

Municipal Alcohol Policies/Procedures – *Why are they prudent?*

Municipal Alcohol Policies lessen the exposure of the municipality to liability arising out of the use of municipal facilities for alcohol-related events.

The purpose of a Municipal Alcohol Policy is to ensure that there are clear and responsible guidelines to aid in the prevention of alcohol related problems and allow for the enjoyment of those renting municipal facilities. In reducing the potential for alcohol related problems, you will reduce the risk of injury and death to patrons, loss of enjoyment of the patrons, as well as the risk of liability actions.

Liability of Occupiers

As an occupier, you have responsibility for the people you allow to enter and remain on your premises, including intoxicated and troublesome individuals. You must take reasonable steps to prevent the occurrence of foreseeable events. Occupiers, however, are not required to endanger themselves in this pursuit.

The condition and suitability of the premises is also the concern of the occupier. The property must be up to code, have suitable handrails and exits that are in good condition and be free from trip and fall hazards. If serving alcohol, the property must be safe for both sober and intoxicated individuals.

Occupiers are exposed to liability for the activities they allow on their premises. If you allow unsafe activities, such as drinking contests, dancing on the tables or events such as stag and doe parties to take place unchecked, you may be liable for any unfortunate outcome.

Joint and Several Liability

Joint and Several Liability is a legal doctrine that makes each party to a claim both jointly and separately liable for any judgement of damages. Should one party not be able to fulfill their portion of the judgement, the plaintiff has the right to seek recovery from another party to the judgement that has the resources to contribute more than their portion, even if they were found to be only 1% liable. So consider the 20 year old organizing a stag: What kind of financial resources does that young adult have to pay damages if they occur?

Remedies

In order to avoid any incidents from occurring on your premises, you should:

- Operate the facility with reasonable care for the safety of all users
- Keep the facility in safe repair
- Inspect the facility for hidden hazards
- Remove hazards or warn of their presence
- Prevent or control unsafe activities on the premises
- Require a Rental Agreement from third parties
- If alcohol is to be served, provide the renter with your Municipal Alcohol Policy

Alcohol Liability Insurance Policy

An Alcohol Liability Insurance Policy provides host liquor liability for the organizer of an alcohol related event. In today's legal climate, any individual or group who hosts an alcohol related event should be required to purchase host liquor liability insurance. As the owner of the facility, the purchase of such insurance and proof of the purchase should be a condition of the rental agreement.

Suggested Guidelines for Developing Your Policy

Relevant Sections

- 1.0 Policy Statement
- 2.0 Identify Suitable Premises For Serving Alcohol
- 2.1 Identify Events in Which Alcohol Can Be Served
- 3.0 Conditions for Serving Alcohol
- 3.1 Rental Agreement
- 3.2 Special Occasion Permit
- 3.3 Alcohol Liability Insurance
- 4.0 Mandatory Personnel
- 5.0 Smart Serve Program
- 6.0 Entry and Controls
- 7.0 Sale of Alcohol and Serving Practices
- 8.0 Insurance and Indemnification
- 9.0 Procedures for Dealing with Patrons
- 9.1 Intoxicated Persons
- 9.2 Problem Patrons
- 10.0 Designated Drivers/Safe Transportation Policy
- 11.0 Signage
- 12.0 What is NOT Allowed

Suggested Framework

We have developed a Suggested Framework for the development of Municipal Alcohol Policies for each Province. If you would like to receive a copy, please contact your Frank Cowan Representative.