

NO: R078

COUNCIL DATE: April 11, 2016

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **March 30, 2016**

FROM: **General Manager, Parks, Recreation & Culture; City Clerk** FILE: **4320 - 80**

SUBJECT: **Proposed Amendment to City Policy R-2: Beer Gardens in City Parks**

RECOMMENDATION

The Parks, Recreation and Culture Department and the Legislative Services Division recommend that Council amend **City Policy R-2: Beer Garden Policy and Regulations** by:

1. Replacing Paragraph 1 with a new sentence which reads *“On recommendation from the Beer Garden Committee, consisting of one representative each from the Parks, Recreation and Culture Department, the RCMP and the By-law Enforcement & Licensing Division, the General Manager, Parks, Recreation and Culture may approve beer garden licenses in the City of Surrey each year; and*
2. Replacing Paragraph 2 with a new sentence which reads *“The General Manager, Parks, Recreation and Culture may approve a beer garden license contingent on the organization meeting the requirements of the Beer Garden Policy and Regulations, and also obtaining a ‘Special Occasions License’ through the Province and the RCMP.”*

INTENT

The intent of this report is to gain Council’s approval to change **City Policy R2 – Beer Garden Policy and Regulations**, to reflect Council’s delegation of authority to the General Manager, Parks, Recreation and Culture to approve beer gardens, and to change the composition of the Beer Garden Committee.

BACKGROUND

City Policy R-2: Beer Garden Policy and Regulations (the “Policy”) was developed to control and regulate the public consumption of alcohol in City parks. A copy of the policy is attached as Appendix “I”.

The regulations contained within the Policy led to a more supervised environment for alcohol consumption by providing a legitimate alternative to illegal tailgate drinking in the parking

lots of City parks. In order to qualify, interested groups attended a special Serving It Right Seminar for organizations wishing to hold a beer garden in Surrey. At the seminar, participants would receive application packages prepared by Clerk's Office consisting of: Process for Obtaining Beer Garden License; Beer Garden Regulations outline; and City Policy R2. The RCMP, ICBC and a PRC staff representative discuss responsibility, security, liability, procedures and policy. Another criterion that must be met is that the applicants must have provided their financial information to the City from the prior years' beer garden before any new application would be considered. Applications and supporting documentation are gathered by the Clerk's Office and reviewed by the Beer Garden Review Committee, with upcoming license recommendations prepared and submitted to the Parks, Recreation and Sport Tourism Committee of Council for comment, and then to Council for approval. The Beer Garden Committee also audits to ensure that all funds raised through beer gardens are used for charitable initiatives or civic purposes.

DISCUSSION

A thorough review of the legislation has shown that Provincial legislation has changed such that Council approval is not required in order for the City to issue permits for the hosting of beer gardens in City parks.

Staff feel that continuance of the existing screening and education process, coupled with a fulsome review by the Beer Garden Committee, will ensure that beer gardens can be successfully hosted in City parks. A review of reports to Council in this matter over the last decade has shown that Council has supported all staff recommendations, and therefore Council should have confidence that the system is appropriate and working properly, without the need to have Council review and approve each application.

Based on the foregoing, staff are recommending that Council delegate its authority to approve Beer Gardens to the General Manager, Parks, Recreation and Culture, who will review the recommendations from the Beer Garden Committee prior to granting approval.

It is also recommended that the composition of the Beer Garden Committee change, such that the representative from the City Clerk's office is replaced by a representative from the By-law Enforcement and Licensing Division. It is felt that By-law staff, who are in a position to observe beer gardens and enforce regulations at the parks where beer gardens are being held, will be in a better position to judge the relative merits of the various beer garden applications. Parks Division staff would then take over the administrative functions previously carried out by the Clerk's Office.

LEGAL SERVICES DIVISION COMMENTS

Staff of the Legal Services Division supports the recommendations of this report.

CONCLUSION

The Parks, Recreation and Culture Department recommend that Council amend City Policy R-2 by:

1. Replacing Paragraph 1 with a new sentence which reads *“On recommendation from the Beer Garden Committee, consisting of one representative each from the Parks, Recreation and Culture Department, the RCMP and the By-law Enforcement & Licensing Division, the General Manager, Parks, Recreation and Culture may approve beer garden licenses in the City of Surrey each year; and*
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Laurie Cavan
General Manager,
Parks, Recreation and Culture

Jane Sullivan
City Clerk

cc City Solicitor

Appendix “I” – City Policy No. R-2

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CITY POLICY

No. R-2

REFERENCE:	APPROVED BY:	CITY COUNCIL
REGULAR COUNCIL MINUTES 15 DECEMBER, 2008 R246	DATE:	15 DECEMBER, 2008 (RES.R08-2705)
	HISTORY:	11 MARCH 2002 (RES.R02-515) 27 MARCH 2000 9 JANUARY 1978

TITLE: 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 an 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 to 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 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 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 not to 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 the 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).