

**Date:** 2021-04-28

**Subject:** Municipal Alcohol Policy 2021 Refresh

**Contact:** Anand Patel, Acting Director, Recreation, 905.874.5150

**Report Number:** Community Services-2021-392

**Recommendations:**

1. That the report from Anand Patel, Acting Director, Recreation, dated April 28, 2021, to the Committee of Council Meeting of April 28, 2021, re: **Municipal Alcohol Policy 2021 Refresh**, be received; and
2. That the existing Municipal Alcohol Policy dated May 2016 be rescinded and replaced with the revised Municipal Alcohol Policy, substantially in accordance with *Appendix A* attached to this report; and
3. That staff be directed to initiate the implementation of the revised policy (see Appendix A) and new accompanying guidelines (see *Appendix B*) as outlined in this report to take effect in Q2 2021; and
4. That staff be authorized to update the Municipal Alcohol Policy Standards and Guidelines (see *Appendix B*) that supplements the Municipal Alcohol Policy in accordance with the principles and/or policy statements contained therein as required.

**Overview:**

- **The City of Brampton implemented its first formal Municipal Alcohol Policy in 2016.**
- **The City of Brampton is committed to providing safe and enjoyable City premises to its residents and visitors through the development and application of the proposed refreshed Municipal Alcohol Policy (see *Appendix A*).**

- **The policy and accompanying documentation aims to minimize the City's liability exposure associated with alcohol-related events including harm reduction.**
- **Staff recommend that Council approve the proposed refreshed Municipal Alcohol Policy, which is in compliance with Council's governing policy framework, and direct staff to proceed with implementation of the refreshed policy.**
- **The proposed accompanying Municipal Alcohol Policy Standards and Guidelines (see *Appendix B*) aligns with current best practices of municipalities for the management of alcohol-related events as determined through benchmarking. It follows guidelines for the development of municipal alcohol policies published by the Centre for Addiction and Mental Health, Public Health Ontario and the Ontario Recreation Facilities Association.**
- **A summary of all changes or additions in relation to the current Municipal Alcohol Policy is provided in *Appendix C*.**

### **Background:**

In May 2014, an internal audit report recommended that a formal and comprehensive Municipal Alcohol Policy (herein referred to as "MAP") be developed and implemented to manage risks and liability from the harms of alcohol being served, sold and/or consumed at events held on City of Brampton (herein referred to as "City") property. In response to this recommendation, City of Brampton Council (herein referred to as "Council") approved the City's first ever MAP on September 16, 2015. The approved MAP came into effect in May of 2016. This formal MAP has allowed the City to be in a better position to manage the rental and use of municipal spaces for the purpose of alcohol-related events, including ensuring Event Organizers are aware of their responsibilities under the *Liquor Licence Act* and their accountability to the City.

The current MAP was developed based upon the Municipal Alcohol Policy Guide created by the Centre for Addiction and Mental Health and the Ontario Recreation Facilities Association in 2003. This guide includes a Quality Measures Form outlining components that are considered essential to having an effective policy. A policy that achieves a score of seventy (70) or more points out of 100 is considered to be an effective and comprehensive Municipal Alcohol Policy; this is known as a "Blue Ribbon Policy." As such, the six (6) "Blue Ribbon" components that were incorporated into the development of the City's MAP include:

1. Designation of properties, facilities, and events;
2. Management practices;

3. Prevention strategies;
4. Enforcement procedures;
5. Signage; and
6. Ongoing policy support.

### **Current Situation:**

After the successful implementation of the MAP in 2016, there have been a number of critical and significant legislative changes, including amendments, to the Liquor License Act in 2019 and legalization of cannabis in 2018. In addition, Council approved a revised governance framework with the implementation of a new Governing Policy and related framework in 2018. As per the City's Governing Policy, the MAP must be reviewed and updated in accordance with the mandated three (3) year update cycle.

The current structure and format of the MAP implemented in 2016 combines policy, standard operating procedures, protocols and forms into one consolidated document. This format is not in alignment with Council's Governing Policy. The Recreation Division consulted with Corporate Policy to ensure that the required consistency, accountability and transparency were reflected in the new refreshed policy attached as *Appendix A* to this Report. The refreshed policy and accompanying Municipal Alcohol Policy Standards and Guidelines attached as *Appendix B* satisfy requirements of Council's approved governing policy framework including the use of required templates and reflecting applicable legislative changes enacted since 2016.

### Liquor License Act – 2019 Amendments

In 2019, the current provincial government enacted a number of critical amendments to the *Liquor License Act* which regulates the sale and service of alcohol in Ontario. The nature of these amendments was intended to liberalize or increase the availability and distribution of alcohol with changes including, but not limited to, the following:

- Special Occasion Permit (SOP) alcohol serving hours increased from 11AM to 9AM
- Elimination of requirement for an event host to serve food with alcohol (e.g. alcohol-only events allowed)
- Permit boundary changes no longer requiring alcohol serving areas to be physically separated (e.g. beer tents etc.)
- Allowing of tailgate parties (e.g. new SOP category that allows BYOB allowances etc.)
- Expansion of venues where alcohol can be sold (e.g. Farmer's Markets etc.)
- Lowered alcohol pricing minimums from \$1.25 to \$1.00

The changes outlined above have potentially increased the likelihood of greater harm and resulting risks from activities that involve alcohol. As a result of these increased potential risks and harms, the Ontario Public Health Association (OPHA) released an updated *Managing Alcohol at Events on Municipal Property* document in November 2019. This document provides risk-based mitigation best-practice recommendations for municipalities to update their MAPs in lieu of legislative changes. The OPHA document and other harm-reduction based materials were consulted in the updating of the City's MAP.

### Overview of Refreshed 2021 MAP

The proposed refreshed MAP (see *Appendix A*) was developed through consultations with a cross-departmental working group and other internal staff stakeholders. The updated MAP provides the City with key advantages, such as:

- Broader authority and discretion to regulate alcohol sales, service and consumption on City property;
- New more clearly articulated outcomes and principles the City is trying to achieve with the Policy;
- Policy statements reinforcing what the City will continue to enforce or require despite new amendments to the *Liquor License Act* in 2019 such as, but not limited to:
  - 6.3 and 6.4 confirming that event organizers must also follow any applicable accompanying documentation including online resources and the newly revamped *Municipal Alcohol Policy Standards and Guidelines*.
  - 6.9 re-confirming that the City will continue to enforce physically separated serving and consumption areas for alcohol (status quo).
  - 6.11 newly added confirming that the City can regulate the hours of alcohol service (recommend keeping with the existing 11AM as the earliest possible start time).
  - 6.13 newly added to restrict the sale, service or consumption of any cannabis products on City property including mixing with alcohol
  - 6.15 newly added confirming that tailgate parties are prohibited on City property.
  - 6.18 re-confirming that all alcohol events must continue to serve food (status quo).

In addition to the new recommended Council Policy attached as *Appendix A* to this report, there is an accompanying *Municipal Alcohol Policy Standards and Guidelines* (MAPSG) document attached as *Appendix B* to this report. The MAPSG contains updated procedures, protocols and requirements associated with hosting an event with alcohol on City property that were previously embedded and included within the MAP implemented in 2016.

The newly revised MAPSG includes the following features:

- Transfer of all existing procedures and requirements contained within the 2016 MAP with any relevant updates applied.
- Administrative or requirement changes such as staffing levels or enforcement procedures can be updated by staff at any time as required by legislation or other reasons such as public health emergencies, new Council policies, By-law requirements etc.
- Contains detailed procedural information such as obtaining liability insurance, rental agreement requirements and enforcement protocols etc.
- Includes the fully revised MAP in Section I as a courtesy to enhance customer service by providing all required information staff and/or external event organizers will need to run their event all in one combined document.

A high-level overview of all changes and/or additions made to the Policy and Guidelines in relation to the existing MAP is summarized in *Appendix C*.

### Next Steps

Upon endorsement of the recommendations set forth in this Report, staff will implement the refreshed MAP and accompanying guidelines by the end of Q2 2021.

#### **1. Initial Launch**

Any new requirements or process changes will take effect with new requests received in Q2 2021 after the refreshed MAP Program has been officially launched. Any event which is booked or Special Occasion Permit obtained prior to the official launch date of the new refreshed MAP can continue to operate under the existing provisions of the 2016 MAP during the transition period. This includes any future event dates after launch. Any required or relevant updates will be communicated to permit holders as required.

#### **2. Public Launch Campaign**

The refreshed MAP will be communicated to the general public through a new public communications campaign. The campaign will be focused on educating event organizers about the new structure, clarification about what is allowed or not allowed as per enactments to the *Liquor License Act* in 2019 and any new or revised processes. Please note that the initiation of the campaign may be delayed to correspond with the reopening of our facilities as per provincial and Peel Public Health COVID-19 directives. The public campaign will be implemented in two (2) phases as follows:

- First Phase – publish refreshed policy and guidelines including updating web content and communication materials once approved by council.
- Second Phase – roll out broader campaign and communicate to public once City event spaces are open for rentals (to be determined based on COVID-19).

### **3. Refreshed Website**

In tandem with a new public education campaign, a newly revised website will be launched in alignment with sections of the new MAPSG and new process steps for event organizers.

### **4. New Online Rental Details and Event Summary Form**

Finally, the Recreation Division will be working with the IT Division to design and implement a new mandatory online *Rental Details and Event Summary Form* by the end of the year to replace the following existing manual PDF forms available on the City's Municipal Alcohol Policy webpage:

- Event Organizer's Checklist
- Event Organizer's Checklist – Additional Event Workers
- Event Organizer's Checklist – Security Workers

The new online forms will allow for better tracking of applications and holistic capturing of mandatory information such as SmartServe© ID numbers etc. from event hosts more efficiently than the current manual forms. This will also help ensure legislative and liability compliance in a more systematic and centralized manner in accordance with Corporate retention standards.

#### **Corporate Implications:**

Financial Implications: There are no direct financial implications. Costs associated with a new public launch campaign, updated communication materials (e.g. brochures etc.), additional signage and updated staff training can be funded through existing operating budget allocations within the Community Services Department.

Other Implications: The implementation of the refreshed 2021 MAP Program will require updated staff training and communications with all affected departments and divisions to advise of new approach and relevant updates. Recreation Services will lead this coordination as required.

#### **Term of Council Priorities:**

The recommendations contained in this report directly support the Brampton is a Healthy and Safe City Direction and the Brampton is a Well-Run City Direction of the *Term of Council Priorities 2018-2022*.

**Conclusion:**

The refreshed 2021 Municipal Alcohol Policy has been developed as a means to promote the health and safety of participants and staff at alcohol-related events held on City property. This is achieved through a responsible and managed approach to the serving and consumption of alcoholic beverages.

Through the approval of this policy, the City of Brampton will continue and strengthen the ability to reduce alcohol-related liability, risks and harms while promoting a healthy and safe environment for all to enjoy.

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**Attachments:**

- Appendix A – Municipal Alcohol Policy (2021)
- Appendix B – Municipal Alcohol Policy Standards and Guidelines
- Appendix C – Summary Chart of Municipal Alcohol Policy Changes