

Type of Decision									
Meeting Date	Friday, December 4, 2009				Report Date	Thursday, November 26, 2009			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed
REPORT TITLE									
Municipal Hall Rental Agreement & Volunteer Security 04/12/09/									

Subject: Amendments to hall rental agreement concerning security and volunteers.

Recommendation: That the following motion be defeated and the Hall Rental Agreement remains as is; alternately that the Agreement be amended slightly, as follows. It is my firm belief that the clause requiring properly trained security not be removed in its entirety as explained in the summary below. Although this condition, and many others, is in the various Acts, the legislation is often difficult to read, interpret and understand. Putting the details in the agreement is proof that we have completed our due diligence in ensuring that everyone who rents our facility understands what they are agreeing to. We need to remember that this agreement is for anyone who may rent our facility not one specific group of volunteers.

WHEREAS the wording in the current Hall Rental Agreement implies that all security must be licensed and must wear uniforms;

AND WHEREAS this is a concern to some volunteers in the community;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby agree to amend clause 18. d. by adding the phrase "excluding true volunteers" after the word "personnel" in the first sentence, and by inserting the word "applicable" between the words "all" and "security" in the second sentence.

The new clause would read "*Under the Private Security and Investigative Services Act, 2005* all "bouncers" or "security" personnel, excluding "true" volunteers, must be licensed. A license currently costs \$80. It is the responsibility of the SOP holder to ensure that all applicable security staff is licensed and wearing appropriate uniforms. All licensed security personnel must carry their identification cards with them and show them to anyone who asks, even a member of the general public".

Background/Executive Summary: As a follow up to the Q&A from the November 20, 2009 meeting and a request to eliminate the requirement for the security paragraph in the Hall Rental Agreement the following is from the report dated June 19, 2009 that was presented to Council prior to their adopting the extended Hall Rental Agreement at that time.

- **True volunteers do not have to be licensed however; if free entrance to an event is included, it is considered compensation and those individuals require a license. E.g. Volunteers for the Lion's Club who are working a Club event would not need to be licensed so long as they are not participating in activities either before or after their shift. If they are working a party for a function held by someone other than the Lion's Club, they are true volunteers and do not need a licence.** This information was provided by Sgt. Lisa Taylor of the Private Security and Investigative Securities Branch of the OPP in June of 2009.

On November 26, 2009 I once again spoke with a representative from the Private Security and Investigative Securities Branch of the OPP who confirmed the above statement. The Act states that any person receiving "remuneration" for their services is required to be licensed.

Remuneration is defined as “pay, compensation, something given in exchange for goods or services rendered, tokens of appreciation, meals etc.” She confirmed the Branch’s position that any compensation whether free admission, participation in the activities, alcohol, food, tickets etc. would be considered compensation and the person would have to be licensed.

If this is the option that Council chooses, if any organization is to have their own volunteers, they must understand that they are security and may not participate in the event or be compensated in any way. I would further recommend that we insist that they be trained to some degree. Other than the exemption for “true” volunteers, the remainder of the clause holds true and should not be removed from the policy.

On another note, allowing untrained volunteers to act as security personnel or “bouncers” is risky. It is only a matter of time before Council and the Municipality will be held accountable. As stated in the attached documents, simply having a user group sign an agreement does not absolve the municipality/facility owner of the obligation to ensure “that those attending the building are safe and that the individuals who are given security responsibilities are adequately trained for the task.”

So technically, just because “true” volunteers are not legislated to be licensed and trained, amending this clause will allow for a slippery slope. Who will police the “true” volunteers? How effective will they be? Did they receive compensation? Do they know what they can and can not do? Can they use force to evict a person? Allowing the use of volunteers does not absolve the municipality of its liability to protect the public. The whole point of this Act is to prevent people from being intoxicated and endangering themselves and others. Allowing members of an association or organization to “police” other members of the group can only lead to trouble. Without calling into question anyone’s principles, how strict can they expect to be with their “buddies” and “neighbours”? Will this not defeat the entire purpose of the Act? Is it this Council’s position to allow a “loophole” to be used that might put people at risk?

The News Alert from the Parks and Open Space Alliance included shows the reality of allowing intoxication. Thirty-four charges were laid in that instance. If that had happened here, Council and staff, including me, would be included in that number, so would the organization’s executive. The more serious consequence of that event was of course the fatalities.

The issue of security should remain the responsibility of the hall user but should be limited to two choices for this municipality. They can license and train their own “security” or they can hire individuals from licensed agencies. The option of using their own “volunteers” is fraught with potential for trouble.

Although Council should consider the volunteer groups within the community and do what it can to assist these groups and make fundraising as easy as possible, it still needs to consider the reason for the laws and the consequences of not enforcing them properly. When you consider fines and the loss of life, \$80 or \$160 a year is not so much to pay. Although Council is feeling some pressure right now to amend this clause of the policy, imagine how much “pressure” they might be feeling from the community in the event of a fatality or serious accident. Perhaps Council could consider some other ways of assisting these user groups aside from being so flexible on issues that involve a high level of risk.

Resources/Others Consulted: OPP Private Security and Investigative Securities Branch; the Ontario Recreation Facilities Association; Ontario Parks and Open Space Alliance;

Approved and Recommended by the Clerk

Melinda Reith,
Municipal Clerk

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