sale of alcohol on Municipality premises, it is hereby agreed and acknowledged that:

- 1) I have received and reviewed a copy of the Municipal Alcohol Management Policy.
- 2) I have read and understood the guidelines of said Policy.
- 3) I personally, and my organization, agree to adhere to the conditions of this Policy and the Liquor License Act of Ontario and as listed on the Special Occasion Permit.
- 4) I understand that if an infraction of the Policy occurs, the Municipality of Leamington may warn or suspend my organization from using the facilities for a period of one year.
- 5) I understand that I personally, and my organization, may be held liable for injuries and damage arising from failing to adhere to the Liquor License Act of Ontario, or from otherwise failing to take action that will prevent foreseeable harm from occurring or from any act of negligence.
- 6) I understand that Municipality of Leamington Police and a Liquor License Board Inspector can lay charges for infractions of the Liquor License Act of Ontario or other relevant legislation.
- 7) My organization agrees to indemnify and save harmless the Corporation of the Municipality of Leamington from all claims for injuries or losses of any kind whatsoever that may arise as a result directly or indirectly of this event being held.

Signature _____
Organization Representative

Position

OFFICE USE

Agreement executed and received by:

Signature of Municipal Representative

Date: _____
Day/month/year

ADDRESSES AND PHONE NUMBERS OF CONTACTS

Leamington Police Department: 7 Clark Street West *(for drop off)*
Leamington ON
or
PO Box 99 *(mailing address)*
Leamington ON N8H 3W1
(519) 326-3214

Leamington Fire Department: Fire Chief
5 Clark Street West
Leamington ON N8H 1E5
(519) 322-6291 ext 238

Windsor-Essex County Health Unit: 1005 Ouellette Avenue
Windsor ON N9A 4J8
(519) 258-2146

Leamington Building Department: Director of Development Services
38 Erie Street North
Leamington ON N8H 2Z3
(519) 326-5761 ext 233

Alcohol and Gaming Commission of Ontario: 1-800-522-2876