



## Committee of the Whole Report

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**Report Number:** ML2022-002

**Meeting Date:** April 5, 2022

**Title:** Special Occasions Permit / Delegation of Authority for  
Municipally Significant Events

**Author and Title:** Aaron Sloan, Manager

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### Recommendation(s):

**That** Report ML2022-002, **Special Occasions Permit / Delegation of Authority for Municipally Significant Events**, be received;

**That** the Delegation of Authority By-Law be amended to appoint the Licensing Enforcement Officer with the authority of Council for the purpose of designating a public event as being Municipally Significant in consideration of a Special Occasions Permit process with the Alcohol and Gaming Commission of Ontario; and,

**That** these recommendations and the amending by-law be brought forward to Council for consideration at the next Regular Council Meeting.

**Department Head:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

At the Council Meeting of August 10, 2021, Council received correspondence as detailed in Appendix A CC2021-13.7.3, requesting a Letter of Municipal Significance in Support of a Special Occasion Permit for the Grand Opening of the Doll House Boutique, Lindsay. Council adopted the following resolution:

### **CR2021-352**

**That** the correspondence from Kayla Webster, Shawna Webster and Holly Suddink, regarding a request for a Letter of Municipal Significance in support of a Special Occasion Permit for the grand opening of The Doll House Boutique in Lindsay, be received; and

**That** a letter be issued in support of a Special Occasion Permit to confirm that the grand opening of The Doll House Boutique in Lindsay is considered to be an event of municipal significance.

**Carried**

### **CR2021-353**

**That** the letter of municipal significance requirement for special occasion permits be referred to staff for review and report back in Q3 of 2021; and

**That** the report back include a policy to address how future requests will be addressed through a delegated authority.

**Carried**

This report addresses that direction.

## **Rationale:**

The City of Kawartha Lakes appreciates the importance of special public events in enhancing the quality of life, tourism, culture, recreation and education and in providing economic benefits to the local economy. The City of Kawartha Lakes staff occasionally receives requests for special public events which may include a special occasion permit to permit alcohol at the public event. In some circumstances, the Alcohol and Gaming Commission will not approve a special occasion permit unless the event has municipal significance.

## **Alcohol and Gaming Commission of Ontario (AGCO) Special Occasion Permit (SOP)**

The Special Occasion Permit (SOP) process involves municipal staff in minor ways. The City of Kawartha Lakes Municipal Event Application Reference Guide provides the following information:

“Depending on your organizational structure (business, non-profit etc.), the nature of your event (public or private); you may be required to obtain a Special Occasion Permit (SOP) from the AGCO. An SOP is required any time alcohol is offered anywhere other than in a licensed establishment (such as a bar or restaurant), or a private place (such as a private office or home), or when public consumption of a patron’s own alcohol is permitted at a tailgate event.”

Licensing Staff may be contacted regarding Special Events which may require an SOP. Licensing staff work with the AGCO to process the AGCO permits.

The Alcohol and Gaming Commission of Ontario (AGCO) is responsible for administering the Liquor Licence and Control Act, 2019 (LLCA), which together with its regulations and the standards and requirements established by the Registrar establish the licensing and regulatory regime for most aspects relating to the sale, service and delivery of liquor in Ontario.

Among its responsibilities in the liquor sector, the AGCO oversees the administration of the Special Occasion Permit (SOP) program, which allows for the sale and service of liquor on special occasions, such as cash bars at weddings or private receptions, as well as larger scale events that are open to the public, such as charity fundraisers.

An SOP is required any time liquor is offered for sale anywhere other than in a liquor licensed establishment.

An SOP may be issued for the following types of events:

- Private Events that are limited to invited guests only and may not be publicly advertised. There can be no intent to gain or profit from the sale of liquor at the event.
- Public Events are open to the public. These events can be advertised and fundraising and/or profit from the sale of liquor at the event is permitted.

There are several types of eligible public events:

- Public events include events of provincial, national or international significance;
- An event **designated by a municipal council as an event of municipal significance**;
- A charity event conducted by a charitable organization, a non-profit association or organization for the advancement of charitable, educational, religious or community objects;
- A tailgate event held in connection with, and in proximity to, a live professional, semi-professional or post-secondary sporting event.

### **AGCO requirement for Municipal Notification**

For events, the applicant must provide written notice to the local municipal clerk's department, police, fire and health departments informing them of the event, and include a sketch identifying the physical boundaries. If a tent, marquee, pavilion or tiered seating is used, the local building department should be notified in writing.

The timelines for applicants notifying local authorities are:

- 30 days before the event takes place, if fewer than 5,000 people per day are expected to attend the event; or
- 60 days before the event takes place if 5,000 or more people per day are expected to attend the event.

Copies of **municipal notification letters will be required as part of the application.**

### **Required Documentation**

If the event includes any of the following, the applicant should retain copies of all letters sent to municipal authorities, as they will be required as part of the application process:

- Any tiered seating;
- Outdoor Public Events involving liquor sales licensed establishments (e.g. Outdoor Street Festival);
- **Public Events requiring a municipal resolution or letter from a delegated municipal official designating the event as "municipally significant"**

## **Council – Municipally Significant**

As detailed in the Background of this report the current process to have a public event designated as municipally significant requires the requestor to notify Council and to receive a resolution or letter from Council. See example Appendix **A - CR2021-352**

Respecting the time between meetings of the Committee of the Whole and Council as they are scheduled to occur monthly over the period of a year, a citizen or business that is seeking to have an event designated as “**municipally significant**” may be restricted by the timing of the meetings and the agenda items.

Special Occasion Permits may be included as part of a Municipal Event Application or Special Event Permits discussion, but are issued by the AGCO

A municipally significant event is defined by the City of Kawartha Lakes as:

- A one time, annual or infrequent occurring event that is open to the public, has a predetermined open and closing date and time which:
  - Has local, regional, national or international historical or cultural significance,
  - Builds awareness of diverse cultures, or
  - Benefits the community at large.

## **Council Delegation of Authority**

### **Delegation of Council Powers and Duties Policy C 149 CAO Appendix B**

The Delegation of Council Powers and Duties Policy advises that the delegation of certain Council powers and duties is considered where there is an opportunity to streamline the decision-making process. Through this streamlining, benefits in simplifying process, improving responsiveness and improving efficiencies in operations is envisioned. Delegation of routine and other matters allows Council, as a collective, to focus their time on more complex and strategic initiatives.

The Municipal Act, 2001, S.O. 2001, c. 25 allows Council to delegate their authority in certain situations to a person or body. Council could choose to designate a municipal official with the authority to review SOP notices and to declare a public event municipally significant when requested. This delegation may require a by-law or policy.

## **General power to delegate**

23.1 (1) Without limiting sections 9, 10 and 11, those sections authorize a municipality to delegate its powers and duties under this or any other Act to a person or body subject to the restrictions set out in this Part. 2006, c. 32, Sched. A, s. 15.

## **Scope of power**

(2) The following rules apply to a by-law delegating any of the municipality's powers or duties:

1. A delegation may be revoked at any time without notice unless the delegation by-law specifically limits the municipality's power to revoke the delegation.
2. A delegation shall not limit the right to revoke the delegation beyond the term of the council which made the delegation.
3. A delegation may provide that only the delegate can exercise the delegated power or that both the municipality and the delegate can exercise the power.
4. A delegation or deemed delegation under paragraph 6 of a duty results in the duty being a joint duty of the municipality and the delegate.
5. A delegation may be made subject to such conditions and limits as the council of a municipality considers appropriate.
6. Where a power is delegated, the power is deemed to be delegated subject to any limits on the power and to any procedural requirements, including conditions, approvals and appeals which apply to the power and any duties related to the power are deemed to be delegated with the power. 2006, c. 32, Sched. A, s. 15.

(3) The conditions and limits referred to in paragraph 5 of subsection (2) may include such matters as the following:

1. A requirement that the delegate act by by-law, resolution or otherwise, despite subsection 5 (3).
2. Procedures that the delegate is required to follow.
3. The accountability of the delegate and the transparency of the delegate's actions and decisions. 2006, c. 32, Sched. A, s. 15.

### **Restriction re delegation of legislative and quasi-judicial powers**

23.2 (1) Sections 9, 10 and 11 do not authorize a municipality to delegate legislative and quasi-judicial powers under any Act except those listed in subsection (2) and the legislative and quasi-judicial powers under the listed Acts may be delegated only to,

- (a) one or more members of its council or a council committee;
- (b) a body having at least two members of whom at least 50 per cent are,
  - i. members of its council,
  - ii. individuals appointed by its council,
  - iii. a combination of individuals described in subclauses (i) and (ii); or
- (c) an individual who is an officer, employee or agent of the municipality. 2006, c. 32, Sched. A, s. 15.

### **Restriction re officers, employees, etc.**

(4) No delegation of a legislative power shall be made to an individual described in clause (1) (c) unless, in the opinion of the council of the municipality, the power being delegated is of a minor nature and, in determining whether or not a power is of a minor nature, the council, in addition to any other factors it wishes to consider, shall have regard to the number of people, the size of geographic area and the time period affected by an exercise of the power. 2006, c. 32, Sched. A, s. 15.

(5) Without limiting subsection (4), the following are examples of powers considered to be of a minor nature:

1. The power to close a highway temporarily.
2. The power to issue and impose conditions on a licence.
3. The powers of the council of a municipality that are described in the following provisions of the old Municipal Act, as those provisions read on December 31, 2002:
  - i. Paragraphs 107, 108, 109 and 110 of section 210.
  - ii. Paragraph 3 of section 308.
  - iii. Subsection 312 (2) and clauses 312 (4) (a) and (b). 2006, c. 32, Sched. A, s. 15.

## **Powers that cannot be delegated**

Council may not delegate any power or duties including the following:

1. The power to appoint or remove from office an officer of the municipality whose appointment is required by the Municipal Act.
2. The power to pass a by-law.
3. The power to incorporate corporations.
4. The power to adopt an official plan or an amendment to an official plan under the Planning Act.
5. The power to pass a zoning by-law under the Planning Act.
6. The powers to pass a by-law under subsections 108 (1) and (2) and 110 (3), (6) and (7).
7. The power to adopt a community improvement plan under section 28 of the Planning Act, if the plan includes provisions that authorize the exercise of any power under subsection 28 (6) or (7) of that Act or under section 365.1 of this Act.
8. The power to adopt or amend the budget of the municipality.
9. Any other power or duty that may be prescribed.

## **Options:**

Considering that the requests for municipally significant designation are not a frequent request of Council, to expedite the process and response, Council may choose to delegate authority to the mayor, one or multiple members of Council or staff member(s) and/or combination of staff and Councillor(s). The delegate(s), will be authorized to declare/decide if a public event is "municipally significant". If Council chooses this option, a delegating and appointing by-law will be required.

A delegation by-law, if supported by Council would provide the criteria for the delegation of authority and the process for receiving/reviewing requests to designate an event that relates to an SOP as being municipally significant.

This option will eliminate all SOP requests that would come directly to Council thereby reducing agenda items and the time that the requestor may need to wait between Council meetings for review and Council decision.

Staff is recommending that this delegated authority become the function of the Licensing Enforcement Officer. The Licensing Enforcement Officer, represents the interests of the municipality and the community at large. The Licensing Enforcement Officer, if granted Council's authority, will review applications, circulate to a group and



provide a letter response to the applicant. The Licensing Enforcement Officer will copy the Mayor and Council and other departments as applicable, when a “municipally significant” letter is issued.

The Licensing Enforcement Officer may engage Licensing staff to assist with the circulation of the Municipally Significant Application to the circulation group. The Application procedure is detailed in Appendix C.

### **Other Alternatives Considered:**

Council may decide to remain engaged in the process which currently requires all SOP related events that request municipal significant status to be brought before Council for review, resolution and/or letter from Council for the AGCO. No additional by-law regulation is required.

### **Alignment to Strategic Priorities**

Delegating the authority to an individual as proposed, will recognize an efficiency in the approval process and eliminate larger time periods between the request and access to Council. This report aligns with the strategic priorities of Good Government and the guiding principles of the Strategic Plan, which include partnering and collaboration to provide service excellence as we “Make it Better”.

### **Financial/Operation Impacts:**

If Council decides to delegate authority to the Licensing Enforcement Officer to designate certain SOP related events as municipally significant, staff do not anticipate a significant financial impact. Requests of this type are very rare and will be absorbed within current budgets and operations.

Staff currently view this type of request as being rare, creating a new by-law and implementing processes will impact staff workload in the short term. Long term impacts may result in a future update and request to Council.

### **Consultations:**

Clerk, Municipal Clerk  
Legal, City Solicitor  
Parks Recreation and Culture, Manager  
Economic Development, Manager  
Licensing, Licensing Enforcement Officer

## **Attachments:**

### Appendix A – Correspondence Doll House Boutique



CR2021-352  
correspondence

### Appendix B – Delegation of Council Power and Duties Policy



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### Appendix C - Municipally Significant Application Process



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