



Corporate Report

NO: R246

COUNCIL DATE: December 15, 2008

REGULAR COUNCIL

TO: Mayor & Council DATE: December 1, 2008
FROM: General Manager, Parks, Recreation and Culture; City Clerk FILE: 0340 - 01
SUBJECT: Revisions to the Beer Garden Policy and Regulations

RECOMMENDATION

It is recommended that Council:

1. Receive this report as information; and
2. Approve the revised Beer Garden Policy and Regulations, attached as Appendix 1 to this report.

INTENT

The intent of this report is to provide Council with background on the Beer Garden License process and to seek Council approval for several revisions to the existing Beer Garden Policy and Regulations.

BACKGROUND

The City's *Beer Garden Policy and Regulations* (the "Policy") was developed to control and regulate beer gardens that are held as part of private events in City parks. Historically, beer gardens have been an integral part of many outdoor adult athletic tournaments and are intended to provide an additional service to tournament attendees, in a similar vein to concession facilities. They also act to minimize unauthorized and unregulated alcohol consumption that can occur at some adult sport events. Many provincial or national bodies overseeing particular sports and that award tournaments in relation to that sport (e.g., Slo Pitch National) have a requirement that the tournament organizer provide a beer garden as a feature of the tournament.

The *Parks, Recreation & Cultural Facilities Regulation By-Law* (#13480) specifies that possession of alcohol in public facilities is strictly prohibited unless authorized by appropriate approvals through the Province and the City. Given Surrey's very extensive list of outdoor

athletic facilities and public parks, the City's By-Law Enforcement staff and RCMP members are not

able to visit and monitor all of the locations at which events may be occurring concurrently, particularly during the spring and summer. As such, the RCMP support "sanctioning" alcohol consumption through the *Beer Garden License* process to assist in ensuring that the consumption of alcohol associated with sports events is done in a responsible manner. In support of this objective, City Council has adopted a *Beer Garden Policy and Regulations* that include a set of conditions that must be satisfied by any applicant to obtain a license to hold a beer garden. These conditions cover the following areas:

- Attendance at an information/education seminar conducted jointly by the RCMP, ICBC and City of Surrey.
- Fencing of the beer garden area to ensure that minors are not allowed in and to prevent the re-entry of patrons who are asked to leave the beer garden.
- The provision of security personnel.
- The provision of food services near the designated beer garden area.
- The prohibition of unopened drink containers leaving the beer gardens area (to prevent off-premise consumption).
- Noise regulation and the establishment of hours of operation.
- Accounting related to beer garden expenditures, revenues and use of net profits.
- The provision of liability insurance coverage.
- Site cleanup.

The *Beer Garden Policy* also provides that profits accruing from the operation of beer gardens are directed toward "charitable or civic purposes" and do not accrue to the operator of the beer garden. Each organization applying for a *Beer Garden License* from the City must as part of the application designate a recipient organization for any net profits from the beer garden. The standard application review process includes confirmation of the legitimacy of the recipient organization.

The City Clerk advertises in January of each year the opportunity for organizations to apply for beer garden licences. The Beer Garden Review Committee reviews applications that are received by the City. This Committee is comprised of a representative from each of the Parks, Recreation and Culture Department, the RCMP and the City Clerk's office. The Review Committee provides a report to the Parks and Community Services Committee that advises of those who have applied for beer garden licenses and makes recommendations as to the licenses that should be approved. After considering the report, the Committee makes a recommendation to City Council on the beer garden licenses that in the Committee's view should be issued. City Council considers the recommendation of the Committee prior to granting final approval for Beer Garden licenses.

The Beer Garden Review Committee reviews the prior history of each applicant with respect to compliance with the Policy related to any previous beer garden licenses with which the applicant has been involved.

DISCUSSION

The Beer Garden Review Committee has reviewed the City's Beer Garden Policy and has identified the following matters:

1. The liability insurance coverage requirements are not up to date. The Risk Management Division has recommended increasing the liability insurance coverage from \$2 Million to \$5 Million and adding wording regarding host liquor liability coverage.
2. The current policy requires that financial statements be filed by the license holder within thirty days of the Beer Garden License date. For many groups who rely on volunteers to manage club affairs, this is insufficient time to prepare the information and submit it to the City. The Committee is recommending that this be adjusted to provide for submission of information prior to specified dates later in the year.
3. The text of the current policy states that profits from the Beer Garden "should" be used for charitable or civic purposes. The Committee recommends that the word "should" be changed to the word "must" to reduce ambiguity on the matter of use of the profits from beer gardens.
4. The current policy requires that applicants attend a "Serving It Up Right" seminar. The RCMP, ICBC and the City deliver this seminar jointly. The name of this seminar is confusing, as the BC Liquor Control and Licensing has a certification process with a similar name. It is recommended that the seminar name be changed to "Beer Garden Information Seminar" and that this revised name be included in the policy.
5. There are several other minor "house keeping" changes that need to be made in the Policy related primarily to spelling and grammar.

The above-referenced revisions have been incorporated in a revised Beer Garden Policy and Regulations that is attached as Appendix 1 to this report. Subject to Council approval of the recommendations of this report, the Beer Garden License application form and financial reporting form will be adjusted to reflect the recommendations in this report.

CONCLUSION

Based on the above discussion, it is recommended that Council approve the revised Beer Garden Policy and Regulations attached as Appendix 1 to this report.

Laurie Cavan
General Manager,
Parks, Recreation and Culture

Marg Jones
City Clerk

Appendix 1: Beer Garden Policy and Regulations

Appendix 1.

Beer Garden Policy and Regulations

The following Policy and Regulations have been developed to assist in controlling and regulating the public consumption of alcohol in City parks.

1. On recommendation from the Beer Garden Review Committee, consisting of one representative each from the Parks, Recreation and Culture Department, the RCMP and the City Clerk's office, Council may approve beer garden licenses in the City of Surrey each year.
2. Council's approval of a beer garden license is contingent on the organization obtaining a "Special Occasion License" through the Province and the RCMP.
3. For each day that a beer garden operates, a separate license is required; for example, a two-day event requires two licenses.
4. Annually in January, the City Clerk shall advertise the criteria for applying for a beer garden license for that year.
5. Only applications from bona fide community organizations (club, group, organization, association or society) will be considered. Profits from the operation of each beer garden must be directed to a charitable or civic purpose and must not accrue to the organization or society making application for the license.
6. A representative from each organization making application must have attended a **Beer Gardens Information Seminar**, which is organized jointly by the RCMP, ICBC and the City of Surrey. A Certificate of Attendance at the seminar must be attached to the application. Failure to demonstrate attendance at this seminar will render the application(s) ineligible for consideration.
7. Licensees must provide a financial statement to the City Clerk by August 31 of the same year for all beer gardens held during the period between January 1st and July 31st and by December 31st of the same year for all beer gardens held between August 1st and November 31st. The financial statement(s) must clearly document income, expenses, the disposition of all profits and copies of all expense receipts. Failure to provide the financial statement on time or providing incomplete or false information will result in the organization being ineligible for a license during the following year.
8. Beer garden license holders must provide to the City proof of liability insurance coverage of at least \$5,000,000 with the City of Surrey named as an additional insured party, endorsed with host liquor liability coverage.
9. A beer garden is to be held in a tent or within a fenced area and sober adults are to be designated to maintain security at and adequately control all entrances and exits to/from the beer garden area.
10. Between and including the Victoria Day weekend and September 30) beer gardens may operate between the hours of 11:00 a.m. and 9:00 p.m. During all other times of the year, beer gardens may operate between the hours of 11:00 a.m. and one hour before dusk.

Hours of operation outside of the above-referenced hours must be approved by City Council.

11. Beer or cider is to be dispensed into paper, waxed or plastic cups, which hold only one full bottle of beer or cider. Styrofoam cups are not permitted. The licensee shall pour beer or cider from the bottle into the cup, and the filled cup only is to be given to the purchaser/patron.
12. Licensees must ensure noise levels are kept to acceptable levels so as to not create a nuisance in the area of the beer garden and must provide complete cleanup of the site immediately after the event. Failure to comply with this requirement will result in the organization being ineligible for a license the following year.
13. Community organizations must conspicuously post the approved **Beer Garden License** and **Special Occasion License** at the designated park site in close proximity to the area where liquor is being sold.
14. The sale of liquor at the beer garden shall be restricted to beer and cider and this shall only be served in the designated seating area.
15. The beer garden and related event must have adequate security and staffing. Security personnel must be readily distinguishable at the event through visible identification (i.e., T-shirt, arm band, uniform, etc.).
16. Security personnel must check identification at each entrance to the beer garden to ensure that minors do not enter the beer garden and are not being sold liquor.
17. Security personnel shall not consume alcohol while on duty or while wearing clothing identifying them as security personnel.
18. The licensee must provide access to food service and public restrooms during the hours of operation of the beer garden.
19. The hours for the sale of and the selling price for beer and cider will be as outlined in the posted License for each beer garden.
20. No off-premise sale of liquor shall take place (i.e., no liquor sold in the beer garden may be taken outside the beer garden for consumption).