

Proposed Amendments to Regulation 389/91 (Special Occasion Permits) under the *Liquor Licence Act*

1. Types of Events

- The Regulation provides for 3 classes of permit (sale, no sale, auction) for 8 types of special occasions (reception, fundraising, significant event, hospitality-related trade show or consumer show, market research, community festival, auction) (Sections 1, 2 and 3). These would be reduced to 3 types of events: private events, public events, and industry promotional events. Auction permits would be retained for a period of time, pending a future review to replace them with a new regulatory system.
- The new category of industry promotional events would allow beverage alcohol manufacturers to sample and take orders for their products at a wider range of trade shows, and at farmers' markets.

2. Applications for SOPs

- Applications for special occasion permits (SOPs) must be made in person at an LCBO store in the municipality where the event is to take place (Subsections 3.1(2) and (3)). The requirement to apply at the local LCBO would be revoked, but there would continue to be discretion to require attendance in person, so that age identification could be requested.
- The Registrar of Alcohol and Gaming may refuse a permit application submitted less than 10 days before the event (reception) or 30 days before the event (non-reception) (Subsection 4(1)). This provision would be amended to refer to the new types of events (i.e., "private event" instead of "reception".)
- The provision that provides that the Registrar may refuse to issue permits for a series of events that appear to be an ongoing business (s. 4(2)) would be amended to allow multiple day events, including those that are not on consecutive days. For these events, carryover of liquor would be permitted, and Sections 25 and 26 of would be amended as needed to allow this to occur.
- A permit applicant must give 21 days advance notice of an outdoor event to the local municipality, police and fire departments (and to the National Capital Commission where applicable) (Section 37). This notice period would be increased to 30 days, as a minimum.

3. Advertising

- The Registrar of Alcohol and Gaming must pre-approve advertising for special events (Section 7). This requirement would be revoked.

4. Tiered Seating

- Sale and service of liquor in tiered seating at SOP events would no longer be prohibited (Subsection 10(1)).
- An exemption allowing the sale and service of liquor in the tiered seating at the 2007 World Fastball Tournament would be revoked, as the provision is spent (Subsection 10(2)).

5. Restrictions on Premises

- The requirement for an 0.9 metre high partition around liquor sale and service areas would be maintained (Section 12), and could be increased by the Registrar of Alcohol and Gaming as a condition of the permit.

6. New Forms of Identification

- The Regulation allows driver's licences, Canadian passports, Canadian photo citizenship cards, Canadian armed forces identification cards and LCBO or AGCO photo cards to be used as proof of age (Subsection 29(5)). The obsolete reference to AGCO photo cards would be revoked, and this Regulation (as well as Regulations 718 for liquor delivery, 719 for liquor sales and 58/00 for ferment on premise facilities) would be amended to allow the First Nations status card to be used as proof of age. Updates to permit other government issued identification will also be considered.

7. Primary Business Requirement

- The primary purpose of premises where events are held must be the sale and service of food and liquor (Section 21). This restriction would be revoked.

8. Hours of Sale and Service

- Liquor may be sold and served between 11 a.m. and 1 a.m., except on Sundays (noon to 1 a.m.) and New Year's Eve (11 a.m. to 2 a.m.)(Section 24). This section would be amended to eliminate differential Sunday hours and to extend the end of service to 2 a.m. (and 3 a.m. on New Year's Eve).

9. Other Conditions of Sale and Service

- A permit holder is required post the permit and the levy receipt for the liquor purchased in a conspicuous place on the premises to which the permit applies (Sections 33 and 34). The posting requirements would be eliminated, but permit holders would be required to have these documents on the premises and available for inspection.

10. Designated Person

- A person designated by the permit holder to attend the event in the permit holder's place shall not be the subject of an order of the AGCO Board prohibiting the issuance of a permit to that person. It is proposed that the reference to the AGCO Board be changed to the Registrar of Alcohol and Gaming (Subsection 36(4)). This change follows from the transfer of adjudication from the AGCO Board to the Licence Appeal Tribunal.

11. Fees

- The fees for SOPs are set out in the Regulation (Section 41), although the AGCO Board has been setting fees since 1998 under the *Alcohol and Gaming Regulation and Public Protection Act, 1996* (Section 14). The fee provision in the Regulation is obsolete and would be revoked.

http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_910389_e.htm