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Town of Aurora

General Committee Report

No. CMS23-040

Subject: Mobile Food and Licensed Beverage Consumption at Concerts in the Park – Pilot Update

Prepared by: Shelley Ware, Special Event Supervisor

Department: Community Services

Date: September 19, 2023

Recommendation

1. That Report No. CMS23-040 be received; and
2. That the implementation of Licensed Beverage Consumption for Aurora's Concerts in the Park series be approved; and
3. That food options continue to be provided by Aurora's Farmers Market.

Executive Summary

This report seeks approval of the implementation of licensed beverage consumption for Aurora's Concerts in the Park starting in 2024.

- The recommendation for implementation includes data that was collected and community feedback that was received during the pilot.
- The safe implementation of licensed beverage consumption for sale in the 2024 Concerts in the Park series requires a strategy, enhanced funding and resources to proceed.
- Food options at Concerts in the Park continue to be provided by the Aurora's Farmers Market.

Background

This report summarizes the results from Aurora's Concerts in the Park pilot for licensed beverage consumption for sale which was implemented on August 23 and August 30

and a recommendation to implement licensed beverage consumption for sale during Aurora's Concerts in the Park starting in 2024.

The pilot was done as a result of a Notice of Motion directing staff to investigate the possibility of alcohol sales, food vending and a bylaw review as it relates to mobile food and refreshment vendors. The Bylaw review will come back to Council in a separate report.

During Aurora's Concerts in the Park on August 23 and 30, a pilot was implemented for licensed beverage consumption for sales. In July 2023, an Expression of Interest was opened for interested parties to participate in being the vendor for the sales of licensed beverages during these two concert evenings. Two proposals were received, and the successful vendor was Niagara College Aurora Armoury (NCLEC). The NCLEC was able to fulfill all operating requirements of the Town of Aurora. This included a variety of components such as insurance, compliance with the Alcohol Gaming Commission of Ontario (AGCO) requirements, and fulfillment of staffing, product and handling of all service and sales. The concerts were from 7 p.m. to 9 p.m. with the licensed beverage serving between 6 p.m. and 8:15 p.m.

Each week of the nine-week summer concert series there is an average of 1000 attendees with hundreds more enjoying on site amenities such as the splash pad, playground or taking in a baseball game onsite at Aurora Town Park. To date, this pilot was the first time alcohol was available during the concert series. Currently there are two other licensed Town of Aurora events; Dance in the Park and Aurora's Ribfest.

In response to Council direction and taking into account the results from the August 23 and 30 pilot, an implementation strategy has been created for the continuation of licensed beverages for consumption for Aurora's Concerts in the Park starting in 2024.

Analysis

The recommendation for implementation includes data that was collected and community feedback that was received during the pilot.

A number of considerations were taken into account to ensure the pilot project was executed safely:

- Compliance with the Alcohol Gaming Commission of Ontario (AGCO) and Town of Aurora Municipal Alcohol Policy.
- Development of a safety plan to ensure alcohol doesn't enter or leave Town Park.

- The amenities and family-focused activities ongoing at Town Park during the concerts, which includes an active splash pad and recreational softball games.

The data collected and community feedback received during the pilot contributed to the recommended direction for 2024.

The Town of Aurora's Municipal Alcohol Policy needs to be followed where applicable. The policy requires fencing to be set up to ensure the containment of alcohol can be properly managed. Given the short serving timeframe at each pilot concert, there was only partial temporary fencing set up which enhanced the security plan, while adding to the décor of the concert atmosphere.

Town Park is a busy park during the concerts with a very active playground, family focused splash pad and a busy baseball game schedule.

The pilot for August 23 and August 30 entailed the following:

- Licensed beverages to be sold between 6 p.m. and 8:15 p.m., concerts from 7 p.m. to 9 p.m. with an intermission from 7:50 p.m. to 8:10 p.m.
- NCLEC was retained for the selling of licensed beverages in compliance with the AGCO and the Town of Aurora safety requirements.
- The security plan included two paid duty York Region Police officers and three Bylaw officers that were on site from 5:30 p.m. to 9:30 p.m. to ensure that alcohol was not coming in or leaving Town Park.
- There were three key entrance/exits for the park; Larmont Street entrance, Wells Street entrance and along the Mosley Street side of the park.
- Minimal fencing was set up to ensure these three entrances were functional.

As part of the pilot, staff gathered community feedback from attendees and various Town Divisions resulting in the following findings:

- Based on results from surveys conducted at the July 5 and August 2 concert, an average of 50% of the attendees indicated they would purchase a licensed beverage.
- Town staff attended the Town of Newmarket's summer concert on Thursday, July 13 to gather information regarding their experience, key learnings and established best practices for their summer series. Some of these best practices were integrated into this pilot.

The observations by staff from the pilot of licensed beverage consumption for sales during the August 23 and 30 Aurora concerts included:

- Between the two concert evenings, there was approximately 140 beverages sold and no incidents of inappropriate behaviour within the park
- There were a few attendees that attempted to leave with their purchased alcohol. But this number of people was manageable for educating them on the process for the evening.
- Staff did have a concern with the early onset of dusk with being able to control alcohol entering or leaving the park from the Mosley Street side of the park.

The safe implementation of licensed beverage consumption for sale in the 2024 Concerts in the Park series requires a strategy, enhanced funding, and resources to proceed.

The cumulated results and outcomes of the licensed beverage consumption for sales pilot has determined that this can be done safely, but will rely on the continuation of a third-party vendor for the delivery of this service and a funded security plan.

With adding a licensed component to this event, it will increase the Town's responsibilities, risk and liability associated with the potential behaviours of the attendees on an ongoing basis.

The strategy to implement the licensed beverage for consumption Sales at Aurora's Concerts in the Park includes:

- A weekly security plan that entails a combination of York Region Paid Duty Officers and a Security support team. Their role would be to ensure alcohol does not enter or leave the premises, address any inappropriate behaviour and to be a supportive presence.
- The Events Team will seek a licensed provider that has demonstrated professionalism through previous events and ability to provide service within the AGCO Guidelines.
- Partial fencing within Town Park to be set up each week to supplement the security plan and to minimize some risk from the Town of Aurora and the approved vendor.

Food options at Concerts in the Park continue to be provided by the Aurora's Farmers Market.

The Aurora's Farmers Market has provided food vendors for the past 6 years at Concerts in the Park. These vendors are set up to be mobile, and have all the required licenses, insurance, and equipment. There is a good variety of vendors at Concerts in the Park including, pizza, pasta, samosas, frozen treats, popcorn, and more. These vendors were well received by the public.

It is staff's recommendation that the Farmer's Market continue to provide the mobile food vending at Concerts in the Park. It has been staff's experience that local restaurants do not have the resources to be mobile and struggle to be profitable in a mobile environment.

Advisory Committee Review

None

Legal Considerations

Allowing alcohol consumption in municipal spaces exposes the Town to liability risks. Under the *Occupiers' Liability Act*, R.S.O. 1990, c. O.2, the Town owes a duty of care to all patrons utilizing the Town's amenities. Although the Town would have an agreement with the licensed provider containing insurance and indemnification provisions, anyone involved in the organization of the event or the service of alcohol can potentially be held liable for damages or injuries where alcohol is deemed to have been a contributing factor.

In cases where alcohol is served, liability does not only extend to incidents that occur on the premises where alcohol is being served; liability can extend to incidents that occur off premises. For example, if a person leaves Town Park after being served alcohol and gets into an accident, the Town could face liability for any injuries or damages sustained, if the alcohol served to the person is deemed to be a factor in the causation.

Implementing and maintaining an appropriate risk mitigation strategy will assist the Town in mitigating its risk; however, it would not absolve the Town from liability.

Financial Implications

The projected additional operating costs to support the security plan per Concert include:

York Region Police Paid Duties (2 paid duties, based on 2023 staffing costs)	\$770.00
Security (3 staff, based on 2023 staffing costs)	\$348.00
Total cost per evening	\$1,118.00

Temporary storage unit rented on site for security supplies are projected to cost \$500 per month, with two months required.

The total projected additional cost for the full summer Concerts series would be approx.:

Security	\$10,062.00
Temporary Storage	\$ 1,000.00
Total cost for series	\$11,062.00

The Expression of Interest that would be issued for 2024, would request a percentage back in sales commissions. Due to the modest sales indicated from the pilot, it will be a significant undertaking on an ongoing basis for the approved vendor to break even. A commission percentage of sales would be recovered by the Town which is forecasted to be approx. \$100 per evening, totaling \$900 of potential revenues for the series. A summary of the projected net operating costs for this proposed service enhancement is presented in table 1.

Table 1		
Event Licensed Beverage Consumption		
Estimate (\$'s)		
<i>Revenues:</i>		
Vendor commissions		(900)
<i>Expenses:</i>		
Security	10,062	
Temporary Storage	1,000	11,062
Net Operating Cost		10,162

If approved, this service enhancement's incremental net cost will be funded from the Town's operating budget.

Communications Considerations

The Town will inform the public about the information contained in this report by posting it to the Town's website. Information about the Concerts in the Park series will continue to be shared through normal communications channels.

Climate Change Considerations

The recommendations from this report do not impact greenhouse gas emissions or impact climate change adaptations.

Link to Strategic Plan

The implementation of a licensed beverage consumption for Sales at Aurora's Concerts in the Park starting in 2024 supports the following Strategic Plan goals and key objectives:

Supporting an exceptional quality of life for all in its accomplishment in satisfying requirements in the following key objectives within these goals statements:

- Invest in sustainable infrastructure
- Celebrating and promoting our culture
- Encourage an active and healthy lifestyle
- Strengthen the fabric of our community

Alternative(s) to the Recommendation

1. Council may provide further direction.

Conclusions

This report recommends the implementation licensed beverage consumption for sale at Aurora's Concerts in the Park series starting in 2024. The results from the pilot that was conducted provided valuable information for future direction of licensed beverage consumption for sale at the 2024 Aurora's Concerts in the Park series, ensuring the Town continues to deliver safe events that are properly resourced for the community to enjoy.

If approved, Staff would advertise for potential providers in the Town Notice Board and social media platforms, attend alike events, and reach out to local service clubs to ensure they are aware of this opportunity in the Spring of 2024. If a licensed vendor that meets the requirements of the Town is not secured by June 1, 2024, there would be no licensed beverage for consumption sales at the Aurora's Concerts in the Park series for 2024.

Attachments

None

Previous Reports

CMS23-027 – Mobile Licensed Beverage consumption at Concerts in the Parks

Pre-submission Review

Agenda Management Team review on August 31, 2023

Approvals

Approved by Robin McDougall, Director, Community Services

Approved by Doug Nadorozny, Chief Administrative Officer