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ELEANOR MESLIN

FROM THE CHAIR...

We begin our first edition of Licence Line for 2013 with a lead story highlighting the positive effect that has been accomplished since the introduction of risk-based compliance focused programs, including risk-based enforcement in 2006 and risk-based licensing in 2008.

The gradual shift from a mostly enforcement-based regulatory approach to a compliance focused strategy over the last several years has led to some very encouraging results as the number of liquor-related infractions continue to steadily decline.

Continued on p. 4 See *Chair's column*

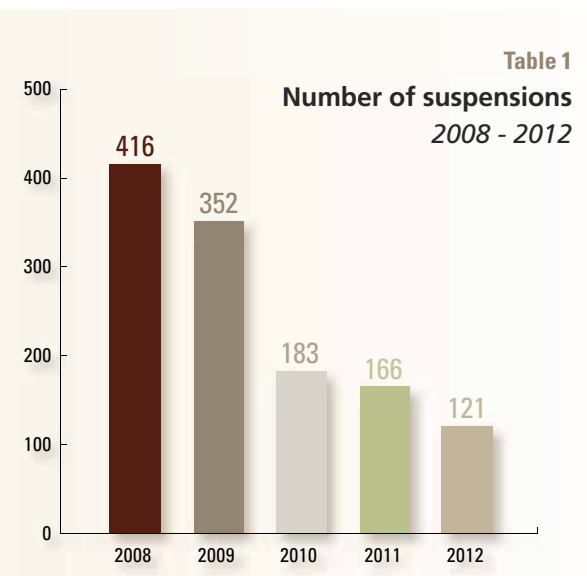
Continued trend of higher compliance rates, fewer suspensions in 2012

From time to time, we've been updating you on the progress of the AGCO's shift from regulation that is enforcement-based to regulation that is compliance and risk-based and how this new model of regulation has been assisting licensees and improving public safety.

With statistics now available from 2012, we're pleased to report that the trend of fewer liquor-related infractions – and so fewer suspensions and suspension days – continued last year at licensed establishments all across Ontario.

What is compliance-based, risk-based regulation?

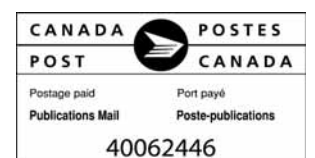
The AGCO has introduced many programs and processes since 2006 which focus on proactively helping licensees to stay compliant with Ontario's liquor laws and encouraging practices which keep patrons, staff and the public safe (see AGCO's risk-based and compliance-based programs on page 5). While liquor inspections and enforcement activities



(such as warning letters, monetary penalties, suspensions and revocations) are still required, there is now much more emphasis by the AGCO on prevention and education to help infractions from happening in the first place, and making decisions based on specific risks that might be posed by any licensed establishment.

Continued on p. 5 See *Helping licensees to stay compliant*

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



Decision Summary

The following establishments requested a hearing before the Licence Appeal Tribunal regarding compliance issues and received suspensions of 14 days or more for the period beginning November 1, 2012 and ending January 31, 2013. Sanctions for similar infractions may vary in length according to the specifics of each case. For information on the Licence Appeal Tribunal, visit www.lat.gov.on.ca.

ESTABLISHMENT	INFRACTION	SANCTION
Island Mix Restaurant & Lounge, Pickering	Permitted drunkenness	14 days
Suspensions of 14 days or more and revocations where the licensee did not request a hearing		
City Nightclub, Toronto	Permitted drunkenness; overcrowding; breach of condition of the establishment's liquor licence	30 days
Esperado, North York	Breach of condition of the establishment's liquor licence	22 days
Government (The), Toronto	Overcrowding	21 days
Kilt and Clover (The), St. Catharines	Overcrowding; liquor not purchased under licence	17 days
Neiva Sports Bar, Toronto	Service outside prescribed hours; failure to clear signs of service; permitted unlawful gambling; no light meals available	45 days
New Smart Shooters, Brampton	Sale not under licence; failure to facilitate inspection	21 days
Ohso Nightclub, Toronto	Encouraged immoderate consumption; permitted drunkenness and disorderly conduct; overcrowding; service outside prescribed hours; failure to clear signs of service; permitted removal of liquor from premises; licensee failed to ensure reasonable measures taken to deter disorderly conduct, or minimize the harm caused from it, in the vicinity of the licensed establishment; breach of condition of the establishment's liquor licence	28 days
Red Quartet Lounge, Hamilton	Serving minors; failure to inspect identification; operated business without licence transferred by the Registrar; failure to ensure sale and service of alcohol supervised by authorized employee; permitted unauthorized persons behind bar; licensee failed to ensure control of premises was maintained; liquor not purchased under licence	Licence Revoked ¹
Time Nightclub, Toronto	Permitted drunkenness; encouraged immoderate consumption; overcrowding	22 days
XO Lounge, Kingston	Past conduct; not financially responsible in conducting its business	Licence Revoked
XS, Toronto	Permitted drunkenness, violent and disorderly conduct; encouraged immoderate consumption; breach of condition of the establishment's liquor licence	45 days

¹ Liquor licence revocation effective October 26, 2012

AGCO website gets new look, improved search function

AGCO

Alcohol and Gaming
Commission of Ontario



A recent upgrade to the AGCO's official website now provides a greatly improved search capacity and a new, more modern look.

New look: The website's appearance is cleaner and more streamlined, while photos highlight our lines of business and make the content more inviting.

Upgraded search capacity: The latest in search technology from Adobe makes it easier for visitors to find what they need quickly: it captures information from all pdf documents, improves sorting by relevance and date, deletes duplication of pages, and allows for more advanced searches.

Licensees invited to attend AGCO Information Booth at the CRFA Trade Show

The AGCO invites all liquor sales licensees, staff and others interested in beverage alcohol policy and regulations to stop by the **AGCO booth (#800)** at the **2013 Canadian Restaurant and Foodservices Association (CRFA) Show** at the Direct Energy Centre, Exhibition Place, Toronto from **March 3 – 5, 2013**.

AGCO representatives at the booth look forward to answering any questions that you may have. While at the booth, be sure to pick up a free Information Kit containing educational materials designed to provide information to help you comply with liquor laws and aid in staff training. These materials include:

- “You and the Liquor Laws” – a guide for staff
- “You and the Liquor Laws Plus” – a guide for owners and managers
- FASD (fetal alcohol spectrum disorder) poster (Sandy’s Law)
- “Know the Liquor Laws” mini CD containing the complete text of the *Liquor Licence Act* and Regulations.



- “Responsible Service Tip Sheets” – covering a range of topics on improving compliance at licensed establishments.

Be sure to attend the AGCO’s free seminar **“Unexplored Business Opportunities for Liquor Sales Licensees”** on **Sunday March 3rd at 3 p.m.** The seminar will highlight changes to the liquor laws and the new business opportunities that this presents for licensees. The presentation will be followed by a question and answer period. ■

Personalized “Know the Liquor Laws” seminars now available on request

In June 2009, the AGCO began offering Know the Liquor Laws seminars to support those involved in the sale and service of alcohol in achieving compliance with the liquor laws.

However, it is not always possible for licensees to send their employees to a seminar, especially if they have large groups who would benefit from the information. At times, it is easier for us to go to them, and so there have been requests from larger businesses such as hotels, corporations and associations to have a Know the Liquor Laws educational seminar delivered “in-house”. With groups of 20 or more people, the AGCO can conduct a seminar at your location. The

dedicated seminars are based on the content in the regularly scheduled Know the Liquor Laws seminar, yet can be tailored for the organization. Recognizing that different types of establishments have different needs or areas of interest they would like to focus on, the information provided can be adapted to reflect those needs.

The Delta Chelsea Hotel was one of nine organizations to receive a dedicated seminar at their location. Food and Beverage Services Manager Lars Friedriszik said, “After reaching out to the AGCO, a representative came to our property and provided over 50 of our team members with an educational seminar on responsible service of alcohol, at no cost to us. The session was engaging and everybody was able to address their questions directly to the AGCO. We truly appreciate the AGCO’s effort to engage the community. We see the benefits in our daily work here at the hotel.”

If you are interested in more information about hosting an in-house, customizable liquor laws presentation or in having someone from the AGCO speak about the laws at an event or conference, please contact Elizabeth Rice at 416 326 0376 or toll free at 1 800 522 2876. ■



AGCO website has lots of information!

If you are looking for general information on beverage alcohol, how to apply for a liquor sales licence or other liquor licensing matters, please visit our website at www.agco.on.ca.

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



Best Bar None Accreditation Program launches in Ontario

Best Bar None (BBN), an international industry-led accreditation and awards program for liquor sales licensed establishments, aims to reduce alcohol-related infractions and crime by improving business operations and building positive relationships between liquor sales licensees, law enforcement and the community.

BBN originated in Manchester, UK in 2003. After data revealed that a substantial amount of crime was attached to licensed establishments with lower operational standards, the program was created to set minimum standards and reduce infractions. The Best Bar None program was born and has since been implemented in 100 towns and cities across the UK, as well as Alberta, Florida and now Ontario.

Improving alcohol service

Best Bar None Ontario is led by the Ontario Restaurant Hotel & Motel Association (ORHMA) and the AGCO with cooperation from a wide group of organizations from the hospitality industry, community organizations and government who have the shared goal of improving and rewarding responsible alcohol service and high standards of operation. Committee members include MADD Canada; the LCBO; The Beer Store; wine, beer and spirits manufacturers; the City of Toronto; and Toronto Police Service.

BBN helps marketing efforts

Ontario's BBN pilot project was launched in October 2012 and encompasses Toronto's Entertainment District. To obtain accreditation, interested licensees were asked to complete and submit an application by January 31, 2013. Applications will be validated by independent BBN assessors during visits to the nominated establishments. Accredited establishments will receive a certificate and signage to indicate to patrons that they are "Best Bar None". They can also use the Best Bar None logo on their marketing materials, and a centralized advertising campaign will promote BBN to the public. Accredited establishments will also compete for best-in-class awards in five categories: Best Club, Best Restaurant, Best Bar/Lounge, Best Hotel Lounge and Best Pub. The individual winners and overall winner will be named at an awards gala in the spring of 2013.

Pilot project will be evaluated

After its first year of implementation, BBN will be evaluated and consideration will be given to extend the program into other areas. Until then, liquor sales licensees outside of the pilot area can use BBN Ontario guidelines, criteria and best practices to improve their businesses, as well as relationships with their local communities.

For more information on Best Bar None Ontario, please visit <http://www.bbnontario.ca>.

Change to Ontario driver's licences and photo ID cards will help keep alcohol out of minors' reach

Starting January 1, 2013, Ontario driver's licences and photo ID cards will clearly show when card holders turn 19, the legal drinking age in Ontario. The cards will have an "AGE 19" banner, followed by the exact date the card holder turns 19, all in bold. The banner will be located near the bottom of the card, beside the date of birth. The cards will be issued to individuals aged 16 to 18.

The date for legal drinking is highlighted on this sample driver's licence.

The change will help licensees and their staff to identify customers of legal age more quickly and easily.

If there is any doubt as to a person's age, staff should ask for identification. Valid identification must be current, government-issued and include a photo of the person and the birth date. Prescribed ID includes:

- Ontario Driver's Licence with a photo of the person to whom the licence is issued
- A Canadian Passport
- Canadian Citizenship Card with a photo of the person to whom the card is issued
- Canadian Armed Forces Identification Card
- A photo card issued by the Liquor Control Board of Ontario (LCBO), entitled Bring Your ID (BYID)



- A Secure Indian Status Card issued by the Government of Canada
- A Permanent Resident Card issued by the Government of Canada
- A photo card issued under the *Photo Card Act, 2008*
- Any item of identification that includes a photograph of the person, a birth date and reasonably appears to have been issued by a government

By law, no one can be required to produce the Ontario Health Card, nor can the health number be collected. You should not ask for the Ontario Health Card as identification, but if offered voluntarily you may accept it at your discretion.

For additional information on identifying the age of patrons wanting to enter a liquor licensed establishment, please refer to the AGCO Responsible Service Tip Sheet "Checking ID" on our website at www.agco.on.ca.

Continued from p.1 *Chair's column*

As the visual charts in our story indicate, fewer LLA offences are being committed and licensees are attaining a much better record of compliance, even though the AGCO continues to maintain an active inspection and enforcement program.

We thank our licensees for their cooperation and efforts in helping to achieve these positive results — all of which leads to a greater degree of confidence in the industry and increases public

safety and social responsibility in the sales and service of beverage alcohol in Ontario.

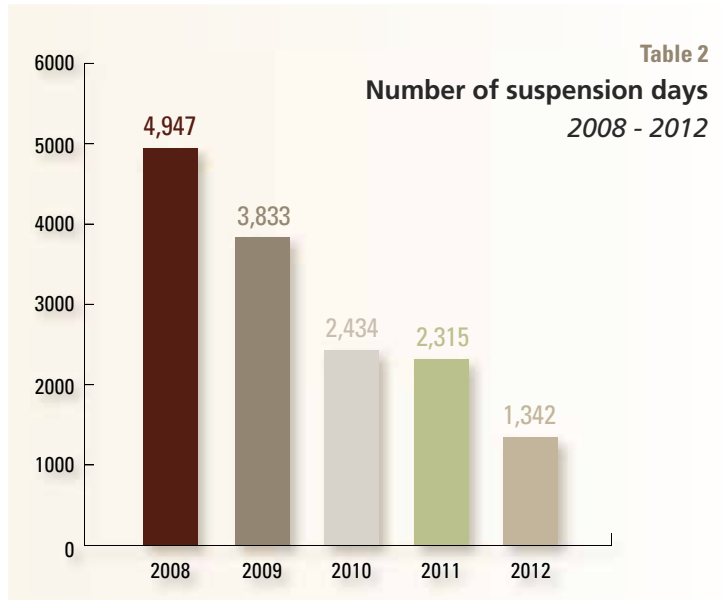
Eleanor Meslin, Chair

Continued from p. 1

Continued trend of higher compliance rates, fewer suspensions in 2012

By moving to compliance-based, risk-based regulation, the AGCO has been able to use its resources more effectively, licensees have become more educated on their obligations under the law, and monetary penalties are replacing suspensions for less serious infractions. All of this is making a noticeable difference as liquor sales licensees are consistently achieving higher levels of compliance.

With the support of licensees, it appears that we're on the right track but we will continue to fine tune Ontario's liquor licensing regime by incorporating feedback from licensees and other stakeholders, putting even more resources into education and training, and finding new ways to reduce the administrative load on licensees with good compliance records.



Number of infractions, suspensions, suspension days keep falling

Liquor Licence Act infractions have greatly decreased since the introduction of compliance-based regulation. In 2008/09 there were 13,046 infractions in Ontario. By 2012, that number was reduced to 7,367 – or a decrease of 43.5% – even though the number of inspections conducted by the AGCO has generally remained the same.

Fewer infractions translate into fewer suspensions served by licensees. While there were 416 liquor suspensions in 2008, last year this number was down to 121 – a reduction of 70% in only four years (see Table 1). Similarly, there has been a significant reduction in the total number of suspension days served by liquor sales licensees: from 4,947 suspension days served in 2008 to 1,342 suspension days in 2012 (see Table 2).

AGCO's risk-based and compliance-based programs

Risk-based enforcement (RBE)

- RBE helps focus AGCO resources on establishments posing the highest risk to public safety
- RBE establishments are those with a history of infractions or a recent suspension, have identified operational risks, and/or are located in a high capacity "entertainment area" (Toronto's Entertainment District, Ottawa's Byward Market, Hamilton's Hess Village, etc.)
- All licensed establishments are inspected, but those most likely to have infractions are inspected more often

Risk-based licensing (RBL)

- Usually employed during the processing of a new or renewal application for a liquor sales licence, RBL is used to make decisions based on the level of risk posed by an applicant or an establishment
- Helps to ensure compliance with the *Liquor Licence Act* throughout the entire lifespan of a licence
- Centres more AGCO resources on establishments that pose greater risks

Monetary penalties

- Additional compliance tool for infractions where the licensee pays a certain amount per infraction
- Acts as a "bridge" between a warning and a suspension
- 100% of monetary penalties collected are used to fund educational programs for licensees and their staff

Licensee education / Public Affairs program

- Education and training for liquor sales licensees and their staff help them understand and remain compliant with Ontario's liquor laws
- Seminars for liquor sales licensees and their staff are held in communities across Ontario every year – 91% of attendees in 2011/12 said they found the information useful and 88% said they learned something
- Various educational materials are distributed to licensees, such as guide books, tip sheets and Information Bulletins, to name a few
- 19,061 pieces of educational material were distributed through this program in 2011/12

Know the Liquor Laws

Register Now for the Spring of 2013

Free Seminars for liquor sales licensees, management and staff



The AGCO will lead you through information to better understand your responsibilities.

This 2 ½ hour seminar includes:

Part 1

- Liquor laws that apply in the day-to-day sale and service of alcohol including new opportunities
- Understanding liability
- Where liquor can be sold, served and consumed
- Handling an AGCO Inspector's visit smoothly
- Open Question and Answer period

Break

Part 2

- Advertising, pricing and promotion flexibility
- Relationships with manufacturers and their licensed representatives
- Keeping your liquor licence in good standing
- Open Question and Answer period

Who should attend?

Anyone working in a licensed establishment is welcome to attend both parts. Each session is about 75 minutes long and there is an open question and answer period for each session.

Since the Educational Seminars are proving to be very popular, we suggest you register early.

80%+ of over **7,000** participants said they would recommend attending because they found the information useful and learned something

"Very good session – long overdue"

— London

"Should be mandatory for anyone involved in the liquor industry"

— Manager, Kenora

"Very informative and interesting questions"

— Hamilton

Educational Seminars Calendar

MARCH 2013

Markham Tuesday, March 19
 Barrie Wednesday, March 20
 Toronto East Thursday, March 21

MAY 2013

Pembroke Tuesday, May 7
 Ottawa (Nepean) Wednesday, May 8
 Bowmanville Thursday, May 9
 Mississauga Thursday, May 16
 Parry Sound Monday, May 27
 Sault Ste. Marie Wednesday, May 29
 Sudbury Thursday, May 30
 North Bay Friday, May 31

APRIL 2013

Timmins Wednesday, April 10
 London Tuesday, April 16
 Chatham Wednesday, April 17
 Windsor Thursday, April 18
 Brampton Tuesday, April 30

JUNE 2013

Welland Tuesday, June 11
 Brantford Wednesday, June 12
 Hamilton Thursday, June 13
 Toronto Central Tuesday, June 18

Detailed information on these Educational Seminars is available on our website at www.agco.on.ca

Licence Line 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.

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