

# **SAFETY IN LICENSED PREMISES**

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## **Report on Measures to Enhance Safety in Licensed Premises**

**December 2007**



Developed by the MLCC  
in consultation with  
The Safety In Licensed  
Premises Working Group

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# **Safety In Licensed Premises**

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## **EXECUTIVE SUMMARY**

Public concern for safety in licensed premises has arisen as a result of an increase in violent incidents in these establishments. The MLCC was asked to take a lead role in reviewing safety in licensed premises, and formed a working group to address the issue. The Safety in Licensed Premises Working Group was comprised of representatives from the MLCC, Manitoba Justice, Manitoba Tourism Education Council (MTEC), Winnipeg Police Service (WPS), Manitoba Restaurant and Foodservices Association (MRFA), Manitoba Hotel Association (MHA), and a cabaret operator.

The Working Group met for one and one-half days on November 20 and 21, 2007 to gather information and advice from stakeholders, both government agencies and industry representatives, who work to ensure a vibrant industry that is safe for all citizens.

Discussions identified existing legislation and industry practices that were effective in protecting employees, customers and addressing safety in licensed premises. For example; responsible service and safety courses, partnerships between agencies and industry, minimum drink pricing, and “in house” operational practices that reject patrons based on gang affiliations and illegal activities.

Although the group identified a number of “best” practices, they understood that the status quo was not acceptable, as society is evolving and becoming more violent. Methodical in this approach, they generated ideas which were developed into 13 recommendations to enhance safety in licensed premises.

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The recommendations fall into four broad categories:

- I. MLCC – recommendations to increase the MLCC’s flexibility through legislative authority to address situational issues.
- II. Justice and Police Agencies – recommendations include review of police resources and effectiveness of legislation such as *The Civil Remedies Against Organized Crime Act*, and cross agency coordination to address situational issues.
- III. Hospitality Industry – recommendations include establishment of industry best practices.
- IV. Education – recommendations include review of owner/server/security training, and public awareness programs.

**Recommendations are:**

1. *Amend the Licence Application and Appeal Regulation to allow the Commission to require a new licensee applicant for a liquor primary licence to submit a security plan as part of the application for licence.*
2. *Amend The Liquor Control Act to allow the Commission to require a “Risk Evaluation” of a licensed premises resulting from a serious incident such as injury or fatality to staff or patrons.*
3. *Amend The Liquor Control Act to authorize the Licensing Board, subsequent to a disciplinary hearing, to require a licensee to post a financial bond (surety) against their licence for a period of time to ensure breaches of The Act do not reoccur.*
4. *Amend The Liquor Control Act to impose a vacating clause for cabarets similar to that required for beverage rooms and cocktail lounges.*
5. *Include in the liquor licensing process a requirement for management (primary) to submit a criminal record checks as part of the licensing process.*
6. *Increase and formalize coordination of “multi organizational” inspections by various regulatory agencies and the police.*
7. *Increase police visibility patrols around licensed premises and expansion of community based patrols at “peak” hours.*
8. *Investigate the merits of municipalities providing dedicated funding for policing that focuses on prevention.*

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9. *Review The Civil Remedies Against Organized Crime Act based on feedback from law enforcement on its effectiveness.*
10. *Establish a licensee self regulated zero tolerance policy of barring.*
11. *Set/establish occupational and professional standards. Industry must take a lead role in establishing a mark of excellence that can be recognized by the general public. These standards should include training and best practices for licensed premises.*
12. *Establish a formal committee between government agencies and industry to review and discuss responsible service and issues facing licensed premises. This group should comprise at least 50% industry and include regulatory and police agencies.*
13. *Develop a public communication strategy and message focussing on acceptable behaviour and the consequences of “being stupid”.*

These recommendations will assist in addressing volatile situations that arise in licensed premises by creating flexibility in legislation and capitalizing on industry best practices through leadership of all partners.

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## THE WORKING GROUP

### The Objective

The objective of The Safety in Licensed Premises Working Group was to gather information and advice from stakeholders, both government agencies and industry representatives, who work to ensure a vibrant industry that is safe for all citizens. Through open discussion, participants explored the issue of enhancing safety within the context of bars, nightclubs, and other licensed premises.

### The Participants

An effective and representative working group of seven participants and one facilitator included owners and operators of licensed premises, representatives from industry associations, educators, law enforcement, and provincial agencies overseeing licensed premises and security standards. This group's experience represented a broad range of perspectives including urban and rural communities, law enforcement, legislative and regulatory and business (small and large) challenges.

The participants included:

**Bev Shuttleworth** - Executive Director, Manitoba Tourism Education Council

**Charlene Muloin** – Registrar, Private Investigators and Security Guards  
Aboriginal and Community Law Enforcement , Manitoba Justice

**Devon Clunis** – Inspector, Winnipeg Police Service

**Scott Jocelyn** - Executive Director, Manitoba Restaurant and Foodservices  
Association

**Trevor Druxman** – Owner/Operator Pembina Hotel, as designated by the  
Manitoba Hotel Association

**Wade Salchert** – Owner/Operator Alive In The District, for cabaret operators

**Winston Yee** - Manager Inspection Services, Manitoba Liquor Control  
Commission

**Cec Hanec**, Facilitator – President, Cec Hanec & Associates Inc.

Working together, the participants gained a better understanding of the issue, and the role they play individually and as a group to enhance safety by implementing strategies to reduce the risk of violence in licensed premises.

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## **The Sponsor**

The Safety in Licensed Premise Working Group was sponsored by the MLCC.

The MLCC is the authority that issues liquor licences to operators of licensed premises in Manitoba and regulates the provinces liquor industry. The MLCC regulates operations of licensed premises as it relates to responsible liquor service and requirements of the licence. In doing so, the MLCC partners with agencies such as MTEC, MRFA, MHA and municipal police to ensure compliance with liquor laws through a combination of education, training, and enforcement.

## **The Discussions**

On November 20 and 21, 2007 working group members met in Winnipeg to discuss the issue of safety in licensed premises. Over the course of one and one-half days participants addressed the issue of violence and safety. Participants' unique perspectives and experiences on the issue clearly revealed best practices that have worked. The diversity and complexity of this issue was analyzed presenting challenges to the industry, law enforcement, legislators, and regulators.

The working group reviewed successful practices, and legislation that have helped the industry enhance safety in licensed premises. Current challenges and consequences in types of corrective action were discussed. Considering these issues and recognizing that violence in society is escalating causing heightened public concern for safety participants reviewed possible consequences to the industry. The group focussed on generating ideas to enhance safety in licensed premises. The key focus during discussions on recommended actions was to create a climate where the industry could remain vibrant and provide a safe environment for patrons and staff.

## **The Report**

The contents of this report reflect the ideas and opinions expressed by all participants. A diverse range of approaches emerged which represents the various backgrounds and experiences of participants.

Participants' discussion provided the opportunity to focus on the scope of the issue and share experiences and strategies that have worked in existing successful premises or organizations. Strategies and measures that worked the best and those that did not were identified.

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The working group's methodology was qualitative, working as a focus/working group to capitalize on the diverse and unique experience, background, and role of each participant.

## **Defining the Problem**

The group recognized the impact of violence in society. Their focus was to key in on strategies to enhance safety in licensed premises, and to ensure a vibrant industry that is safe for all citizens. The group expressed awareness that violence and its escalation in society including organized crime and gang violence can affect and in some cases invade licensed premises.

Violence will always exist in our society. Types of violence will vary according to the prevalence of factors that contribute to it, and the absence of activities to mitigate its prevalence. Factors that contribute to violence in licensed premises include the physical makeup of the premises, liquor consumption patterns (liquor vs. food primary), demographic of patrons (age and gender), gang presence or activities, and the management of operations within the premises to name a few. The issue faced was to mitigate the violence based upon factors that were within the control of partner organizations.

Licensed establishments can be impacted by violence. Owners have an opportunity to mitigate their risk of violent events from occurring by assessing and managing factors within their control.

The physical design and layout of a facility can significantly increase the operator's ability to maintain control and increase general surveillance of the facility. Access control and monitoring of patrons where there are clear sightlines with sufficient lighting have a positive impact on security and a mitigating affect on violence.

Factors such as the size of the facility, crowding, a younger predominately male demographic, and liquor consumption will impact an operators' assessment of needs to mitigate their risk and enhance safety.

These considerations were important reference points in the group's discussion on measures to create safer environments. Within this context the working group explored the issue of safety in licensed premises.

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## Exploring the Issue

The working group focussed on three key questions before considering possible recommendations. These questions were:

1. What is currently being done well to protect employees and customers, and to address safety in licensed premises?
2. What legislation is helping to create a safe environment in licensed premises?
3. What challenges are there to providing a safe environment in licensed premises?

## What is currently being done well to protect employees and customers, and to address safety in licensed premises?

One participant said “a reputation for quality and safety exist when establishments reject patrons based on gang associations, attitude of the patron, or inappropriate behaviour”. So how does an operator attain a “reputation”?

To answer this question we must consider what current activities or practices have reduced the prevalence of violence in licensed premises. Identifying these measures provides an opportunity to capitalize on approaches that have worked, and remind us to continue and enhance these activities where possible.

These measures can be grouped into four categories, (1) education and training, (2) operational practices, (3) partnerships, and (4) miscellaneous initiatives.

### Education and Training

Education and training of staff in the industry was recognized as a key to creating a social environment that is preventative. These programs could be either formalized through legislation or “in house” being dependent on the initiative and planning of the operator. Participants cited the legislated “It’s Good Business Responsible Service and Safety Program” to be a good resource. The program covers basic information that is beneficial to all staff when dealing within a “liquor” environment. The intent of the legislated program is to provide basic information for all licensees and their staff. The success of this program is due in part to its universal application to all licensed premises.

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When a person is certified in taking and passing the “It’s Good Business” program an identification card is issued to them. This card provides proof of training. Inspections by liquor inspectors on this legislated requirement have reinforced importance and awareness of the program and its training components. The high level of participation in the program and the mature state of this program are cited as factors to its success.

Participants thought that “in house” training of staff by licensees would have the greatest impact on quality of staff performance to handle situational issues specific to the operator’s establishment. In addition, important initiatives such as hiring practices that focussed on skill and attitude were identified, because front line staff was seen to deal with incidents that involve violence such as patrons looking for a fight or being impaired by alcohol. Staff needed to be sensitive and skilled to deal with the situation and not just “bouncers” throwing people out.

Participants felt that the role of staff in licensed premises to enhance safety has evolved. Gone are the days of the “big bouncers”. Operators with good safety programs address safety through training and practical programs that involve clear communications both in the roles each staff play, and in communicating information on issues that arise. It is important to know how to handle situations before they become more volatile. The licensee would be more successful if they invested in prevention. For example, staff identifying “heavy spenders” or gang activity and taking action by notifying other staff and management will enhance the operators’ control of their premises.

The most successful training programs are flexible and evolve with the changes in business operations. These programs address the specific needs of the establishment and allow for adjustment based upon staff feedback and regular reviews by the licensee.

Operators who take a lead role through well established policies, monitoring of those policies and practices, planning for growth and busy nights were seen to have less problems, or at least the ability to deal with the problems in a more effective manner.

## **Operational Practices**

Good operational practices by operators are critical and have a direct impact on patron safety through mitigating risk factors. These practices include security and staffing plans for the premises, responsible service, or any training provided by the operator.

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Participants thought that operators who project an image to staff and the public of being security conscious were more diligent. These operators were seen to be enhancing patron safety through an environment that clearly dictated the type of behaviour that was tolerated in that establishment. Operators that did not create this environment were perceived to have more problems with patron behaviour.

Licensed premises are diverse in their physical design, location, and patronage. In many ways these differences correlate directly with security needs. Factors such as patron demographic, size of facility, physical design of the premises, and liquor sales will dictate security needs. Owners must assess their specific needs to ensure a level of safety that is acceptable. Some operators were noted to be above any standard that could be legislated, unfortunately some were not.

Successful practices that licensees have implemented include the following:

- Setting up “zones” for security monitoring in licensed premises. Monitoring must be done continually through security or service staff.
- Continual monitoring of patron behaviour patterns and consumption patterns. Information must be communicated between staff and management of the facility.
- Use of technology to control access points and provide surveillance in the premises. These systems were seen as deterring negative elements in society (such as gang members or affiliates) from patronizing the premises. Camera systems and ID scanners have been a deterrent because all patrons could be identified and used by the police if an incident occurred. Operator investment in technology and its use is seen to be preventative and proactive. What is key is that the owner must consistently use the equipment and that those operational standards are adhered to.
- Use of contract security services staff who are clearly marked/identifiable to augment security plan for the premises.
- Coordinate with police for enforcement of issues that have higher levels of predictability and volatility.
- Risk based inspections and audits by the operator to ensure security measures are operating as expected.
- Elements of crime prevention through environmental design (CPTED), such as setting the structure and layout of a facility that provide good lighting and clear sightlines would enhance monitoring and deter inappropriate behaviour by increasing a patrons’ chances of being identified.

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Participants felt that the more an owner invested in measures or practices as cited above, the more successful they would be in creating and maintaining a safe environment in their facility.

## Partnerships

Partnerships between agencies and organizations either public or private must exist to address issues that affect a cross section of the industry. A high level of communication and coordination is required to effectively deal with these issues. Organizations that focus on “common goals” increase their capacity to successfully implement or influence results that will have lasting implications.

For example the “Responsible Service Committee”, which was composed of public and private organizations including MLCC, MTEC, WPS, MRFA, MHA, Addictions Foundation of Manitoba (AFM), and Manitoba Public Insurance (MPI), was based on key partnerships. This group recommended legislative changes and training standards, which have since been implemented, that have increased socially responsible service of liquor and subsequently increased safety in licensed premises.

Current partnerships and practices between organizations continue to exist. Many of these partnerships rely on high communication levels between each organization.

Successful partnerships include the following:

- Licensed premises operators and police – police “walk throughs” of licensed premises are seen as being preventative. Success has resulted from a high level of communication by the operator with police so that police provide a degree of prevention in the course of their public duties versus providing private security services.
- WPS and MLCC - Winnipeg Police took a proactive approach in the formation of the Street Crime Unit by consulting with multiple agencies. The unit currently conducts “joint inspections” with MLCC liquor inspectors to address repeat issues in licensed premises with good results.
- Licensed premises operators and MLCC
  - The MLCC regularly consults with industry partners and agencies to address issues. In many circumstances, due to the MLCC’s role and established business relationships, they have facilitated agreement on issues that fall outside of legislation. Examples such as work with the Winnipeg Downtown Biz, Exchange District Biz and licensed operators to

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encourage better communication and understanding of issues and to find common ground or solutions that work for stakeholders. Issues affecting the City of Thompson, and the ongoing Designated Driver program were cited as success stories.

- MLCC liquor inspectors and licensees meet regularly to discuss practices and measures to ensure compliance to legislation. Often, inspectors provide training to licensees and their staff on liquor service issues.

A common theme of successful partnerships is the ability of each organization to understand the other's challenges, combined with high levels of communication and coordination focussing on a common goal.

## Miscellaneous Initiatives

A number of activities/initiatives that have enhanced safety for staff and patrons include:

- Minimum pricing of alcoholic beverages for on premises consumption that is socially responsible. Low prices were cited as encouraging over consumption and intoxication that could lead to escalation of violence.
- Risk based inspections by MLCC Inspection Services that target repeat offenders. This approach has more effectively impacted the "bad operators", and shifted the focus "where it belongs".
- Insurance/inspections to reduce risks and liability – Reductions in cost are incentives to licensees. Operators who are diligent and make efforts to create a safe environment should be rewarded either by recognition or reduced cost for insurance.
- Social responsibility programs and public education – Public education and awareness is key to enhancing safety. The working group commented "we are all in this together" and must all take a role in creating a safe environment. Awareness on the issue and actions that support it has been promoted through various programs. Examples include the MLCC's "Be Undrunk" program which encourages responsible consumption, and "Safe Work" which educates people on their right to have a safe work environment.

Numerous initiatives and activities have positively impacted safety in licensed premises. We need to be mindful of our successes and continue to maintain these activities. In this regard additional measures will enhance our ability to achieve safer environments for staff and patrons of licensed premises.

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## What legislation is helping to create a safe environment in licensed premises?

Legislation can be viewed as restrictive or beneficial. For the most part, participants cited legislation that helped to set “minimum standards” for the industry and in some cases facilitated a safer environment.

Legislation helps to create a safe environment by setting legal standards for training, operations in a licensed premises, or defining appropriate behaviour. A legal framework is provided to address contraventions of any “standards” that are set.

The working group cited a number of legislations both provincial and federal that help to enhance safety.

### ***The Liquor Control Act***

Elements in *The Liquor Control Act* such as defining acceptable forms of behaviour from patrons, staff, and owners encourages safety in the premises. The Act, empowers owners to take control of their premises by authorizing them to bar any person causing a disturbance from their property. This would include not allowing any weapons or gang colours in the premises. Responsible service items include mandatory training, prevention of over-service of liquor, and control of premises.

Police cited the ability to “fine” patrons for inappropriate behaviour and deal with the issue in a manner that has more immediate consequences to the person. Minor issues that can be dealt with through a fine provide immediate consequence to the patron, at the same time does not tie up valuable police resources.

The public interest section can be used to address “bad” operators. These operators were seen as either having a disregard for legislation or were tied to organized crime. *The Liquor Control Act* has mechanisms to deal with this issue in a less onerous fashion than the criminal justice system.

### ***The Private Investigator and Security Guards Act***

*The Private Investigator and Security Guard Act* outlines licensing requirements for licensed private investigators and security guards in the province of Manitoba. This Act sets minimum standards for any individual to attain before being licensed.

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Operators were confident that hired contract security staff will meet standards that will provide them with a level of service for their patrons. This Act does not currently regulate door staff in licensed premises.

## ***The Intoxicated Persons Detention Act***

*The Intoxicated Persons Detention Act* (IPDA) provides police and special constables appointed to enforce the IPDA with the authority to deal with misuse of alcohol issues. The IPDA ensures the safety of any person found in a public place, intoxicated and incapable of taking care of him or herself by lodging that person in a safe place until the person is determined to be capable of safely returning to the community. Individuals may be more prone to violence when in an intoxicated state. This Act enables police to “de-escalate” the situation.

## ***The Workplace Safety and Health Act***

The group did not have expert knowledge in this area. However, operators were conscious of their requirement to ensure a safe environment for their staff and to have safe work procedures in place that are known to all employees.

## ***The Petty Trespasses Act***

This legislation provides the licensee with the authority to bar people from their premises. Licensees must know their operation and generally the patrons that patronize the premises. Unwanted or negative elements could be dealt with by barring these individuals or setting an environment that will only tolerate appropriate behaviour.

## ***Criminal Code (Canada)***

The Criminal Code of Canada is the codification of most of the criminal offences and procedures in Canada. Powers of police are set out in this legislation.

As summarized above, there are many initiatives and legislation helping to create a safe environment. We must continually review those initiatives and legislation to maximize benefits that can be derived.

We can also learn from issues that are hindering or creating obstacles to creating safe environments. Why do these exist? What are the impacts to the industry? This is where we now turn our attention.

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## **What challenges are there to providing a safe environment in licensed premises?**

Participant discussion of this question generated many areas that negatively impacted safety. Some consequences were noted to be direct, for example bad or neglectful operators, and others indirect, such as increased levels of violence overall in society. The goal was to identify challenges and to identify lessons that can be learned from participants' experiences and opinions.

Challenges can be grouped into five broad categories. They are listed below with a brief summary of the challenges and their impact on safety issues.

### **Media/Public/Increasing Violence**

The group was cautious of overreacting to issues that are sensationalized in the media resulting in ineffective measures that are more bureaucratic and miss the mark. The group recognized that enhancing safety is different than eliminating violence. A general concern is to dispel the myth that we can develop a "magic bullet" that will eliminate the problem.

Safety is everyone's concern, not just the operators or police. Participants recognized that limited resources exist to deal with safety and violence; yet participants felt that resources were not being well used in part because people do not take accountability for their own safety. Some people rely too heavily on third party intervention. Police resources are valuable, yet too often police officers are tied up with issues that may not need immediate police attention. Unfortunately uninformed public opinion creates a political environment that may create unrealistic expectations for safety.

Overall participants were concerned that violence was increasing in society. Fights that happened in bars twenty years ago are different now; more and more fights are escalating and ending in severe injury or even death. In fact, gang violence and their presence seem to be increasing, with more access to drugs and weapons. This is a police and justice issue that seems to be spilling over into licensed premises. Industry representatives noted that licensees cannot address this issue alone. All participants agreed that operators must act in partnership with police to deter gang activities in their premises.

Participants recognized that police, regulators, and operators must take a lead role to address safety, as well as to educate the public so that effective and

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focussed measures can be implemented with direct implications to enhance safety.

## **Staffing for Licensed Premises**

What do we expect from door staff? Participants identified the expectation level of door staff continues to increase. These are people who normally have limited training and education, yet they are expected to conduct a multitude of duties depending on the situation, and these situations are many. By practice these people are not paid very well, and their pay does not reflect the potential risks involved in their role.

An obstacle to hiring qualified staff is the perception of security or door staff in the industry and job market. Generally these positions have not been sought after as a career, but a temporary job until a better one can be found. Given these challenges, licensees may have no option but to “hire whoever is available”.

Extensive specialized training of door staff was seen as unrealistic because duties varied based on the “issue of the day”. There are numerous situations that door staff must address and training cannot cover every situation.

## **Operators/Government/Police**

There are approximately 1,600 licensed premises in the province of Manitoba with very diverse operators, business practices and patronage that result in a wide range of attitudes and practices as it relates to compliance and safety. These attitudes result from the operators’ specific business situation and needs and in some cases from an attitude of neglect for safety measures due to cost.

Setting provincial or industry standards are difficult because of the varying levels of commitment to a common goal. Unfortunately, negative incidents at a single premises cause scrutiny on the entire industry. It was agreed that generally the trouble occurs more often in places that are not committed to maintaining standards.

Challenges identified include a focus on the “best” interest versus “public” interest, and red tape to “get things done”.

Limited police resources, and its effective use for safety is an ongoing challenge. Participants recognized that the police deal with the bigger issue of violence in society versus safety in licensed premises. Yet they are a critical resource for

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licensees when incidents occur. Response times were noted to be long possibly due to allocation of resources and a “downloading of parental responsibility to police”. It became apparent that with an evolving society, flexibility to address situations by the police is required. Examples cited include the use of private security by police to reallocate lower priority tasks, and “report” cars staffed by one officer versus two.

## Legal issues

Participants were disappointed with the legal system, especially when “known” offenders are released on “technical” issues. The working group participants were of the opinion that a disconnect existed between doing the “right” thing, and a legal system that at times is more concerned about process. Police were seen as doing less police work and more administrative work to appease a justice system that demands a lot of their time on low priority tasks.

Many of the issues facing operators are “situational” and could possibly be resolved through the market system. If you run a bad operation, eventually no one will come. A challenge in legislation is to apply a universal law against issues that vary and are situational. This issue is compounded by a culture of risk aversion. The culture was cited as limiting the ability to determine a “best” solution.

## Personal Accountability

Participants felt that this small item has a proportionately significant impact, and brought about general concern for our lack of control in this area. The challenge is the apparent absence of individual accountability for behaviour – it’s always someone else’s fault, the system made me do it... Culturally, there seems to be no fear of consequences by offenders. One participant cited “stupid” people as a major cause of their problems.

Unfortunately, these individuals’ downtime tends to be spent in licensed premises where they “let loose”. This situation requires the licensee to be more preventive and aware of their client base to properly handle issues as they arise.

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## Ideas to Enhance Safety In Licensed Premises:

The following ideas were put forward by the working group participants:

- a. Minimum security measures to be put in place for certain licensed types – liquor primary. Security measures could include:
  - Closed circuit cameras
  - ID scanners
  - Metal detectors
  - Security personnel

Discussion Notes:

- Operator or industry specific
  - Time/ day specific situations in practice would be a framework
  - Encourage self regulation for positive impact
- b. Risk evaluation following a serious incident at licensed premises. This could be legislated by MLCC and an evaluation could be conducted by third party.
  - c. Rebate or tax credits for licensees who put security equipment in place.
  - d. Insurance ‘benefits’ and ‘breaks’ (reduced cost) for licensees who implement safety measures.
  - e. Bond from licensee as a condition of licence for licensed premises that have committed a breach.
  - f. Liquor laws based on class of licence – tiered regulations.
  - g. Multi-organizational inspections done on a more frequent basis and with a more formalized framework.
  - h. Security plan for new licence as part of proposal submission or for premises under breach.
  - i. Zero tolerance – Bar problem patrons from licensed establishment. This may result in public humiliation and act as a deterrent.
  - j. Training opportunity for MLCC and police regarding issuance of offence notices to patrons versus minor criminal code issues. This would reduce police overload and would be served as a fine versus going through current court process.

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- k. Requirement for fully trained security based upon number of patrons and licence type.
- l. Criminal record checks on security staff and management. This should be phased in and based on percentage of time spent dedicated to safety in job description – 80%.
- m. Industry should take a lead role and establish occupational and professional standards. These standards should incorporate training and best practices.
- n. Police “walk throughs” done on a more formalized basis.
- o. Community based police patrols should be expanded to cover “peak” operating times for licensed premises, including more beat patrols.
- p. Private security outside venue versus always having police with possible pairing and sharing of costs between establishments, augmenting lower priority police work. Example: Downtown Biz covering later hours.
- q. Development of an industry and public communications strategy consisting of MLCC/Police/Operators/MTEC/MADD/AFM/MPI/etc. and focused on:
  - Public education on what is acceptable behaviour
  - Proactive feeds and stories (best practices)
  - Media and/or industry lists
  - Network resource list

\* Recognition of safety practices, industry related, would not be onerous and could be effective as a recruitment tool.
- r. Municipalities to provide dedicated funds for preventative police services. Example: Raise property tax 1% for increased safety initiatives.
- s. Formal committee, that would meet quarterly, focused on re-establishing responsible beverage service and be comprised of:
  - General not individual interests
  - At least 50% as industry operators
  - Police for full perspective

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- t. Consider having the option of retaking “It’s Good Business” and/or rescinding accreditation as it relates to staffing credentials.
- u. Vacating clause for cabaret licensed operations.
- v. Amendment to *The Civil Remedies Against Organized Crime Act* regarding licensed premises and situational issues. This could assist police with quicker response times and alleviate being tied down by the current, cumbersome process.
- w. Proposed enhancements to the minimum training standards for security guards to include “hands on” use of force. Justice is currently dealing with this related to very specific sites.

**In consideration of the proposals and ideas put forth by the working group, the following items are recommended by MLCC to enhance safety in licensed premises:**

These recommendations fall into four broad categories:

- I. MLCC – recommendations to increase the MLCC’s flexibility through legislative authority to address situational issues.
- II. Justice and Police Agencies – recommendations include review of police resources and effectiveness of legislation such as *The Civil Remedies Against Organized Crime Act*, and cross agency coordination to address situational issues.
- III. Hospitality Industry – recommendations include establishment of industry best practices.
- IV. Education – recommendations include review of owner/server/security training, and public awareness programs.

## **I. MLCC**

### **1. Recommendation:**

***Amend the Licence Application and Appeal Regulation to allow the Commission to require a new licensee applicant for a liquor primary licence to submit a security plan as part of the application for licence.***

The Commission currently requires cabaret licence applicants to submit a proposal to ensure viability and control of the operation. By requiring all

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applicants for a liquor primary licence (cabaret, beverage room, cocktail lounge) to submit a security plan as part of their application, operators would better understand their obligations for maintaining a safe environment.

Operators would be more prepared to address safety in a preventative manner, and take precautions where necessary.

## **2. Recommendation:**

***Amend The Liquor Control Act to allow the Commission to require a “Risk Evaluation” of a licensed premises resulting from a serious incident such as injury or fatality to staff or patrons.***

Currently, there is no provision that exists in *The Liquor Control Act* that authorizes the Commission to temporarily “close” a licensed premises for the purposes of ensuring appropriate measures are in place to maintain public safety. The Commission would require a licensee to close the premises until a full evaluation is completed and appropriate requirements are implemented.

This recommendation provides the Commission with flexibility in legislation to address situational issues without penalizing the entire industry. Examples of requirements that may be imposed are trained security per number of patrons, or implementation of security systems.

## **3. Recommendation:**

***Amend The Liquor Control Act to authorize the Licensing Board subsequent to a disciplinary hearing to require a licensee to post a financial bond (surety) against their licence for a period of time to ensure breaches of The Act do not reoccur.***

The MLCC has a progressive form of disciplinary action to address breaches of The Act by licensees. Most breaches are dealt with administratively, a few (approximately 4%) are dealt with through the Licensing Board (Board of Commissioners under appeal). Generally these are cases where the breach itself is severe or there are a number of breaches on the licensee’s record of operation. A bond would be an option that could be imposed by the Board in situations where there is a concern for a re-offence.

This amendment would encourage compliance from operators who have previously breached The Act. The focus of this process would be on repeat offenders and poor operators.

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## **4. Recommendation:**

***Amend The Liquor Control Act to impose a vacating clause for cabarets similar to that required for beverage rooms and cocktail lounges.***

Currently beverage room and cocktail lounge operators must clear the premises of patrons no later than 60 minutes after the sale and service of liquor is required to cease. As cabarets are liquor primary in nature, a similar requirement on these operations would standardize rules for liquor primary premises. This amendment may lessen late night problems and after hours operations.

## **5. Recommendation:**

***Include in the liquor licensing process a requirement for management (primary) to submit a criminal record check as part of the licensing process.***

Currently, only applicants and shareholders (owners) are required to submit a criminal record check as part of the liquor licensing process. This requirement will provide additional safeguards against organized crime related persons from controlling licensed premises.

## **II. JUSTICE AND POLICE AGENCIES**

## **6. Recommendation:**

***Increase and formalize coordination of “multi organizational” inspections by various regulatory agencies and the police.***

Currently joint inspections occur as a result of informal partnerships. The results have been positive and well received. A more formalized and systematic approach to joint inspections and the identification of this type of framework would provide agencies with a resource to address chronic issues.

These inspections would focus on “repeat” offenders and “bad operators”, and occur on a more frequent and formalized basis.

## **7. Recommendation:**

***Increase police visibility patrols around licensed premises and expansion of community based patrols at “peak” hours.***

Police presence often helps to de-escalate volatile situation. Generally, licensed premises are where there are often the elements that can result in violence and

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crime. The key consideration is that police do not act as private security for licensed premises but are around “where the action is”.

Community based policing forms partnerships with the community. Expanding those hours to “peak” times in areas that have an active “night” life may capitalize on established partnerships with the community and area businesses.

## **8. Recommendation:**

***Investigate the merits of municipalities providing dedicated funding for policing that focuses on prevention.***

Funds invested in proactive policing may assist in addressing safety concerns in communities. Property tax or other municipal funding could be considered to support preventative police activities.

## **9. Recommendation:**

***Review The Civil Remedies Against Organized Crime Act based on feedback from law enforcement on its effectiveness.***

This Act is relatively new and feedback from law enforcement may identify opportunities for amendments that will enhance police enforcement by reducing “administrative” requirements with a focus on keeping police resources in the field.

## **III. HOSPITALITY INDUSTRY**

### **10. Recommendation:**

***Establish a licensee self regulated zero tolerance policy of barring.***

Barring people who create a disturbance sends a strong message regarding the behaviour that is tolerated in a licensed premises. By implementing a zero tolerance policy licensees will deter unwanted behaviour at their licensed premises.

### **11. Recommendation:**

***Set/establish occupational and professional standards. Industry must take a lead role in establishing a mark of excellence that can be recognized by the general public. These standards should include training and best practices for licensed premises.***

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Leaders in the industry have become successful by setting standards that put them above the rest. Areas of excellence include service, environment, and safety practices. Unfortunately some operators when left to self regulation have simply adopted the legislated standards and nothing more. Industry standards and marks of excellence will separate the good operators, many of whom invest in their business, from those in for a quick dollar. Businesses achieving these professional standards would attract better staff and more patronage.

Training of staff is key to the customer service success of a business that will ensure long term growth. Training tools could include video or in class instruction, and follow up support and audits by the licensee.

Best practices such as mandatory coat checks, re-entry strategies, and listing of certifications for staff and the premises could enhance safety. Premises that do not adhere to best practices would eventually feel public pressure through less patronage.

## **12. Recommendation:**

***Establish a formal committee between government agencies and industry to review and discuss responsible service and issues facing licensed premises. This group should comprise at least 50% industry and include regulatory and police agencies.***

A key consideration for this committee would be to ensure relevant issues that are general in nature are discussed versus “lobbying” for individual interest.

## **IV. EDUCATION**

### **13. Recommendation:**

***Develop a public communication strategy and message focussing on acceptable behaviour and the consequences of “being stupid”.***

The strategy would be directed by both government and the industry. Strategies could include setting standards for behaviour in licensed premises, citing examples of industry best practices, and publication of names.

# **Safety In Licensed Premises**

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## **CONCLUSION**

There are many measures currently in place that promote safety in licensed premises. The recommendations in this report will augment measures currently in place and begin first steps to move forward to a safer environment in licensed premises.

Next steps include consideration and implementation of recommendations by affected organizations, and reconvening of the working group to further discuss and evaluate the status of the recommendations and safety in licensed premises.