



What We Heard

AGLC Entertainment Policy Review
Consultation Results

November 2019



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Introduction

Alberta Gaming, Liquor and Cannabis (AGLC) is responsible for licensing, regulating, and monitoring liquor in Alberta. AGLC administers the *Gaming, Liquor and Cannabis Act* (GLCA), Gaming, Liquor and Cannabis Regulation (GLCR), and related policy governing the manufacture, importation, sale, purchase, possession, storage, transportation, use and consumption of liquor in Alberta.

AGLC is focused on modernizing its liquor policies to ensure they reflect the needs of Albertans. Policies related to general entertainment, games and dancing within a licensed premises (section 5.10 of the Liquor Licensee Handbook (LLH)) were identified for review and consultation as part of this modernization effort. This report summarizes the results of a Canadian cross-jurisdictional scan as well as a consultation with licensees, municipal and provincial stakeholders, law enforcement and healthcare industry stakeholders.

The objective of this consultation was to obtain feedback on draft modernized entertainment policies with the objective of removing restrictions on the forms of entertainment, while maintaining safety in licensed premises. Nude entertainment policy (section 5.11 LLH) was out of the scope of this review.

Background

- AGLC received requests from licensees and the entertainment industry to review its policies governing entertainment at licensed establishments.
- Some stakeholders suggested that the current entertainment policies are restrictive and do not accommodate forms of entertainment that are safe and potentially profitable.
- This review aligns with the government's commitment to reducing red tape and regulatory burden.

Methodology

AGLC consulted stakeholders from September 25 to October 18, 2019 via personalized survey (Survey Monkey) invitation through email. The following table shows the participation rates obtained for this consultation:

<i>Participation Rates of Survey</i>			
Client Group	Invited to Participate	Participated (Provided Feedback)	Participation Rate (%)
Licensees – Bar/Restaurant owners	214	19	9%
Municipalities – City officials	8	11	>100%**
Law Enforcement	16	8	50%
Health Services	5	3	60%
Other *	9	8	89%
Total	252	49	19%

**Includes non-profits, post-secondary institutions and provincial representatives*

***A greater number of municipalities (city officials) participated than originally expected due to the recirculation of the survey by original stakeholders*

Response rates should be considered when reviewing the results of this consultation. For example, only a small number of liquor industry stakeholders chose to respond. The low participation rate for this

group may be indicative of stakeholders not having any particular concerns with entertainment policies or the proposed policy.

Cross-Jurisdictional Research

Leading up to the consultation, AGLC undertook a review of Canadian provinces to determine what could be learned from other jurisdictions. Please note that nude entertainment policy (section 5.11 LLH) is out of the scope for this review.

The cross jurisdictional analysis showed a wide variety of different approaches to entertainment policies among the provinces and territories of Canada. Some provinces like Manitoba and Ontario have no policies restricting the types of entertainment that licensees can choose to offer. Other provinces have policies to mitigate risks associated with certain forms of entertainment. There are also policies for entertainment options based on the type of licence issued. For example, in New Brunswick an entertainment licence is required when live entertainment is provided.

Entertainment alternatives vary across all provinces and territories, however, the objectives of these policies remain constant. That is to:

- Offer a safe environment for patrons, staff and entertainers within the licensed premises;
- Prevent unregulated illegal gaming events or activities from occurring; and
- Encourage the responsible consumption of alcohol.

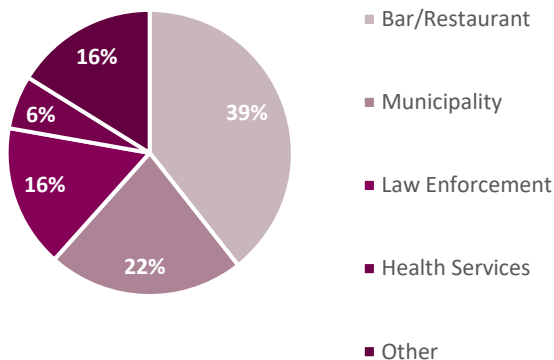
The proposed draft entertainment policies reflected these policy objectives.

Consultation Findings

During this consultation, stakeholders were provided a proposed draft of the entertainment policies section of the Liquor Licensee Handbook (LLH) (one page), the current entertainment policy (five pages), and an invite to participate in a survey. The survey contained six questions:

Question 1 - *Please indicate the industry sector that best describes your organization/business.*

Industry (as a percentage of total respondents[49])



Question 2 - Based on the draft policy that was provided to you, please indicate your level of agreement (Strongly Agree through Strongly Disagree) with the following statements:

The proposed policy is easy to understand.

87% (33 out of 38 responses) agreed that the proposed policy was easy to understand. Only two respondents disagreed.

It is clear what activities are permitted within licensed premises and which ones are not.

30 survey participants out of 38 responses (79%) agreed it is clear as to what activities are permitted within licensed premises and which ones are not. Six respondents (16%) disagreed and the remainder were neutral.

The proposed policy streamlines procedures and reduces red tape.

71% (27 out of 38 respondents) agreed the proposed policy reduces red tape. 18% were neutral.

Question 3 - The proposed policy is written such that AGLC intends to accommodate all entertainment activities in licensed premises as long as they are lawful and safe.

Are there risks and/or public safety concerns associated with this proposed policy that should be considered?

71% (24 survey participants out of 34) do not anticipate any risks and/or public safety concerns associated with this proposed policy.

If yes, please specify and identify any suggestions to mitigate these concerns.

Of the 10 respondents that answered 'Yes', the following concerns and mitigating strategies were identified:

- "Not clear if 5.10.3 includes the prohibition of drinking games. If not, consider how to clarify the message around 5.10.2 a. '...must not promote excessive or abusive alcohol consumption.' Currently this could be left up to interpretation which makes it challenging for enforcement officers."
- "5.10.2 Entertainment offered/provided in licensed establishments: a) must not promote excessive or abusive alcohol consumption; 'Excessive' or 'abusive' could be subjective. It would be clear if reference was made to Canada's Low Risk Alcohol Drinking Guidelines (LRDG)."
- "State load limits of premises holding this activity. Ensure adequate security personnel"
- "The new policy does not seem as robust, with clear allowed/not allowed activities"
- "I think you have addressed them appropriately, 'excessive or abusive alcohol consumption and patron / operational safety.' I agree that the entertainment isn't the issue, it's how it's managed."

Are there benefits and/or opportunities associated with this proposed policy that should be considered?

21% (7 out of 34 responses) believe there are benefits and/or opportunities associated with this proposed policy. 79% (27 responses) of participants did not cite any benefits or opportunities.

If yes, please specify.

Benefits and/or opportunities cited by survey participants:

- *“The policy change allows for industry to consider new activities that patrons may enjoy. With this is the importance of ensuring that industry understands some potential harms/liabilities that may come with some of these activities”*
- *“It does clear up a lot of old outdated or unnecessary policy”*
- *“The benefits all lie with the AGLC who will quickly engage policing resources to determine if contraventions have occurred. Less prescriptive policies for AGLC means more workload for policing when licensees find loopholes, which they will”*
- *“...ANY game, even a permitted one could be unsafe (ie. ‘pool table’ - people can turn a game of pool into a ‘drinking game’ - take a shot of tequila every time a solid ball goes in etc. Yet, ‘beer pong’ which has not been allowed is an extremely popular, ‘pop-culture game’ which can be played in a way that doesn't promote excessive drinking; but, has the reputation of a game that does).”*

Question 4 - Please indicate for your organization/business, the level of satisfaction with the proposed entertainment policy. (Very Satisfied through Very Dissatisfied)

71% (24 of 34 respondents) are satisfied with the proposed policy and 21% (7 respondents) are neutral. 3 were slightly dissatisfied.

Question 5 - Do you have any further comments regarding the proposed entertainment policy?

- *“It is encouraging to see 5.10.2 included; bolstering this section to include a clear definition of ‘excessive’ and ‘abusive’ alcohol consumption is critical. Further, implementation and robust monitoring is essential to reduce health and safety risks.”*
- *“I continue to support the streamlining efforts made by the AGLC here. Excellent work! Now, when do we get to look at section 8 and it's outdated policies?”*
- *“Broad language means broadened interpretation and opportunistic behavior which will need to be investigated by someone. I believe the intention is for AGLC to shift from being the overseer to the reporter of suspected contraventions leaving police the workload to determine if behavior in licensed premises is contravening a law as the policy is too broad.”*
- *“I think this is an improvement as it is often easier to manage something by making the allowance broad. Sometimes the more we specify rules regarding each individual situation, the more we create gaps in the rules”*
- *“It's nice that although succinct, it is thorough and covers off all items of concern.”*

Conclusion

Based on the consultation results, the majority of stakeholders are in agreement with the adoption and implementation of the proposed entertainment policy. Overall stakeholders find the policy simple and easy to understand. The majority of respondents also feel that the proposed policy aligns with the current government's objective to reduce red tape. Many do not anticipate any risks or concerns with the proposed entertainment policy.