



Licence Line

VOLUME 19 • ISSUE 2 • 2019

Welcome to another issue of Licence Line!

As we look ahead to another busy summer season for liquor licensed establishments, we continue our modernization efforts in order to improve our services and make transacting with the AGCO more convenient than ever.

In this issue, we include an article from Smart Serve® Ontario regarding their updated training program. Some key highlights of the new program are provided as well as important information on what the changes mean for you and your staff.

Additionally, AGCO Compliance Officials (previously known as AGCO Inspectors) have begun a proactive educational campaign with

Continued on p. 6

Smart Serve® Ontario releases an update to the Responsible Alcohol Beverage Sales and Service Training Program

Ontario law requires anyone who is involved in the sale, service or sampling of alcohol, or in taking orders from customers for the sale of liquor, to complete a server training course approved by the Board of the AGCO. Smart Serve® Ontario is the AGCO Board approved responsible sale and service training program in Ontario. Smart Serve® has been working to update its program and was invited to provide an article about it for this issue of Licence Line.

® Smart Serve trademarks owned and authorized by Smart Serve Ontario.

Smart Serve® Ontario has been proudly providing training and certification for licensees, employees, and volunteers since 1995. With a commitment to continuously improving technology and accessibility of the training program, **Summer 2019** marks the release of an update to the Smart Serve® Responsible Alcohol Beverage Sales and Service Training Program. **Key highlights include:**

1. Incorporation of new adult-learning tools and techniques, such as interactive game-based learning, including quizzes and videos



Continued on p. 3

Alcohol and Gaming Commission of Ontario
90 Sheppard Avenue East, Suite 200
Toronto, Ontario
M2N 0A4



In This Issue

COVER

Welcome to another issue of Licence Line!

Smart Serve® Ontario releases an update to the Responsible Alcohol Beverage Sales and Service Training Program

PAGE 2

Frequently reported complaints

PAGE 3

iAGCO services update

Smart Serve® Ontario releases an update (cont'd)

PAGE 4

Process change: Licensees to submit Temporary Extension of Premises and Temporary Extension of Hours applications

Pilot educational program for multi-room karaoke bars: Educational materials in Mandarin, Cantonese and Korean and new Interpretation Service now available!

PAGE 5

Pilot educational program for multi-room karaoke bars (cont'd)

The process to submit an AGCO Catering Notification has changed

PAGE 6

Decision Summary

Welcome to another issue of Licence Line! (cont'd)

JUNE 2019

Frequently reported complaints

Complaints and inquiries from the public and stakeholders are a valuable resource for the AGCO. We use them to help identify and address issues and achieve our mandate to regulate the alcohol, gaming, horse racing and private cannabis retail sectors in accordance with the principles of honesty and integrity, and in the public interest. We also use information from complaints and inquiries to help us identify opportunities to improve the service and regulatory experience we provide to our licensees and to the public. In addition, complaints data are used to inform the risk profile of liquor licensed establishments, which in turn informs our compliance approach.

With over half of all the AGCO’s active licences issued to liquor establishments, it is not surprising that complaints relating to liquor licensed establishments are the most common type we receive. How the AGCO follows up on complaints can vary based on the circumstances surrounding each case. Complaints often lead to follow up from our Compliance Officials, who provide awareness and education during their inspections. They may also result in the AGCO taking regulatory action including warnings, monetary penalties, and liquor licence suspensions or revocations. When required, some complaints are referred to the relevant policing or municipal authority.

Below are a few of the more common types of liquor-related complaints received by the AGCO.

- **Noise**
These complaints usually come from residents that live around a liquor licensed establishment. Licensees should be aware of and follow the local by-law regulations set by their municipalities. It is essential that liquor licensed establishments operate responsibly and as good neighbours within their communities.
- **Intoxication (over service)**
Members of the public express concern over the dangers of intoxication and over service at establishments. You are required to ensure you and your staff serve alcohol responsibly. Make sure to carefully monitor patrons for signs of intoxication and take steps to properly manage the service of liquor. Permitting intoxication in your licensed establishment can have serious consequences and lead to a tragic injury or loss of life, a monetary penalty of up to \$15,000, or a suspension or revocation of your liquor licence.
- **Service to minors**
The public recognizes that alcohol poses a serious risk to youth. If there is any doubt as to a person’s age, staff should ask for an acceptable form of identification before serving alcohol. You can find more information about acceptable forms of identification on the AGCO’s website. Serving to minors could lead to a monetary penalty of up to \$15,000, or a suspension or revocation of your liquor licence.



For more information on these and other matters, see the AGCO’s **Responsible Service Tip Sheets**.

Below are some other types of complaints of note that are made to the AGCO.

- **Advertising guidelines**
Each liquor licensee is responsible for ensuring that any advertising of its business falls within the parameters set out in the regulations and in the AGCO’s Liquor Advertising Guidelines (**Liquor Sales Licensees and Manufacturers, Sale of Beer, Wine and Cider in Grocery Stores** and **Ferment on Premise and Liquor Delivery Licence Holders and Special Occasion Permit Holders**). The advertising guidelines vary depending on the type of licence, so review the applicable guidelines for your licence type to make sure you remain compliant.
- **Servers are not Smart Serve® certified**
Smart Serve® training gives servers the tools they need to responsibly serve alcohol. Smart Serve® training is one of the ways that the public and industry colleagues can ensure hospitality professionals take their obligations seriously and know the rules and regulations around the service of alcohol. Failure to ensure that servers are Smart Serve® certified could result in a monetary penalty of up to \$4,000, or a suspension or revocation of your liquor licence.
- **Establishments not serving water**
Serving free tap water is a good service to customers. While not required by law, offering free tap water is one way to help patrons consume responsibly at your premise. Some municipal by-laws require licensees to serve free water where alcohol is served. If this is the case in your municipality, make sure you understand and follow the local by-law regulation.
- **Establishments watering down drinks**
Patrons expect to get what they pay for, so watering down drinks is not only a customer service issue but also a serious compliance issue. Serving liquor that has been adulterated is a contravention of section 19(1) of Ontario Regulation 719/90 under the *Liquor Licence Act* and could result in a monetary penalty of up to \$10,000, or a suspension or revocation of your liquor licence.

NOW 100% DIGITAL!

iAGCO online services!

As a reminder, as of January 29, 2019 all alcohol-related transactions with the AGCO must be conducted online.

Access the iAGCO portal to complete your applications, renewals and all other transactions associated with holding an alcohol-related licence or authorization.

You can now also choose either a two-year or four-year term option when applying for or renewing your licence.

DID YOU KNOW?

- If you have not yet set up your iAGCO account, you do not have to wait for your next renewal to make changes to your licence or authorization online. Call AGCO Customer Service at 416-326-8700 or toll free at 1-800-522-2876 to request your online access code, which will let you link your iAGCO account, once created, to your existing information already on file with the AGCO.
- Two online CCPay options have been added to iAGCO. You can now use Visa Debit and MasterCard Debit in addition to Visa, MasterCard and Interac Online for any payments under \$30,000.



Continued from p. 1 *Smart Serve® Ontario releases an update to the Responsible Alcohol Beverage Sales and Service Training Program*

2. Modernizing the mobile e-learning technologies – You can now take the program on your mobile device or tablet
3. Translated in six (6) languages – English, French, Chinese, Korean, Punjabi and Spanish
4. A new educational module helping to provide signs of cannabis use and duty of care tips
5. All final tests proctored online

These changes will also eliminate the need for printed paper workbooks and tests*, as well as streamline the time and processes required for in-class organizational training sessions. This will help shorten the time it takes for a participant to receive their certification and start working!

What does this mean for you and those who hold a current valid certification?

It might be time for you to consider refreshing your training – for yourself and your staff. Re-certification is not required by law, however, here are some helpful resources to help you REDUCE THE RISK.

1. Educate your staff

Let your staff know about the update to the Smart Serve® training program. If they have recently completed the course (within the last year) they can log in to their online account to access a FREE course upgrade.**

2. Update your house policy

Do your part to let staff know where to go for more information. Download an information poster so your staff are aware that there are NEW educational training materials available. An information poster you can use can be found at <http://bit.ly/InfoPosters>

3. Be a role model

Learn more in our **Managers Library**. If you would like to learn more about the update to the Smart Serve® Ontario training program, please visit www.smartserve.ca/refresh or send your questions directly to info@smartserve.ca.

** Please be aware that any existing Smart Serve Ontario training workbooks, DVDs or paper tests will no longer be valid, as the learning content has changed. If you are in possession of any of these documents, please contact 1-877-620-6082 or email info@smartserve.ca and we can provide instructions for returning them or how to properly dispose of them.*

*** Course is currently available. If you or your staff were certified after July 15, 2018 you will have access to one (1) no-cost FREE re-certification course. You must enroll and complete the training and final test by January 15, 2020. The free re-certification course will be automatically loaded into all qualified individual online accounts. If you completed a paper test, you will be required to create an individual online account in order to access this offer.*

NOTE

It is not mandatory to enroll in this free re-certification course offer. However, it is available for a limited time only and will expire.

Process change: Licensees to submit Temporary Extension of Premises and Temporary Extension of Hours applications

Did you know? As of January 29, 2019, licensees must now submit their own applications for Temporary Extension of Premises and Temporary Extension of Hours through the iAGCO web-based portal at www.agco.ca/iagco!

This means that:

- Event organizers no longer submit applications on behalf of licensees.
- Applications can be completed easily and at your convenience online through iAGCO. Your profile will be remembered, making future applications for Temporary Extension of Premises and Temporary Extension of Hours even easier!

For licensees who have not yet set up their iAGCO account, you may call AGCO Customer Service to receive your online access code. This access code will enable you to link your new iAGCO account (once created) to your existing information already on file with the AGCO.



For more information, visit www.agco.ca, submit your questions at www.agco.ca/iagco or call 416-326-8700 or toll-free 1-800-522-2876.

PILOT EDUCATIONAL PROGRAM FOR MULTI-ROOM KARAOKE BARS

Educational materials in Mandarin, Cantonese and Korean and new Interpretation Service now available!

As a licensee or manager, you are responsible for what happens at your business. You are required to ensure that all staff are properly trained and aware of their obligations under the *Liquor Licence Act* and regulations. If your staff requires further education, you may contact your local AGCO Compliance Official (formerly called an Inspector) for additional training.

As a pilot educational project, Compliance Officials from the AGCO recently distributed educational materials to a group of Karaoke Bars. The materials were to assist in ensuring compliance as well as increase participants' understanding of their obligations as a licensee. This is the first time educational materials were developed to focus on this particular group of licensees and their business needs.

This information sheet, titled **Responsible Service Tip Sheet: Multi-Room Karaoke Bars** can be obtained from the AGCO website, www.agco.ca.

While interacting with a Compliance Official, the licensees participating in the pilot project will also have access to interpretation services available for support in Mandarin, Cantonese and Korean if they should require any clarification.

Below is some information to help ensure you're operating your karaoke bar responsibly and in compliance with the law.

Should you have any questions, please reach out to your local Compliance Official.

INTOXICATED PATRONS

Intoxicated people or those displaying signs of intoxication are not allowed to be in the karaoke establishment.

- Continuously monitor licensed areas to ensure patrons are not approaching or showing signs of intoxication (e.g. every 20-30 minutes).



- Speak to and engage with your customers to assess their condition.
- Establish policies and practices on how to identify signs of intoxication.
- Remember that intoxication can be caused by drugs and/or alcohol.
- Do not promote or allow drinking games (e.g. dice, cards, etc.).
- See the AGCO's **Responsible Service Tip Sheet: Recognizing Intoxication** for additional information.

Continued on p. 5

Continued from p. 4 *Pilot educational program for multi-room karaoke bars*

OVERCROWDING

Your Liquor Sales Licence lists each area’s capacity.

- Capacities of different rooms and/or areas cannot be combined.
- Capacity includes staff.
- Post signs setting out the capacity for each area.
- Make sure all staff know what the capacity is (e.g. when booking rooms, parties, etc.).
- Regularly monitor/count persons in each area.
- Continuously monitor patron movement in and out of the establishment and its different areas.

MINORS

The legal drinking age to consume alcohol in Ontario is 19. Make sure people under the age of 19 do not have or consume alcohol.

- Ensure staff check identification of all patrons entering the establishment and at the point of alcohol service, especially where customers appear to be under 19.
- You can choose to restrict access to persons 19 years and older.
- If minors are permitted into the establishment, rooms hosting minors could be identified as “no alcohol” rooms.
- Do not accept identification that is on an electronic device (e.g. a picture of an ID on a cell phone).
- When in doubt, ask for a second piece of identification and challenge it (e.g. ask questions about the ID provided, test signature, examine the photo).
- Make sure the identification presented is government-issued, not expired, and includes a photo and birth date.
- See the AGCO’s **Responsible Service Tip Sheet: Checking ID** for additional information.



ALCOHOL SALE AND SERVICE HOURS

Alcohol cannot be sold/served after 2:00 a.m.

- All staff are responsible to ensure alcohol sales stop at 2:00 a.m. (except on New Year’s Eve). For information on exceptions, please see **Hours of Alcohol Sale and Service** on the AGCO website.
- Consider posting the time (e.g. hang a clock).
- Post signs displaying sale and service hours.
- All signs of alcohol service must be removed and cleared from licensed areas by 2:45 a.m.
- Signs of service can include cups, bottles, pitchers, tea pots or anything else that contained alcohol.

ILLEGAL DRUGS

As a liquor licence holder, you cannot permit illegal drug use or drug dealing on your premises.

- Regularly monitor karaoke rooms, bathrooms and outside areas.
- While it is now legal in Canada to purchase, possess and use cannabis for recreational purposes, under Ontario law, a person cannot smoke or vape cannabis in enclosed public places or work places, and other smoke-free places such as establishments licensed by the AGCO. This includes restaurant and bar patios, and public areas within 9 metres of any patios.
- See the AGCO’s **Responsible Service Tip Sheet: Just Saying "No" To Drugs Is Not Enough** for additional information.

DISORDERLY BEHAVIOUR

It is the responsibility of all staff to ensure the establishment is safe for the public to attend.

- Disorderly behaviour includes fighting and unruly behaviour.
- If your personal safety is not at risk, intervene early.
- If problems continue, consider security.
- If you cannot maintain control, call police.
- Having windows on karaoke room doors will assist with observing patron behaviour as will having sufficient lighting in all areas.
- Video surveillance/recordings can be used to watch patron behaviour (interior and exterior).
- Increase staff presence and have sufficient staff on duty to manage/monitor your establishment.
- Ensure staff are easily identified (e.g. name tags, t-shirts) which may deter inappropriate behaviour.

The process to submit an AGCO Catering Notification has changed

As of January 29, 2019, all alcohol-related transactions are available online only. The AGCO no longer accepts catering notifications or licence applications (renewals or modifications) by mail, fax or in person. **Caterers and other alcohol licensees must now make all submissions online through the iAGCO web-based portal at www.agco.ca/iagco.**

WHAT YOU NEED TO KNOW ABOUT iAGCO

If you haven’t already done so, you will need to create an iAGCO account by visiting www.agco.ca/iagco. Click on the “Create a new account” link located next to the ‘Sign in” button on the top right of the webpage to get started.

The iAGCO online portal provides a quicker, easier, more convenient way to conduct AGCO-related transactions anytime from anywhere by computer, tablet or mobile device. Customers who have already used iAGCO have been overwhelmingly satisfied with its ease of use and functionality, with a 93% satisfaction rate. It also saves the cost of postage, and the paper waste related to both mail and faxes.

For more information, visit www.agco.ca, submit your questions at www.agco.ca/iagco or call 416-326-8700 or toll-free 1-800-522-2876.

Decision Summary

The following establishments requested a hearing before the Licence Appeal Tribunal regarding compliance issues and received suspensions of 14 days or more and revocations for the period beginning January 16, 2019 ending June 7, 2019. Sanctions for similar infractions may vary in length according to the specifics of each case. For details on Licence Appeal Tribunal visit www.lat.gov.on.ca.

ESTABLISHMENT	INFRACTION	SANCTION
None for this period		

Suspensions of 14 days or more and revocations where the licensee did not request a hearing.

ESTABLISHMENT	INFRACTION	SANCTION
1032 Queen West/ Wallen, Toronto	Permitted removal of liquor from premises; licensee failed to ensure control of premises was maintained	30 days
Serve Ping Pong Bar and Lounge, Hamilton	Past conduct	Licence Revoked
Spaceship KTV, Richmond Hill	Failure to clear signs of service; overcrowding; failure to provide or post liquor menu in accordance with regulations	60 days
Stadium Event Centre	Permitted narcotics on premises	14 days
Strofes Live Lounge, Toronto	Service outside prescribed hours	14 days
Whistle Bear Golf Club, Cambridge	Liquor sold to person who appears to be intoxicated; permitted drunkenness	45 days

AGCO website has lots of information!

If you are looking for general information about the AGCO, how to apply for a Liquor Sales Licence or other liquor licensing matters, please visit our website at www.agco.ca.

You can download and fill out on-screen, liquor-related forms such as liquor licence applications, renewals and transfers.

You can also connect to the iAGCO portal, where you can complete all of your alcohol-related transactions online.



Continued from p. 1 *Welcome to another issue of Licence Line!*

multi-room karaoke bars. Compliance Officials have delivered educational materials to a pilot group of karaoke bars, tailored with information to their specific business practices. We’re sharing some of these materials in this edition, as well as news of the exciting new language interpretation services being made available to members of the pilot project.

With warmer weather approaching and festivals and events being more commonplace, important information is included in this issue for caterers, as well as for licensees planning to apply to the AGCO to temporarily extend their premises and/or hours of alcohol sales and service.

All this and more in this issue of Licence Line.

Licence Line

This newsletter is published by the **Alcohol and Gaming Commission of Ontario** to provide licensees and interested parties with information regarding alcohol legislation and related issues. Reader comments are welcome. This newsletter is available free of charge to all holders of a liquor sales licence in Ontario.

Editor
Alcohol and Gaming
Commission of Ontario
90 Sheppard Avenue East,
Suite 200
Toronto, Ontario M2N 0A4
editor@agco.ca

General Inquiries
416-326-8700 or toll free in Ontario 1-800-522-2876
Web: www.agco.ca/iAGCO

DISPONIBLE EN FRANÇAIS

