



STAFF REPORT ACTION REQUIRED

Municipal Alcohol Policy: Review and Update

Date:	July 31, 2014
To:	Board of Health
From:	Medical Officer of Health
Wards:	All
Reference Number:	

SUMMARY

The City of Toronto's Board of Health (BOH) requested the Medical Officer of Health (MOH) to work with relevant municipal divisions to update the City of Toronto's Municipal Alcohol Policy (MAP) in June 2011. The MAP reduces alcohol-related risks and promotes the health and safety of people at events on City owned and operated property by outlining the requirements for a responsible, managed approach to alcohol service. The last update of this policy occurred in March 2001, when the MAP was harmonized after municipal amalgamation. It is appropriate after more than a decade to review the policy to ensure it reflects current evidence on reducing alcohol-related harms and liabilities.

Toronto Public Health has completed a comprehensive review and analysis of the MAP, including consultations with municipal and external stakeholders. Based on the consultation findings, review of MAPs in other jurisdictions and a review of the health evidence on harms related to excessive alcohol consumption, this report recommends the Board of Health and City Council approve the revised MAP. Specifically, this report summarizes proposed enhancements to the existing MAP in relation to designation of properties and events, insurance requirements, safe transportation, signage, enforcement and monitoring of compliance. Further, TPH proposes that a short-term interdivisional task group be created to develop an implementation plan in order to communicate the changes effectively and monitor and evaluate the implementation of the updated policy.

RECOMMENDATIONS

The Medical Officer of Health recommends that:

1. City Council approve the revised Municipal Alcohol Policy; and
2. The Medical Officer of Health establish an interdivisional task group including representation from the City Manager's Office, Corporate Finance – Insurance & Risk Management, Economic Development & Culture, Corporate Security, Facilities Management, Municipal Licensing & Standards, Parks, Forestry & Recreation Divisions, and other appropriate City stakeholders to develop an implementation plan, communication strategy, and evaluation plan for the updated MAP.

Financial Impact

There are no direct financial implications arising from this report beyond those approved in the current year's budget.

DECISION HISTORY

In March 2001, a joint report from the Medical Officer of Health and the Commissioner of Economic Development, Culture and Tourism on a post-amalgamation, harmonized MAP was presented to the former Economic Development and Parks Committee and to the Toronto Board of Health. Council approved this MAP at its meeting held in April/May, 2001.

<http://www.toronto.ca/legdocs/2001/agendas/council/cc010424/edp3rpt/cl003.pdf>.

At its June 2011 meeting, the Board of Health requested the Medical Officer of Health to work with relevant municipal divisions to update Toronto's 2001 Municipal Alcohol Policy. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.HL5.3>

ISSUE BACKGROUND

Alcohol is one of the leading causes of disease and disability in Canada.¹ It is widely consumed and enjoyed in moderation by many Canadians. However, when consumed in excess quantities it can facilitate high risk behaviours, contribute to socially deviant acts and lead to injuries, violence and crime.² The most common impacts of excessive alcohol consumption are increased risks of individual injury, motor vehicle crashes, and death. These risks increase when alcohol is consumed in group settings where drinking can escalate and where it can be difficult to monitor consumption.

There is evidence showing that alcohol-related harms can be modified substantially within licensed establishments by focusing on policy measures to modify the environment and to discourage excessive alcohol consumption.³ A Municipal Alcohol Policy (MAP) is one important tool for municipalities to ensure that the potential harms from alcohol consumption on municipal properties are prevented or reduced.

In the mid-1990s, before amalgamation of the six former municipalities in Metropolitan Toronto, all but the former City of York had a MAP in place. In 1999, an interdivisional staff team led by Toronto Public Health (TPH), Parks & Recreation and Economic Development, Culture and Tourism worked to draft a harmonized MAP for the amalgamated City of Toronto. Consultations with internal staff were conducted with several divisions including Works and Emergency Services, Corporate Services, and Toronto Police Services.

The existing MAP, approved by Council and implemented in 2001, provides a level of protection from harms related to excessive alcohol consumption during events held on municipal property. The MAP has, however, not been reviewed or updated since that time and needs to be strengthened in a few key areas to reflect changes in health evidence and the policy environment since 2001.

Representatives from many City of Toronto divisions, agencies and stakeholders were consulted in the update to the policy. These included the City Clerk's Office, City Manager's Office, Corporate Finance – Insurance & Risk Management, Corporate Security, Economic Development and Culture, Facilities Management, Legal Services, Municipal Licensing and Standards, Parks, Forestry and Recreation, Transportation Services, Toronto Culture, Toronto Transit Commission, Toronto Police Services, and representatives from Exhibition Place, Swansea Town Hall Community Centre and 519 Church Street Community Centre. In addition, TPH staff consulted with Public Health Ontario and the Alcohol & Gaming Commission of Ontario (AGCO).

COMMENTS

What is a Municipal Alcohol Policy (MAP)?

A MAP is a tool that helps a municipality outline the conditions for the responsible sale and service of alcohol at events on municipal property including locations such as City-owned buildings (e.g. community centres, recreation centres, parks, public squares and public right-of-ways). A MAP does not apply to events held in privately owned properties such as restaurants, bars and banquet halls.

Event organizers who plan to hold an event where alcohol is to be served or consumed on City property must first obtain a Special Occasion Permit (SOP). The SOP is issued by designated Liquor Control Board of Ontario (LCBO) outlets on behalf of the AGCO. For certain special events where alcohol is to be sold, the AGCO and/or the City may also require a Letter of Municipal Significance from the local Community Council before issuing approvals.⁴ In addition, the AGCO allows holders of a liquor sales license with an AGCO-approved Catering Endorsement to sell and serve alcoholic beverages at an event in an unlicensed area. The licensee must notify the AGCO and local authorities, including public health, at least ten days prior to such an event.

After an SOP has been issued, or Catering notification received, the event organizer must obtain the appropriate permit or approval from the City in order to hold their event on City property. One of the conditions of that City approval is compliance with the MAP.

A MAP allows a municipality to institute controls over how alcohol may be sold and served, how patrons enter and exit a venue, and how an event must be staffed. It also includes rules and guidelines for dealing with violations of the policy. In addition, a MAP helps municipalities and event organizers ensure the safety and enjoyment of event participants by following, at a minimum, the standards and regulations in the Ontario Liquor License Act (LLA). A municipality can choose, however, to implement standards that are stricter than the LLA.

Benefits of a MAP: Health and Safety, Reduced Liability

A MAP can help to prevent and reduce alcohol-related problems during events held in or on municipally-owned facilities and properties where alcohol use is permitted. Effective MAPs can provide measures that help to lessen and prevent the risks of injury and death.⁵ Underage drinking, drinking to intoxication, and drinking and driving are important contributors to alcohol-related harms. An effective MAP can have mechanisms in place at events to ensure minors or intoxicated people are not served alcohol and that there is access to safe transportation for patrons who are or appear to be intoxicated. MAPs in Ontario were found early on to be linked to a decrease in the experience of problems related to alcohol consumption at events on municipal property.⁶

In Ontario, event hosts generally have a legal duty to protect patrons and the public by taking reasonable steps to prevent foreseeable harm such as might occur from allowing participants to over-consume alcohol or drive while intoxicated. Expert legal opinion and legal case decisions indicate that, although event organizers are the primary responsible party, a municipality may also be held liable for the losses or damage arising from alcohol-related incidents or the actions of intoxicated participants at events on municipal property.⁷ Two main types of alcohol-related liability may affect municipalities in these situations. "Provider Liability" occurs when a party allows alcohol to be served to anyone past the point of intoxication or to intoxicated individuals who then injure themselves or others. A municipality can also be held liable as an "occupier" for any alcohol-related injuries that occur on its property (e.g. harm resulting because of unsafe physical conditions, unsafe activities that occur on the premises or from unruly conduct of people while on the premises). MAPs can assist communities in avoiding liability by specifying the conditions and requirements for alcohol service.

Components of an Effective MAP

Toronto Public Health consulted an evidence-based guide to MAPs that was developed by the Centre for Addiction and Mental Health (CAMH). Although the CAMH guide was developed over a decade ago, it is still the best authority on developing, revising or assessing a MAP.⁸ The guide concludes that there are six key components that are essential to having an effective MAP. These components are: (i) designation of properties, facilities and events; (ii) management practices; (iii) prevention strategies; (iv) enforcement procedures; (v) signs, and (vi) ongoing policy support. The CAMH guide further identifies key elements within each component that determine the breadth and effectiveness of the MAP. The guide also includes a Quality Measure Form (QMF) for assessing a MAP against the ideal in terms of components and elements included. A policy that achieves a score of 70 or more points out of 100 and includes each of the six

components and elements within them is considered to be an effective and comprehensive MAP. Experts have termed any such policy a "Blue Ribbon Policy".

2001 Toronto MAP

As part of the process of updating the current City of Toronto MAP, TPH reviewed the policy document⁹ and compared it to the Blue Ribbon Quality Measure criteria. This process indicated that the existing MAP scores 61 points, that is, below the passing score of 70. The QMF for the 2001 Toronto MAP is attached as Appendix A. While there are some areas where the MAP scores well (between 70% and 92% of the total possible score for areas related to management practices and signage), there are other areas where the score is weak (between 0% and 50% of the total possible score for areas related to designation of properties and events, safe transportation, enforcement and ongoing policy support). This assessment was used to identify proposed enhancements to the MAP.

GTA Municipal Alcohol Policies

Many municipalities in Ontario have had MAPs in place since the 1980s.⁶ Many exceed the "70 plus" Blue Ribbon Policy benchmark.⁸ Many municipalities in the Greater Toronto and Hamilton Area, including the City of Hamilton and municipalities in the Regions of York, Durham, Halton and Peel, have recently updated, or are currently updating, their MAPs. As part of the process for updating Toronto's MAP, TPH consulted with the Alcohol Management in Municipalities working group, a collaborative of public health departments from across Ontario. In addition, existing MAPs of Ontario jurisdictions were reviewed.

Roundtable Consultation

Toronto Public Health also conducted a roundtable consultation in November 2013, to inform revisions to the MAP. Attendees represented twelve City of Toronto stakeholders, Agencies, Boards, Commissions and Divisions, and two community centres. In addition, in January 2014, TPH met with staff from the AGCO, the body that holds responsibility for SOP events in the province.

The goals of the roundtable and other subsequent consultations were to understand the role of stakeholders in administering the City approval process and implementing the MAP, to present current evidence on alcohol risk management and to provide input to TPH's proposed enhancements to the MAP based on the QM assessment described earlier. To that end, TPH proposed enhanced wording to specify areas where alcohol service is generally not allowed, safe transportation plan requirements, enforcement actions and provisions for ongoing policy support. In addition, TPH proposed improvements to the section outlining signage requirements, such as including a requirement to promote Canada's recently developed Low Risk Alcohol Drinking Guidelines. Toronto Public Health also recommended a requirement to freely provide and promote the availability of fresh drinking water for attendees and a recommendation to ensure community-based organizations are able to provide substance use prevention outreach at events as needed. These additions are consistent with harm reduction approaches included in the Exhibition Place protocols outlining safety requirements for electronic dance music events that were recently approved by City Council.¹⁰

Stakeholder suggestions for strengthening the MAP included giving consideration to a stronger education component geared to users (internal and external) as well as a focus on improving enforcement and compliance monitoring. Some stakeholders noted that the size and nature of the event should factor in to how the MAP is applied to reduce the administrative burden on low risk events. Based on a review of practices by other Ontario jurisdictions, Corporate Finance recommended a two-tiered approach for insurance requirements. This approach allows for higher insurance requirements (\$5 Million per occurrence) for events with more than 3,000 anticipated participants and giving consideration to the event's nature and scale and any planned high risk activities.

Stakeholders agreed that the revised MAP should, where appropriate, remain stricter than the LLA in areas that were relaxed in a 2011 update to the Act.¹¹ Specifically, there was consensus to not extend the hours of sale of alcohol service from 2 am to 3 am, as noted in the new LLA, and to continue to prohibit drinking in tiered seating areas (now allowed under the revised LLA). Exceptions could be allowed depending on the particular event and would be decided on a case-by-case basis.

The review of evidence and feedback from stakeholders was considered and incorporated into the revised MAP which is attached as Appendix B. A table identifying the specific changes and improvements to the policy is also attached as Appendix C. Stakeholders, including City Legal Services, were consulted in the final revisions to the policy. With the enhancements and changes included, the revised MAP now qualifies as a "Blue Ribbon" policy.

Municipal Alcohol Policy Implementation Plan

Following Council approval of the updated MAP, it is recommended that an interdivisional task group be convened by TPH to develop the plan for implementation such that by the beginning of 2015 the new MAP can be in place. This plan should include a communication strategy along with a commitment to evaluating and regularly monitoring (e.g. every five years) the updated MAP, an important element in ensuring the new MAP meets the "Blue Ribbon" Quality Measure score. A MAP implementation plan would therefore include provisions to develop and take appropriate action on: a system to monitor and evaluate the MAP, including potential indicators, appropriate administrative documents for front-line staff, the required signage and education activities and resources to inform and educate users (that is, event organizers) regarding the new MAP.

CONTACT

Loren Vanderlinden
Manager, Healthy Public Policy
Toronto Public Health
Phone: 416-338-8094
Email: lvander@toronto.ca

Monica Campbell
Director, Healthy Public Policy
Toronto Public Health
Phone: 416-392-7463
Email: mcampbe2@toronto.ca

SIGNATURE

Dr. David McKeown
Medical Officer of Health

ATTACHMENTS

Appendix A – Quality Measure assessment of existing Toronto MAP
Appendix B – Revised City of Toronto Municipal Alcohol Policy
Appendix C – Comparison of Existing and Proposed Components of the Toronto
Municipal Alcohol Policy (MAP)

References

¹ Rehm, J., Mathers, C., Popova, S., Thavorncharoensap, M., Teerawattananon, Y. and Patra, J. Alcohol and Global Health 1: Global burden of disease and injury and economic cost attributable to alcohol use and alcohol-use disorders. *Lancet* 2009a; 373: 2223–33.

² Canadian Public Health Association Position Paper: Too High a Cost. A Public Health Approach to Alcohol Policy in Canada. December, 2011. Retrieved from: http://www.cpha.ca/uploads/positions/position-paper-alcohol_e.pdf

³ Giesbrecht, N., Wettlaufer, A., April, N., Asbridge, M., Cukier, S., Mann, R., McAllister, J., Murie, A., Plamondon, L., Stockwell, T., Thomas, G., Thompson, K., & Vallance, K. (2013). *Strategies to Reduce Alcohol-Related Harms and Costs in Canada: A Comparison of Provincial Policies*. Toronto: Centre for Addiction and Mental Health.

⁴ City of Toronto. Event Planning Guide. Letter of Municipal Significance. Found at: <http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=3119b644b8370410VgnVCM10000071d60f89RCRD&vgnextchannel=19c77d353c460410VgnVCM10000071d60f89RCRD&vgnextfmt=default>

⁵ Ontario Agency for Health Protection and Promotion (Public Health Ontario). *In Brief: evaluating municipal alcohol policies*. Toronto, ON: Queen's Printer for Ontario; 2013.

⁶ Gliksman L. Douglas RR., Rylett M and Narbonne-Fortin C. 1995. Reducing problems through municipal alcohol policies: the Canadian experiment in Ontario. *Drugs: education, prevention & Policy*. 2 (2): 105-118.

⁷ Addiction Research Foundation. 1996. *Municipal Alcohol Policies: Liability, Prosecution and Risk Minimization*. Authors: RJ Solomon, S.J. Usprich, R.R. Douglas, L. Kiss, and L. Prout. Excerpt found in: CAMH & ORFA 2003, Pp. 222-226. http://www.camh.ca/en/education/about/services/camh_library/Documents/Repository%20of%20CAMH%20Documents/MAP_PolicyGuide.pdf

⁸ Centre for Addiction and Mental Health and Ontario Recreational Facilities Association Inc. 2003. *Municipal Alcohol Policy Guide: A Practical Resource for Successfully Managing Drinking in Recreational Settings*. Authors: Claire Narbonne-Fortin, Margaret Rylett, Ronald R. Douglas, Louis Gliksman. Retrieved from: http://www.camh.ca/en/education/about/services/camh_library/Documents/Repository%20of%20CAMH%20Documents/MAP_PolicyGuide.pdf

⁹ The City of Toronto Municipal Alcohol Policy. Staff Information. 2001/2002. Found at: www1.toronto.ca/.../parks_forestry__recreation/permits/files/pdf/Municipal-alcohol-policy.pdf

¹⁰ Appendix A - Requirements for Safety and EDM Protocols. MM 54.19 Electronic Dance Music Concerts - by Councillor Mark Grimes, seconded by Councillor Vincent Crisanti. Approved by Toronto City Council on July 8, 2014. Found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.MM54.19>.

¹¹ Alcohol & Gaming Commission of Ontario website. Regulatory Amendments Affecting the Sale and Service of Liquor In Ontario. See changes to Regulation 389/91 (Special Occasion Permits). http://www.agco.on.ca/en/topics/govt_initiatives.aspx