

# CORPORATION OF THE TOWNSHIP OF MALAHIDE

## ALCOHOL RISK MANAGEMENT POLICY

BY-LAW No. 09-12

### Mission Statement/Goals and Obligations

The Township of Malahide owns and manages facilities where alcohol consumption is permitted under the authority of either a Liquor Licence or a Special Occasion Permit. The Township of Malahide has developed an alcohol risk management policy in order to reduce alcohol related problems that may arise from alcohol consumption within its facilities and to promote a safe, enjoyable environment for users of these facilities. The policy is set out in three sections:

**Section 1:** Areas designated for conditional use of alcohol and restrictions at jointly owned East Elgin Community Complex.

**Section 2:** Conditions for the use of alcohol in or on Township facilities.

**Section 3:** Enforcement procedures for policy violation.

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### **SECTION 1**

#### **1.1 Areas Designated for Conditional Use of Alcohol**

Alcohol may only be served in Township of Malahide facilities that are licenced by the Liquor Licence Act, R.S.O. 1990, Chapter L.19 and the Regulations which are licenced or when a Special Occasion Permit is issued to an event sponsor by the Liquor Licence Board of Ontario. A Special Occasion Permit (SOP) authorizes individuals to serve alcoholic beverages during an occasion that is judged unique or does not occur on a regular basis. However, a number of different Special Occasion Permits (SOPs) may be granted to different permit holders for the same facility. Certain types of events are not deemed appropriate for serving alcohol (e.g., children's festival, children's Christmas party). The Township of Malahide reserves the right to refuse an applicant permission to run a licenced event on its property.

#### **1.2 Restrictions for East Elgin Community Complex (within the Town of Aylmer)**

The East Elgin Community Complex has its own restrictions and requirements and is subject to contractual agreements. The Town of Aylmer's alcohol policies apply. The Township of Malahide does not book this facility.

## **SECTION 2**

### **2.0 Conditions for the Use of Alcohol in Township Facilities**

Anyone who wishes to serve alcohol at a designated site must complete a rental form that stipulates the conditions under which alcohol may be served. In addition, the responsible person must obtain a Special Occasion Permit (SOP) from the Liquor Licence Board of Ontario. The Special Occasion Permit (SOP) holder must comply with the Liquor Licence Act, R.S.O. 1990, Chapter L.19, the Regulations and all of the provisions of the Township of Malahide Alcohol Risk Management Policy.

#### **2.0a Restrictions for Malahide Community Place and South Dorchester Community Hall**

Events will fall into three categories at these facilities:

- (i) Club or Fire Department events shall be considered municipal events and shall be exempt from Section 2.5.2. All other policies must be followed.
- (ii) Events listed as family gathering (less than 50 people) shall be exempt from Section 2.5.2 at the discretion of the Club. All other policies must be followed.
- (iii) All other events must follow the policies set out in this by-law.

#### **2.1 Category: Personnel**

**2.1.1** All bartenders and servers shall complete the Smart Serve Program or an approved course as set out by the Liquor Licence Board training in the responsible service of alcoholic beverages.

**2.1.2** The permit holder shall have staffing levels sufficient to effectively monitor the entrances, exits and patrol alcohol consumption as set out in 2.1.4 below.

**2.1.3** The permit holder shall, if requested, provide the Township of Malahide with a list of the names and addresses of bartenders and servers (with their valid Smart Serve certification numbers) at least two weeks prior to the event, and shall ensure that only those persons listed will serve alcohol.

**2.1.4** The permit holder shall provide the Township of Malahide with a list of the monitors (with their valid Smart Serve certification numbers), aged 19 or over, at least two weeks prior to the events. Monitors will supervise the event, encourage legal and moderate drinking behaviour and ensure that any problems that arise are dealt with appropriately.

There shall be at least:

- one (1) monitor per one hundred (100) participants, PLUS
- one (1) monitor for each entrance and exit at the facility or area for the first five hundred (500) participants

There shall be at least:

- one (1) monitor per two hundred (200) participants for the next one thousand (1000) participants.

There shall be at least:

- one (1) monitor per three hundred (300) participants for the number of participants that exceed fifteen hundred (1500)

These minimum requirements may be increased if circumstances warrant or if required by the Township of Malahide.

**2.1.5** The monitors, bartenders and servers ***shall not consume alcohol*** during the event, nor shall they be under the influence of any alcohol consumed before the event.

## **2.2 Category: Entry and Control Policies**

**2.2.1** The permit holder and designated event staff shall accept only an age of majority card, a driver's licence with a photo card, a passport, Armed Forces ID, or citizenship card as proof of age of majority for alcohol purchase or consumption.

**2.2.2** Entry must be denied to intoxicated or unruly individuals, individuals carrying alcoholic beverages, and individuals previously turned away from the event.

**2.2.3** The permit holder shall ensure that the bartenders and servers do not serve alcohol to underage, intoxicated, rowdy or unauthorized people at the event.

**2.2.4** The permit holder shall be responsible for recognizing the need for assistance during the event, and requesting it from the Township of Malahide. All costs associated with this assistance are at the expense of the Permit Holder.

## **2.3 Category: Sale of Alcohol and Serving Practices**

**2.3.1** Discounts **will not be offered** for volume purchase of tickets when tickets are sold for alcoholic beverages. The Township of Malahide, in consultation with the permit holder, may require that a limit be imposed on the number of tickets to be sold to any one person at one time.

**2.3.2** Discounts **will not be offered** for volume purchase of tickets when alcoholic beverages are sold or cash. The Township of Malahide, in consultation with the permit holder, may require that a limit imposed on the number of beverages to be sold to any one person at one time.

**2.3.3** No "last call" will be announced prior to end of event/sale of alcohol.

**2.3.4** Patrons will be permitted to redeem unused drink tickets prior to the end of each event.

**2.3.5** A sign will be prominently posted at the bar and at the ticket counter stating the law on serving to intoxication. The sign will read:

"It is against the Liquor Licence Act of Ontario for licenced establishments to serve customers to intoxication. For this reason, servers in our facilities are required to obey the law and not serve anyone to intoxication. We are also pleased to offer non-alcoholic beverages."

**2.3.6** A sign will be prominently posted stating the type of identification accepted as proof of age. The sign will read:

"In Ontario, the legal drinking age is 19. You may be asked for proof of age. Acceptable identification is:

- Ontario driver's licence with photo ID
- Passport with photo ID
- Armed Forces photo ID, or
- Canadian citizenship card with photo ID"

## **2.4 Category: Low Alcohol and Non-Alcoholic Options**

**2.4.1** The permit holder will ensure that 30% of the alcoholic beverages offered consist of low-alcohol options (i.e., low-alcohol beer, light wine, and low-alcohol spirits). **Non-alcoholic beverages must be readily available and priced significantly below any alcoholic beverage.**

### **Rationale**

Low-alcohol beverages help prevent intoxication by providing responsible consumers with an opportunity to consume less alcohol and avoid becoming intoxicated. A patron consuming a regular beer (at 5% alcohol) would have to drink two "extra light" beers (at 2.5% alcohol) to ingest the same amount of alcohol. Similarly, "light" beer (at 4% alcohol) represents a 20% reduction in alcohol intake.

## **2.5 Category: Accountability**

**2.5.1** The permit holder shall post a sign stating the name of the Special Occasion Permit holder and the telephone numbers for the designated Township of Malahide staff and the Liquor Licence Board of Ontario.

**2.5.2** The permit holder shall obtain a minimum of TWO MILLION (\$2,000,000.00) DOLLARS liability insurance, naming the Township of Malahide as an additional insured, at least two weeks prior to the event. The permit holder will indemnify and save the Township of Malahide harmless from all claims arising from the permit or event. The actual insurance limits required may be increased at the discretion of the Township of Malahide.

## **Rationale**

While the local authorities and Liquor Licence Inspectors are informed of the date and place of the special occasion function, they do not always have an opportunity to drop in and check on the operation of the event. The signs serve notice to the permit holder that while enforcement personnel may not be present the entire time, concerned participants will know where to lodge a complaint. This can facilitate early correction of potentially risky situations.

If an individual is injured, and if the Township of Malahide were to be found "jointly and severally" liable, the Township of Malahide could end up paying part or all of the judgment should the Special Occasion Permit holder be inadequately insured or uninsured. In addition to the expense to the municipality to defend any legal action, the municipality might have difficulty obtaining continued insurance coverage.

## **2.6 Category: Procedures for Dealing with Problem Patrons**

**2.6.1** Door staff monitors, serving staff, bartenders and management staff should always be in a position to quickly detect intoxicated patrons.

**2.6.2** In the case of a patron who is intoxicated to the point that he or she is to be refused additional alcohol (i.e., "cut off"), the permit holder or designated event staff must make every effort to ensure the patron does not drive **and** that he or she will arrive safely at home. In some instances, non-intoxicated friends (i.e., designated driver) might agree to drive the person home, or a cab may be called for the patron.

**2.6.3** In an effort to encourage patrons not to drink and drive, free access to a phone should be made available to persons wishing to call a taxi and the telephone number of a taxi company should be prominently displayed.

**2.6.4** If an intoxicated person insists on driving, the permit holder and/or staff may have to attempt to detain the person and call the police.

**2.6.5** The permit holder is required to report in writing to the Community Services Coordinator of the Township of Malahide within 48 hours all incidents in which patrons are injured or ejected from an event or Ontario Provincial Police are called.

## **2.7 Category: Safe Transportation**

**2.7.1** The permit holder is responsible for promoting safe transportation options for all the drinking participants. Examples of safe transportation options are:

- a) a designated driver selected from non-drinking participants at the event
- b) a designated driver provided by the sponsoring group
- c) a taxi paid either by the sponsoring group or the participant

## **Rationale**

The risk of liability is especially high when an impaired driver leaves an alcohol-related event. Event organizers must assume responsibility for promoting safe transportation for all drinking participants. Safe transportation options are essential since TIME is the only way to sober up an impaired person. Coffee provided at the end of the evening only turns a sleepy drunk into a wide-awake drunk who is still unable to drive.

## **2.8 Category: Other**

**2.8.1** The Township of Malahide reserves the right to introduce other conditions from time to time at its discretion.

## **SECTION 3**

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

**3.1** A violation of this policy occurs when individuals consume alcohol in a municipal facility or area in violation of this policy or any Municipal, Provincial or Federal legislation including the conditions of the Liquor Licence Act of Ontario. Participants at the event, other users of the facility, Township of Malahide staff, Police, or an Inspector of the Liquor Licence Board of Ontario can intervene at any time.

**3.2** A member of the organizing group(s) or the designated monitor(s) may intervene by informing the offending individual of the policy violation and asking that it stop. Group members and monitors are encouraged to intervene in this way because intervention at other levels could result in a loss of privileges and legal charges.

**3.3** Where a holder has violated this policy, and has been confronted by a Township of Malahide employee or staff member, the group shall be sent a registered letter by the Community Services Director or designate advising of the violation, and indicating that further violations will not be tolerated.

**3.4** Should the holder violate the Municipal Alcohol Policy again within one year of receiving notice of a first violation, the licence holder and event organizers shall be suspended from organized use of a Township of Malahide facility or area for a period of one year. A registered letter shall be sent by the Community Services Director or designate to the appropriate contact person advising of the suspension.

**3.5** Where, in the opinion the Township of Malahide event attendant, there has been a violation of a Provincial or Federal statute, the event organizers shall be immediately suspended from organized use of a Township of Malahide facility or area for a period of one year or such longer period as warranted in the circumstances.

**3.6** This policy will be reviewed annually.

Township of Malahide  
MUNICIPAL ALCOHOL POLICY

**CHECKLIST FOR RENTERS**

Date of Event \_\_\_\_\_

Name of Event \_\_\_\_\_

Location of Event \_\_\_\_\_

Estimated attendance \_\_\_\_\_

Will persons under 19 years of age be attending this event? Yes  No

Name of person hosting this event \_\_\_\_\_

Name of Sponsoring Organization (if applicable) \_\_\_\_\_

Type of identification for event workers (*e.g. bright-coloured t-shirts, leis, unique ball caps, etc.*)

Please describe \_\_\_\_\_

Proof of Special Occasion Permit provided? Yes  Date received \_\_\_\_\_

Proof of Liability Insurance provided? Yes  Date received \_\_\_\_\_

The safe transportation strategy/strategies to be used at this function:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

Names and certification numbers of the Smart-Serve trained event workers for this event:

- 1. Name \_\_\_\_\_ Certification # \_\_\_\_\_
- 2. Name \_\_\_\_\_ Certification # \_\_\_\_\_
- 3. Name \_\_\_\_\_ Certification # \_\_\_\_\_
- 4. Name \_\_\_\_\_ Certification # \_\_\_\_\_
- 5. Name \_\_\_\_\_ Certification # \_\_\_\_\_
- 6. Name \_\_\_\_\_ Certification # \_\_\_\_\_
- 7. Name \_\_\_\_\_ Certification # \_\_\_\_\_
- 8. Name \_\_\_\_\_ Certification # \_\_\_\_\_
- 9. Name \_\_\_\_\_ Certification # \_\_\_\_\_
- 10. Name \_\_\_\_\_ Certification # \_\_\_\_\_

I have reviewed with the Township of Malahide representative.

Yes  Date \_\_\_\_\_

**OR**

I have received the Municipal Alcohol Policy (MAP) by mail or electronically and have read and reviewed it carefully.

Yes  Date \_\_\_\_\_

Name of Township representative \_\_\_\_\_

Signature of Township Representative \_\_\_\_\_

*I understand all the Municipal Alcohol Policy (MAP) Regulations **AND** I and my group will observe and obey all policy regulations during this event.*

\_\_\_\_\_  
Signature of Event Organizer

\_\_\_\_\_  
Today's Date