



TAILGATE EVENTS

INFORMATION SHEETS FROM THE ALCOHOL AND GAMING COMMISSION OF ONTARIO



When is a Tailgate (Public) Event Permit Required?

A Tailgate Event Permit is required for events held in connection with, and in proximity to, an eligible live sporting event at which alcohol may be sold or served.

What is a Tailgate Event?

A tailgate event is generally considered to be an outdoor social gathering, where attendees can bring their own food, beverages (including alcohol), and often their vehicles, to an area for the purposes of community and support for a sporting event.

Tailgate Event Permits

To be eligible for a Tailgate Event Permit, the event must be:

- held in connection with, and in proximity to, one of the following types of sporting events:
 - Professional
 - Semi-Professional
 - Post-secondary
- held at an outdoor space, at ground level (e.g. parking lot).

Tailgate events are open to the public and may be advertised.

Fundraising/profit from the sale of alcohol at the tailgate event is permitted.

Tailgate Event Permit with Sale or No Sale of Alcohol

Under a Tailgate Event Permit, you may sell and serve alcohol if you wish, though there is no obligation. You must, however, allow attendees to bring their own alcohol and consume it at the event.

If you are selling or serving alcohol at your tailgate event, all alcohol under the permit must be purchased in Ontario from an authorized government retail store (LCBO, The Beer Store or authorized manufacturer's retail store).

Requirements for Tailgate Event Permits

- You must submit a sketch with your application, clearly showing the exact dimensions of the proposed permit area and the location of any tent, marquee, pavilion or tiered seating being used.
- The local municipal clerk's department, police, fire and health departments must be given written notice at least **30 days** before the tailgate event takes place when expecting **fewer than 5,000 people** per day. If expecting **5,000 or more people** per day, a notice to the same group is required at least 60 days prior to the tailgate event.
- If there is a tent, marquee, pavilion or tiered seating is used, then the local building department must be notified in writing.

Multiple Day Events

Multiple day events can only be issued if:

- Each tailgate event is one in a series of events (e.g. tailgate events for all home games of sports team).
- The application for the permit is for all of the dates of the events.
- The nature, purpose, location and target audience of each of the tailgate events (e.g. tailgate event for all home games) are the same for each event.
- As a result of doing so, the permit holder is not operating an ongoing business, or does not appear to be doing so.
- Each tailgate event is in connection with and in proximity to an eligible sporting event.
- Alcohol may be stored between events under certain circumstances. Police and AGCO Compliance Officials must have full, authorized access to the location.

Compliance

The AGCO uses a risk-based approach to issuing permits, which aids in assessing risks to public safety and the public interest. Additional documentation may consequently be required from an applicant. Based on a risk analysis of the event and the applicant, conditions may be attached to the Tailgate Event Permit. Where there is a breach of the *Liquor Licence Act* (LLA) or its regulations at a tailgate event, the Registrar may impose sanctions on the permit holder, including a monetary penalty or refusing to issue further permits.

Responsibilities of a Tailgate Event Permit Holder include:

- The Permit Holder, Responsible Person(s) and/or Designated Person must be present at all times throughout the tailgate event.
- The permit holder must allow patrons to bring their own alcohol for consumption at the event.
- The permit holder may allow vehicles to enter and park within the permit area.
- The permit and alcohol purchase receipt(s), must be available for inspection upon request by an AGCO Compliance Official or police officer.
- All areas where alcohol will be sold, served or consumed must be readily distinguishable and separated from areas where the permit does not apply.
- Alcohol can only be served during the hours stated on the permit. The regular hours for the sale and service of alcohol are 9 a.m. to 2 a.m. the following day, except for New Year's Eve (December 31) when sale and service must cease at 3 a.m. on January 1.
- The permit holder must ensure that patrons attending the tailgate event do not leave the permit area with open alcohol that is not in a closed container. If patrons are leaving in a motorized vehicle (other than a form of public transportation), the permit holder must ensure that any alcohol being removed is in a sealed and unopened container or packed in baggage that is fastened closed or is not otherwise readily available to any person in the vehicle.
- The permit holder is responsible for ensuring the safety and security of patrons attending the event.
- Police officers and AGCO Compliance Officials must be given unobstructed access to the tailgate event at all times and may revoke a permit while the event is underway if they reasonably believe that the LLA or regulations are being contravened.
- All signs of sale and service must be cleared within forty-five (45) minutes of the end time stated on the permit. This includes the removal of all partially consumed and empty bottles, and cups that contain(ed) alcohol.
- Alcohol cannot be sold or supplied to anyone who appears to be under 19 years of age. The permit holder must inspect identification of an apparent minor to ensure they are at least 19 prior to selling or supplying them with alcohol. In addition, if the permit holder believes an apparent minor is consuming alcohol at the event, the permit holder must request identification, and if not satisfied that the person is at least 19 years of age, is required to remove the person from the premises. Where persons under nineteen (19) years of age attend the event, the permit holder must ensure that they do not purchase or consume alcohol.
- Intoxication, disorderly conduct and unlawful gambling are not permitted.
- Encouraging immoderate consumption of alcohol is not permitted (for example, drinking contests or games).
- Where alcohol is being sold at a tailgate event, guests cannot be required to purchase a minimum number of drinks or drink tickets to enter or remain at the event, and the permit holder cannot sell or serve any drinks containing more than eighty-five (85) ml of spirits.
- Games of chance or mixed skill and chance (such as raffles, 50/50 draws, etc.) are not permitted unless the proper lottery licence has been obtained from the Registrar or municipality. Lottery licences are only

issued to eligible charitable or religious organizations where the funds are raised for charitable or religious purposes.

It is recommended that permit holders take the Smart Serve Responsible Alcohol Beverage Service Training Program and hire a licensed caterer and/or servers who have this certification. 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.

For more information, please contact AGCO Customer Service at 416-326-8700 or 1-800-522-2876 (toll-free in Ontario) or visit us online at www.agco.ca. Inquiries may also be submitted online at www.agco.ca/iagco.