



REPORT FOR ACTION

Delegation of Authority for Temporary Liquor Licences

Date: March 7, 2019
To: Executive Committee
From: City Clerk
Wards: All

SUMMARY

The purpose of this report is to make permanent the temporary delegation of authority to the City Clerk during the recent election recess to write to the Alcohol and Gaming Commission of Ontario to endorse events for temporary liquor licences to fulfill the requirements for Special Occasion Permits and Temporary Extension of Liquor Licences, providing the events meet the criteria outlined.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council delegate authority to the City Clerk to designate an event of municipal significance and/or issue a letter of non-objection to the Alcohol and Gaming Commission of Ontario for requests for Special Occasion Permits and Temporary Extension of Liquor Licences that meet the criteria set out in Appendix 1 to this report, including consultation with the Ward Councillor, effective immediately.

FINANCIAL IMPACT

There is no financial impact arising from the approval of this report.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

City Council, at its meeting held on July 23 to 27, 2018 authorized the City Clerk to issue endorsement letters to the Alcohol and Gaming Commission of Ontario for temporary liquor licence applications for the period of July 13 to December 13, 2018. City Council also requested the City Clerk to report to City Council in 2019 on a longer-term solution to process requests for endorsement of events for liquor licensing purposes.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EX36.4>

COMMENTS

Delegating authority for certain temporary liquor licences to the City Clerk

The Alcohol and Gaming Commission of Ontario (AGCO) requires applicants to obtain a letter from the municipality stating the event is municipally significant and/or the municipality does not object to the temporary liquor licence. In the absence of delegation to the City Clerk, these applications are considered at Community Council and City Council meetings.

City Council should delegate authority to the City Clerk to issue letters to the AGCO when the event meets specific administrative criteria and in consultation with the Ward Councillor for three (3) types of temporary liquor licences:

- Special Occasion Permit - Private Event for sale of alcohol for profit
- Special Occasion Permit - Local Public Event for sale of alcohol
- Temporary Extension of Liquor Licence (extension of space and/or hours)

The proposed criteria and process are outlined in Appendix 1 and 2, respectively.

The benefits of this approach

The benefits of this approach are:

- improved customer service, by reducing the time required to issue letters to the AGCO;
- enhanced transparency, by updating the Public Notice website with a record of the letters issued; and
- streamlined Community Council and City Council agendas

The delegation authority was in place during the recent election recess

The proposed delegated authority follows the interim process that was put in place in July, 2018 when City Council delegated authority to the City Clerk during the election period. There were no issues or complaints during this period. In fact, service to applicants has improved by eliminating lengthy waits for Community Council or Council meetings.

No change to Council role in other AGCO related matters

New permanent liquor licence applications and other liquor licence applications that cannot be delegated will continue to be addressed by City Council. A summary of the various types of liquor licence applications is presented in Appendix 3.

The role of Councillors in reviewing applications will not change

The City Clerk will continue to request the applicable Ward Councillor to review the application and notify the City Clerk if they object.

The City Clerk will publicly report on the exercise of the delegated authority

To ensure openness and transparency, the City Clerk will periodically update the Public Notice website with a record of the letters issued.

CONTACT

John D. Elvidge, Deputy City Clerk, Secretariat, 416-392-8641, john.elvidge@toronto.ca

Josephine Archbold, Manager, Community Council and Registry Services, City Clerk's Office, 416-392-8088, josephine.archbold@toronto.ca

SIGNATURE

Ulli S. Watkiss
City Clerk

ATTACHMENTS

Appendix 1 - Criteria to Endorse Events for Temporary Liquor Licences

Appendix 2 - Administrative Process

Appendix 3 - Summary of Types of Liquor Licences and Proposed Changes to Delegation

Appendix 1 - Criteria to Endorse Events for Temporary Liquor Licences

Events to be declared municipally significant for a Special Occasion Permit:

The City Clerk may endorse a request for a 'declaration of municipal significance' for an event to be eligible for a Special Occasion Permit (SOP) if:

1. The City Clerk has notified the Ward Councillor's Office(s) and no objection is received from the Ward Councillor(s) within 5 working days of being notified by the City Clerk, or 3 working days before the event, whichever is sooner, and
2. The Applicant confirms the event is:
 - community event or festival; or
 - one of the following event types that does not include outdoor activities later than 9 PM or amplified music or sound outdoors after 9 PM, including sound emanating from inside:
 - concert, theatre show, art gallery or similar opening or gala event;
 - pop-up promotion / customer appreciation event not more than 3 days long;
 - professional / networking or club / members event;
 - private, invite-only or members-only event taking place in a public space and therefore requiring a public SOP (for example, invitation-only launch / anniversary parties / client / members / professional / workplace events)
 - charitable fundraiser (for non-registered charities only); or
 - sports event in an unlicensed venues.

Events to be declared municipally significant and a 'non-objection' issued for Temporary Extension of an Existing Liquor Licence (extension of space and/or hours):

The City Clerk may endorse a request for a 'declaration of municipal significance' and / or a 'declaration of non-objection' for a temporary extension of licensed hours or areas if:

1. The City Clerk has notified the Ward Councillor's Office and no objection is received from the Ward Councillor within 5 working days of being notified by the City Clerk, or 3 working days before the event, whichever is sooner, and

2. The Applicant confirms the event is:

- A sports event, including local live events and nationally or internationally recognised televised sports events in a different time zone that fall outside regular licensed hours; or
- A performing arts event including multi-event festivals and associated events; events with special live performances throughout serving hours; and

3. Liquor service is to start no earlier than 9 AM, to a maximum of one hour before the scheduled event start time; and no later than 4 AM indoors and 11 PM outdoors with no amplified music or sound outdoors after 9 PM, including sound emanating from inside; and

4. After-hours extensions are only on Tuesdays through Saturdays, plus Sundays and Mondays that fall the day before a statutory or civic holiday.

Appendix 2 - Administrative Process

1. A complete application is to be submitted online no less than 10 business days prior to the event start date. The City Clerk will consider special circumstances where this deadline cannot be met on a case-by-case basis; however, the City Clerk may not consider events with less than 3 working days' notice.
2. The City Clerk reviews the application to determine if the application meets the criteria within 2 business days from submission.
3. The City Clerk send a notification to the Ward Councillor asking if the Councillor objects to the application.
4. If a response from the Ward Councillor is not received within 5 business days, staff will assume the Ward Councillor does not object.
5. The City Clerk issues a letter to the Alcohol and Gaming Commission of Ontario, with a copy to the applicant and Ward Councillor.
6. Staff periodically update the Public Notice website with a record of the letters issued.

Appendix 3 - Summary of Types of Liquor Licences and Proposed Changes to Delegation

Type of Application	Example	Recommended Changes to Delegation
Special Occasion Permit - Private Event (Sale of Alcohol)	Art gallery; theatre; small restaurant (no permanent liquor licence)	Delegation to City Clerk.
Special Occasion Permit - Local Public Event (Sale of Alcohol)	Beer tent at Ribfest	Delegation to City Clerk.
Temporary Extension of Permanent Liquor Licence (extension of space and/or hours)	TIFF, PRIDE, Taste of the Danforth	Delegation to City Clerk.
Temporary Extension of Permanent Liquor Licence (extension of hours) in all or parts of the City	Olympics, World Cup Soccer	None. Considered by City Council. By-law required.
Special Occasion Permit - Private Event (No sale of alcohol)	Local lawn bowling club year end event	None. City Clerk notifies Ward Councillor. No further action is taken.
New Liquor Licence Sales Application	New restaurant	None. Considered by City Council.
Change Application (changes and/or additions to existing licensed areas)	Addition of a patio to existing restaurant	None. Considered by City Council.
Manufacturer's Limited Sales Licence Application	Sale by-the-glass at brewery	None. Considered by City Council.