

4. Reviewing and Revising an Existing MAP

Checklist

✓ TASK

A. GETTING READY

- ☐ Council/administration commitment obtained
- ☐ Terms of reference affirmed
- ☐ Chairperson chosen
- ☐ Policy review team formed
- ☐ Meeting schedule developed

B. GATHERING INFORMATION

- ☐ The current MAP assessed using QMF
- ☐ Information on effectiveness of the current policy reviewed
- ☐ Legal information reviewed
- ☐ Training needs for staff and volunteers reviewed
- ☐ Current administrative practices reviewed

C. USING THE WORKBOOK

- ☐ Copies of the Workbook provided to all members
- ☐ Properties, facilities and events designated
- ☐ Management practices updated
- ☐ Prevention strategies updated
- ☐ Enforcement procedures and penalties updated
- ☐ Signs reviewed and updated if necessary
- ☐ Provisions made for implementation and policy review

✓ TASK

D. BRINGING IT ALL TOGETHER

- ☐ Revised policy drafted
- ☐ Revised policy assessed
- ☐ Revised policy shared with the community
- ☐ Revised policy presented to council for approval

E. FROM POLICY TO ACTION

- ☐ Implementation plan prepared
- ☐ Implementation tracked
- ☐ Revised policy promoted to community
- ☐ Staff and volunteers server trained
- ☐ Ongoing policy support plan in place

Overview

The following is an overview of the steps you need to follow to revise your MAP and achieve a Blue Ribbon MAP.

The first page in this Section is a **Checklist**.

Use this TOOL to track completed tasks as you work your way through the policy review process.

A. Getting Ready

1. Reaffirming the Support of Municipal Council and/or Administration
2. Affirming the Terms of Reference
3. Choosing a Chairperson
4. Forming a Policy Review Team
5. Developing a Meeting Schedule

B. Gathering and Reviewing Information

1. Assessing the Effectiveness of Your Current Policy Using the QMF
2. Gathering the Information You Need
3. Reviewing the Information to Determine the Effectiveness of Your Current MAP
4. Reviewing Legal Information
5. Reviewing Training Needs for Staff and Volunteers
6. Reviewing Information on Current Municipal Administrative Practices

C. Using the MAP Workbook to Revise Your Policy

See the Toolkit, p. 163, and the Resources, p. 219, sections for help.



If the concept of MAP is new to most members of the interdepartmental policy review team, you may choose to use the section *Developing a MAP for the First Time*, p. 35.

Getting Ready

Reaffirming the Support of Municipal Council and/or Administration

- If the original MAP did not contain a regulation for regular review and revision of the policy, it would be advisable to seek and receive a formal resolution to proceed from the municipal council.
- If there is an existing review regulation within the existing MAP, the municipality's administration already has authority to proceed with review and, if necessary, propose revisions to the MAP. However, council should be informed that the process is about to begin.




Sample Council Resolution

“Be it resolved that we request the Municipal Clerk and the Recreation Director to recruit an interdepartmental team to review information pertinent to the Municipal Alcohol Policy and, if necessary, revise the policy. User groups and the community at large will be invited to comment on the draft prior to its presentation to Council for consideration and adoption.”

Council's formal approval to proceed by means of the resolution demonstrates that:

- There is support for the MAP.
- Council is interested in maintaining an up-to-date MAP.
- Council supports reviewing and revising the MAP to either attain or maintain a Blue Ribbon status for their MAP.



When developing any policy, it is important to provide council with the policy development team's meeting minutes. This will make it easier for council to process new information and to respond to questions from the community.

Affirming the Terms of Reference

The terms of reference outline the steps required to develop a Blue Ribbon Policy. They are provided to team members to establish the parameters of their work and to let council see that the policy will reflect a variety of community interests.



Sample Terms of Reference

1. Collect and review data regarding the effectiveness of the current MAP.
2. Obtain comments and suggestions from facility users and facility staff.
3. Review relevant parts of the most recent liquor licence regulations.
4. Inspect any newly constructed facilities to decide if they are appropriate for alcohol service.
5. Submit revisions to council for approval.

Choosing a Chairperson

The chairperson could be designated by senior management or as defined in the existing policy. In a revision process, the chairperson will likely be a municipal manager or designated employee.

The chairperson is responsible for:

- pulling together an interdepartmental policy review team, made up of the municipal solicitor, the recreation director and facility managers. The team may also have representation from recreation staff, the bylaw department, the recreation committee and municipal council.
- leading the policy consolidation team through its deliberations and obtaining clerical support
- inviting members of the recreation committee to provide comment and feedback
- providing each team member with a copy of the terms of reference, and
- providing each team member with a copy of the existing MAPs, the QMF, the MAP Workbook and relevant tools.

The chairperson and/or a designate will:

- facilitate all discussions
- ensure that public input is sought and considered
- present the revised MAP to council for their approval.

Policy Review Team Responsibilities

The policy review team:

- usually meets annually or on an ad hoc basis depending upon the circumstances
- gathers information from facility users and staff about how the policy is working in order to make an informed decision about the need to revise the policy and what needs to be done.
- obtains expert information about any Liquor Licence Act changes
- ensures that the current policy and any proposed changes are consistent with the regulations contained in the provincial, territorial or state liquor licence act
- reviews information regarding new facilities and/or events
- reviews and, if necessary, revises the MAP.

Go to Resources, p. 236, for video loan on Liability and Responsible Service.

Developing a Meeting Schedule

- Municipal staff who work on interdepartmental teams are juggling many work responsibilities. A predetermined schedule will help them plan ahead and will increase attendance.
- Team will likely meet four to six times at two-week intervals for two to three hours each time.
- More time between meetings may be required when the team consults with user groups and/or holds public feedback meetings on suggested revisions.

See the Toolkit, p. 189, for the meeting schedule outline.

Gathering and Reviewing Information

Assessing Your Current MAP

- Each team member should have a copy of your current MAP as well as the Quality Measure Form (QMF) and instructions.
- All team members should review the current MAP and at least one other MAP from another community.
- Team members then score the MAPs using the QMF to determine if each MAP has attained the Blue Ribbon standard.
- Should the current MAP not attain Blue Ribbon status, team members identify the missing elements that would strengthen the MAP.

See the Toolkit, p. 163, for the QMF and instructions for use, and a list of municipalities with Blue Ribbon Policies.

To determine the effectiveness of your current MAP, you will need to know:

- **Has the current MAP achieved Blue Ribbon status?**
- **Have facility staff, facility users and community members made any comments?**
- **Have there been infractions of the policy? How often? How were they handled? Are there fewer problems?**
- **Are new or renovated facilities appropriate for designation as eligible for alcohol service?**
- **Have rental agreements been reviewed?**
- **Have facility rentals been affected?**
- **Are there areas of concern which need to be strengthened?**

Gathering the Information You Need

Check Implementation

- Check to make sure your rental contract supports your MAP and renters' obligations to follow the MAP.
- Check to see that all signs have been posted in appropriate areas.
- Do a check of a few licensed events to see that regulations are being followed.

Administer Surveys

- Prepare a short survey for a small sample of event participants to determine their reactions to the regulations and their overall impressions of the event. It is best to do this about one year after the policy has been implemented. Repeat this periodically as new information is required.
- Prepare a short survey for facility staff and event organizers to determine their reactions to the policy.
- Keep in mind that though the attitudes of some respondents may conflict your provincial, territorial or state regulations, you must act within the law.

See the Toolkit, p. 213, for sample surveys.

Reviewing the Information to Determine the Effectiveness of Your Current MAP

- Review the information gathered regarding the implementation of the policy.
- Review the survey information.
- Review incident reports.
 - Note if these incidents happen randomly or if they are related to a specific type of event or to one or two specific user groups.
 - Determine if, how often and what penalties were imposed by the liquor licensing authorities for provincial, territorial or state violations.
 - Determine if the response to these incidents was in keeping with the disciplinary actions outlined in the current MAP.
- Review the number of rentals.

Reviewing Legal Information

Some members of the policy development team may not be familiar with the laws regarding alcohol service under a special event permit. The policy development team must ensure that the policy meets all provincial, territorial or state liquor licensing authority regulations regarding the operation of licensed events. Failure to comply with liquor licensing regulations can result in costly fines and the loss of liquor licence privileges. Also, if the laws are not complied with, you could be sued. The team should review information about insurance and liability, the current status of the municipality's insurance coverage, and the most recent provincial, territorial or state liquor licence regulations pertaining to special event permits.

Legal Drinking Age 2001

<i>Canada</i>		<i>U.S.A.</i>
<i>18 years</i>	<i>19 years</i>	<i>21 years</i>
Alberta Manitoba Québec	British Columbia New Brunswick Newfoundland Nova Scotia Ontario Prince Edward Island Saskatchewan Northwest Territories Nunavut Yukon	all states

What Are the Legal Issues?

Generally, in Canada, if a municipality sells or provides alcohol, rents its facilities to others for similar purposes, or allows unsanctioned drinking on its property, the municipality and those operating the events may be sued and found liable if someone is injured or dies.

The liquor licensing legislation in some Canadian provinces and territories makes sellers of alcohol civilly liable if or when their intoxicated patron dies, or injures or kills a third party. In addition, the Supreme Court of Canada has imposed a general common duty on providers of alcohol to protect their intoxicated patrons or guests from foreseeable harm. The articles on alcohol liability give some examples.

See Resources, p. 219, to review articles on alcohol liability and for information on Liability and Responsible Service video loan.

The liquor licensing authorities in all Canadian provinces and territories have the authority to revoke or suspend permanent liquor licences and special event permits. The loss of liquor licence privileges could prevent other groups in the community from operating an alcohol-related activity in that facility. This could:

- result in a loss of needed municipal income from facility rentals
- result in a loss of needed tourism revenue should some of these cancelled events be festivals or community celebrations.

Although insurance covers liability, there may be many serious consequences:

- The municipality may not have enough insurance to cover its portion of the claim. As a result, taxpayers would pay.
- The municipality's insurance premiums could go up.
- Overall insurance coverage could be reduced.
- The insurance deductible could rise.
- The insurance company could choose not to continue coverage.



Individuals can be held personally liable. Where there is not enough insurance to cover the judgment, an individual's personal assets can be seized. These individuals could include event sponsors, workers and municipal staff.



Although insurance may cover the judgment award in a lawsuit, it may not cover the cost of legal counsel.



Some feel that only intoxicated persons should be held responsible for the alcohol injuries they cause to themselves or others. However, the provider of the alcohol can be held responsible for over-service under the Liquor Licence Act. Whether one agrees with this or not, it is the law, and people can and do rely on it when suing others.

In Ontario, two provincial acts form the basis of alcohol-related liability.

- These responsibilities under the Ontario Liquor Licence Act are not new. They can be traced back well over 100 years.
- The Ontario Liquor Licence Act (LLA) states that:

- Those under 19 years of age cannot be served alcohol or allowed to possess or consume alcohol.
- It is illegal to sell or serve alcohol to an intoxicated or apparently intoxicated person.
- A provider of alcohol is responsible for the safety of the people being served (provider liability).
- This responsibility extends to the safety of others, both on and off municipal property, who come in contact with the person who was served.



A provider's responsibility may continue until the intoxicated person is sober.

See Resources, p. 227, for information on how to obtain the Liquor Licence Act for your province or territory.



Under the Occupiers' Liability Act of Ontario, Municipalities, as owners/occupiers, have the duty to prevent foreseeable harm to anyone who enters or is in the facility.

B. Under the Occupiers' Liability Act (OLA):

- Municipalities and those renting municipal facilities are co-occupiers because they are in control of municipal premises, such as recreation facilities, and have the power to admit or exclude entrants.
- Occupiers must take "reasonable steps" to ensure that all the people entering the event (e.g., event participants and rental groups) are "reasonably safe while on the premises."
- The same legal obligation requires that co-occupiers take the necessary steps to prevent intoxicated patrons from injuring themselves or others who are on the premises.
- If co-occupiers fail in their responsibility, they could be sued jointly or individually if someone was injured or killed.

See Resources, p. 234, for electronic/Internet links to obtain on-line legal information.



Caterer's Endorsement

In Ontario, event organizers may hire a caterer with a caterer's endorsement to sell alcohol to their guests. Although the caterer assumes the potential liability as a provider of alcohol, event organizers and the municipality are “co-occupiers” of the event venue and must abide by the Occupiers' Liability Act.

Legal Information for the United States

Liquor laws may vary from state to state. Please see Resources, p. 228, for information on how to contact your state liquor licensing authority.

Reviewing Training Needs for Staff and Volunteers

- Reducing the risk of litigation requires not only documenting the components of the policy and its procedures, but also the recruitment of appropriately trained supervisors and related servers to implement them.
- The municipality is morally obliged to inform volunteers of the potential for personal liability and to provide them with the tools to avoid being sued.
- Review the training file to determine the number of server training sessions that have been offered and the number of people trained and listed as active volunteers for events.
- If there are not enough trained volunteers to adequately staff events, server training events must be offered.
- Has someone been designated to offer or arrange for training on an ongoing basis?
- Those who receive server training should be oriented to the MAP to demonstrate how the server training skills and the policy connect.
- Have the MAP briefing materials been reviewed? Are they adequate?



Server training often acts as a catalyst to provide a better understanding of liability and the strategies that can be used to better manage safer alcohol events.

Go to Resources, p. 233, for information on how to arrange for server training.

Reviewing Information on Current Municipal Administrative Practices

- Review the current procedures to obtain permission to rent a facility for a special event permit event and determine if they are sufficient and appropriate.
- Review the current process for recording incidents and complaints.
- Review what changes, if any, may be needed to support the MAP.



Using Current Technology

Teleconferences can be used to link interested individuals as well as experts who may be located at some distance from your meeting site.

Does your municipality have a Web site? E-mail? You can use these to obtain feedback from interested community members and facility user groups.

Using the MAP Workbook to Revise Your Policy

Refer to the Checklist for “Reviewing and Revising an Existing MAP.” If you have completed all of the tasks to the end of the “Gathering Information” section, you are ready to draft your revised Blue Ribbon Policy!

You have worked hard to gather the information which will help you to revise your MAP. Based on this information, you can select the MAP Workbook components you need to achieve a “Blue Ribbon” Policy, one that will comply with the requirements of your provincial, territorial or state liquor licence act.



Many components of the MAP Workbook have been obtained from the numerous MAPs adopted by Ontario municipalities since the 1980s.

See the Workbook, p. 99, for additional information which will help you complete your revisions.

See Bringing It All Together, p. 87, to complete your revised MAP.