

The Corporation of the Town of Lakeshore

Report to Council

Legislative & Legal Services

Legislative Services



To: Mayor & Members of Council

From: Brianna Coughlin, Manager of Legislative Services

Date: February 21, 2020

Subject: Changes to Special Occasion Permits and the Public Consumption of Alcohol

Recommendation

Report is provided for information only.

Background

In 2019, the Province of Ontario made several amendments to the *Liquor Licence Act* and its corresponding regulations. The purpose of the reforms are to “enhance consumer choice and convenience, reduce administrative burden on businesses and provide additional flexibility for those involved in the sale, service and consumption of alcohol”ⁱ.

This information report is intended to provide Council with an overview of the amendments which may affect the time and resources of Town staff, particularly in regard to the public consumption of alcohol.

Comments

While there were many changes in the language of the *Liquor Licence Act*, Administration would like to highlight the following amendments: the sale and service of alcohol, public consumption of alcohol and tailgate events.

Sale and Service of Alcohol

Many of these changes refer to the availability of alcohol, including the expansion of the sale of beer and wine to corner stores, big box stores and grocery stores. The prescribed serving size for manufacturers under a By-the-Glass licence has also been removed.

Town of Lakeshore Administration is most affected by the changes relating to Special Occasion Permits (SOPs). A 0.9 metre partition, to identify the boundaries of the permit area, is no longer required, although permit holders must continue to ensure that the area is distinguishable from adjacent premises to which the permit does not apply.

The requirement for permit holders to have a sufficient supply of food to serve persons attending the event has also been removed. In addition, the hours for which an SOP can be issued have been extended; alcohol may now be sold, served and consumed between 9 AM and 2 AM.

All other existing requirements, including ensuring there is no intoxication, disorderly conduct, promotion of immoderate consumption or provision of alcohol to minors, are still in effect.

Administration has noted the changes regarding permit area boundaries and hours of sale/service of alcohol and will consider these when reviewing SOP applications.

Public Consumption of Alcohol

Under the provisions of the *Liquor Licence and Control Act, 2019*, municipalities may pass by-laws to designate public areas for the public consumption of alcohol. It would be up to each municipality to determine which, if any, public spaces would be eligible for public alcohol consumption.

The *Liquor Licence and Control Act, 2019* is not currently in effect and there are no associated regulations. It is unknown at this time what types of “public spaces” would be eligible to be designated by Council. The Province has suggested local parks could be designated, but it may also include commercial/restaurant “downtown” areas or the grounds of facilities such as the Atlas Tube Centre.

Administration will bring further information to Council once the legislation and regulations come into effect. However, it is important to note that the AGCO has advised that it would have no role in enforcement should Council designate a public area of the Town of Lakeshore as an area for public alcohol consumption. Local police would be responsible for ensuring compliance with the law, including the prevention of underage drinking and public intoxication.

Tailgate Events

Special Occasion Permits may now be obtained for “tailgate events” which are events held outdoors (at ground level) in connection with and in proximity to a professional, semi-professional or post-secondary sporting event. Permit holders may sell and serve alcohol and attendees 19 years of age or older may bring their own alcohol for consumption at the event, within the permitted area.

The AGCO is the licencing authority for Tailgate Event SOPs and the applicants are required to notify the municipality, although there is no requirement to obtain municipal approval. However, applicants must confirm that they are authorized to use the permit area for the event, therefore there would be no unauthorized use of municipal property for a licenced tailgate event.

Provincial Consultation – Cannabis Special Occasion Permits

The Legalization of Cannabis Branch of the Ministry of the Attorney General has recently posted a proposal for feedback regarding the potential for cannabis consumption establishments and/or Cannabis Special Occasion Permits (SOPs). The deadline to respond to this consultation is March 10, 2020.

The Province has advised that the government is not considering a change to the *Smoke-Free Ontario Act, 2017* regime as part of this consultation, therefore smoking or vaping cannabis would be prohibited in the same manner as tobacco. The Town of Lakeshore also has a by-law in place that prohibits smoking of any tobacco or non-tobacco product on municipal property.

Cannabis edibles, extracts and topicals became available for sale through the Ontario Cannabis Store and in authorized retail cannabis stores on January 6, 2020. Should the Province authorize the sale and consumption of these cannabis items at special events, Administration recommends that cannabis SOPs be treated in the same manner as liquor SOPs where municipalities are notified and consulted.

Financial Impacts

There are no financial impacts as a result of receiving this report. However, there are anticipated to be increased costs relating to enforcement by way of call for service to the OPP should Council decide to allow the consumption of alcohol in public places, should that legislation be implemented in the future.

Attachment(s): None.

Report Approval Details

Document Title:	Changes to the Liquor Licence Act - Public Consumption of Alcohol.docx
Attachments:	
Final Approval Date:	Mar 3, 2020

This report and all of its attachments were approved and signed as outlined below:

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ⁱ Alcohol and Gaming Commission of Ontario (AGCO), "May, 2019 Liquor Licence Reforms in Ontario: Frequently Asked Questions", 2019