



AGCO

Alcohol and Gaming
Commission of Ontario

Special Occasion Permits - Public Events

Licensee information sheets from the Alcohol and Gaming Commission of Ontario

What is a Special Occasion Permit?

A Special Occasion Permit (SOP) is required *any time* liquor is offered for sale or served anywhere other than in a licensed establishment, a private place (for example, a corporate boardroom) or a residence. SOPs are issued for occasional special events only, and not to operate an ongoing business.

While there are different types of occasions for which a special occasion permit may be issued, this tip sheet provides information specific to special occasion permits for Public Events.

Special Occasion Permits for a Public Event

Public Event SOPs are issued for events that are open to the general public, such as charity fundraisers, outdoor street festivals and community festivals, etc.

An SOP for a Public Event can be issued to:

- a charity registered under the *Income Tax Act* (Canada); or
- a non-profit organization or association, constituted with its own constitution and by-laws, and organized to promote charitable, educational, religious or community objects.

An individual or business may also apply for a Public Event SOP if it is organizing or conducting an event of:

- “provincial, national or international significance” as agreed to by the Registrar of Alcohol and Gaming (Registrar) and the municipality, or
- “municipal significance” for which a resolution is required from the municipal council.

A Public Event permit holder may advertise the event and can profit from the sale of alcohol. See the Registrar’s Advertising Guidelines for more information.

Public Event SOPs Are “Sale Events”

All events for which Public Event SOPs are issued are “sale” events. At these events, liquor must be sold either directly through the sale of drinks or drink tickets, or indirectly by including drinks in the ticket price.

When the permit holder purchases liquor at authorized retail stores (LCBO, The Beer Store, manufacturers’ retail stores) for a Public Event, a levy

fee is collected for all liquor purchased so that the permit holder does not have to charge or remit sales tax when the liquor is sold.

Outdoor Public Events – Notification to Municipal Authorities

Until August 2, 2011, for all outdoor public events, the applicant must give written notification **30 days** before the event is to take place to the clerk, police, fire and health departments of the municipality where the event is taking place. If a tent or marquee is used, the local building department must also be notified in writing. As of August 2, 2011, notification periods to the local municipality, police, fire and health departments (and building department where applicable) will be increased for Public Events to:

- 30 days before the event is to take place, if it is expected that fewer than 5,000 people will attend the event; or
- 60 days before the event is to take place, if it is expected that 5,000 people or more will attend the event.

Outdoor Public Events Involving Liquor Sales Licensed Establishments

A Public Event SOP holder and a liquor sales licensee may jointly participate in an outdoor Public Event that allows patrons to carry a single serving of liquor between the licensed area and the area covered by the SOP if the event meets the following criteria:

- It is an outdoor event (i.e. street festival) where the boundaries of the permitted area include one or more liquor sales licensed establishments;
- The event has been designated “municipally significant” by a resolution of the municipal council; and
- The liquor sales licence holder(s) and the Public Event SOP holder have entered into an agreement to ensure there is no unreasonable risk to public safety or the public interest and no unreasonable risk of non-compliance with the Liquor Licence Act (LLA) and its regulations. **This agreement must be filed with the Alcohol and Gaming Commission of Ontario (AGCO) at least 30 days prior to the event.**

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Contact number for AGCO Customer Service & General Enquiries: 416.326.8700 or 1.800.522.2876 or visit us at www.agco.on.ca

Public Event SOP Compliance

The AGCO employs a risk-based approach to the issuance of SOPs designed to assess risks to public safety and the public interest. Based on a risk analysis of the event and the applicant, conditions may be attached to a Public Event SOP.

A range of compliance tools, including the imposition of monetary penalties, are available to the AGCO for Public Event permit holders where there has been a breach of the LLA or regulations.

Tiered Seating

The sale, service or consumption of liquor is permitted in tiered seating at events with a Public Event SOP. The area containing the tiered seating must be disclosed on the application. Should a permit holder wish to add tiered seating after a permit has been issued, the AGCO must be notified immediately in writing.

Donated Liquor

Only registered charities and non-profit organizations/associations holding a Public Event SOP may sell or serve liquor donated by liquor manufacturers. These donations must be processed by a LCBO/government retail store under the permit at full retail price, including all applicable taxes and levies.

Records for all donated products must be obtained by the SOP holder and must be made available for inspection.

Registered charities and non-profit organizations/associations holding a Public Event SOP may offer liquor donated by a manufacturer as a prize if a lottery licence has been issued for the event. Liquor awarded as a prize must not be consumed at the event.

Responsibilities of a Public Event SOP Holder

The following are some of the key responsibilities of the Public Event SOP holder.

- The regular hours for the sale and service of liquor under an SOP are 11 a.m. to 2 a.m. the following day, except for New Year's Eve (December 31) when sale and service of liquor under an SOP must cease at 3 a.m. the next day (January 1). However, the Registrar may restrict the hours of sale and service as a condition of the permit.
- All signs of sale and service must be cleared from the premises within 45 minutes of the end time stated on the permit. This includes the removal of all partially consumed and empty bottles, and glasses that contained liquor.
- Police officers and AGCO Inspectors must be given unobstructed access to the event at all times in order to conduct inspections or investigations and may cancel an SOP while the event is underway if they reasonably believe that the LLA or regulations are being contravened in connection with the event, or if there is a serious public safety risk.
- Only liquor purchased on the permit from a government store (LCBO, The Beer Store or authorized manufacturer's retail store) is allowed to be sold or served at the event.
- Unless under the authority of an agreement entered into by the permit holder and a liquor sales licensee at an outdoor public event designated as "municipally significant", liquor sold or served at the event may not be removed from the premises by any person attending the event. Only the host may remove unused liquor at the conclusion of the event.
- Liquor cannot be sold, served or provided to any person who appears to be under 19 years of age, and proper identification must be checked for any person who appears to be under 19 years of age.
- Intoxication, disorderly conduct and unlawful gambling are not permitted.
- Encouraging the immoderate consumption of alcohol is not permitted, as are contests or games involving the consumption of liquor. Non-alcoholic beverages must be available.
- Guests cannot be required to purchase a minimum number of drinks (or drink tickets) to enter or remain at the event, and no drink containing more than 85ml of spirits can be sold or served.
- There must be sufficient food available to serve the people in attendance.
- The SOP and levy, as verified on alcohol purchase receipts, must be available for inspection.
- The permit holder or his/her designate (the person indicated on the reverse side of the permit) must be present at the event at all times.
- Games of chance or mixed chance and skill (i.e. raffles, 50/50 draws etc.) are not permitted unless the proper licence has been obtained from the province or municipality. Licences are only issued to eligible organizations with charitable or religious purposes. Under such a licence, liquor may be awarded as a prize.
- For outdoor events, the area to which the permit applies must be separated from other areas by a minimum 36 inch (0.9 metres) high separation.
- Leftover liquor must be removed from the premises at the end of the event. When returning unopened alcohol to the government store, you must produce the SOP and a copy of the sales receipt.
- SOP holders can learn to lower their liability risks by taking the Smart Serve program and hiring servers who have taken the course (or a licensed caterer). For more information on Smart Serve, call 416-695-8737 or toll free at 1-877-620-6082 or visit their website at www.smartserve.ca.