



In This Issue

Chair's column

Holiday Season: Tips for maintaining compliance with the law!

p. 1

Decision Summary

p. 2

Tips for maintaining compliance with the law continued on page 3

p. 3

Illegal use of gaming machines in licensed establishments

Requirements for using a caterer's endorsement

Community organization tackles unsafe drinking among students

p. 4

Windsor bar owners working with the AGCO to improve customer experience and profitability

p. 5

Responsible service tip sheet: Important information for licensees who get involved in planning special events, concerts or festivals

Top 10 liquor-related topics from the AGCO internet website

AGCO Window Decals: "Licensed to Sell and Serve Alcohol"

p. 6

Best Bar None now in its 2nd year

Chair's column continued

p. 7

Know the Liquor Laws Educational Seminars

p. 8



ELEANOR MESLIN

FROM THE CHAIR...

As the year 2013 comes to a close, it is a good time to look back on a number of activities that have strengthened relationships with licensees and industry stakeholders, and built stronger partnerships with local government and municipal police services. All the while, we continue the modernization of Ontario's beverage alcohol industry.

The shift from regulation that is enforcement-based to regulation that is compliance-based is a strategy

that has been very successful in greatly decreasing Liquor Licence Act infractions; down to just over 7,300 in 2012 from more than 13,000 two years earlier. During the same time frame actual liquor licence suspensions dropped to 121 from 416, about 70%.

Projects underway

The emphasis on compliance-based enforcement has been substantially supported by a series of related activities such as the almost 200 liquor educational seminars held in some 75 cities and towns across the province, and the distribution of over 70,000 pieces of informational materials relating to the sale and service of beverage alcohol, during the past two and a half years.

Continued on p. 7 See *Chair's column*

Holiday Season

Tips for maintaining compliance with the law!

- New Year's Eve hours
- Overcrowding
- Monitoring outside premises
- Security guards
- Smart Serve training
- Service by the bottle
- Checking ID
- Sandy's Law



traditional time to celebrate, licensees and staff are reminded that permitting intoxication, promoting immoderate consumption and unruly behaviour can lead to serious administrative sanctions including monetary penalties, suspensions or revocation of a liquor sales licence.

New Year's Eve hours of operation

Licensed establishments and those who hold Special Occasion Permits (SOPs) can serve beverage alcohol until 3:00 am on New Year's Eve (December 31), one hour later than normal service time (this does not apply to licensees who have a condition on their licence restricting the hours of alcohol service). Licensees and SOP holders are reminded they must remove all signs of alcohol service (including all glasses and bottles, whether empty or only partially consumed) within 45 minutes of closing time. On New Year's Eve this means 3:45 am. While New Year's Eve is a



Continued on p. 3 See *Tips for maintaining compliance with the law!*

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 Board of the AGCO or the Licence Appeal Tribunal (if request was submitted after July 1, 2011), regarding compliance issues and received suspensions of 14 days or more and revocations for the period beginning September 1, 2013 ending October 31, 2013. Sanctions for similar infractions may vary in length according to the specifics of each case. Details about AGCO Board decisions are available on QUICKLAW. For details on LAT visit www.lat.gov.on.ca

ESTABLISHMENT	INFRACTION	SANCTION
Femi's Place, Toronto	Failure to clear signs of service; breach of condition of the establishment's liquor licence	17 days
Other Suspension/Revocations		
Suspensions of 14 days or more and revocations where the licensee did not request a hearing.		
Banshee Bar & Restaurant (The), Oshawa	Serving minors; failure to inspect identification; permitted drunkenness; permitted removal of liquor from premises; failure to provide or post liquor menu in accordance with regulations	30 days
Café Thuy Ky Karaoke & Bar, North York	Past conduct; permitted narcotics on premises; permitted unlawful gambling; service outside prescribed hours; failure to clear signs of service; licensee failed to ensure control of premises was maintained; liquor not purchased under licence; failure to retain records of sales and purchases of liquor; permitted unauthorized person behind bar; failure to ensure sale and service of alcohol supervised by authorized employee; failure to retain records of sales and purchases of liquor; carried on business under a name other than the name set out on the licence	Licence Revoked
E & T Karaoke, Markham	Serving minors; failure to inspect identification; liquor not purchased under licence; failure to facilitate inspection; failure to retain records of sales and purchases of liquor	14 days
Hoai Thuong Karaoke, Toronto	Service outside prescribed hours; failure to clear signs of service; obstructing an inspection; failure to facilitate inspection	14 days
Krush, Toronto	Failure to clear signs of service	14 days
New Smart Shooters, Brampton	Permitted narcotics on premises; overcrowding; permitted noise from licensed outdoor area to disturb local residents; breach of condition of the establishment's liquor licence	45 days
M & B Yummy Cakes & Dessert Café, Toronto	Obstructing an inspection; failure to facilitate inspection; failure to post licence in a conspicuous place	14 days
Mama's Coach House & Breakfast Emporium, Kemptville	Not financially responsible in conducting its business due to <i>Retail Sales Tax Act</i>	Licence Revoked
Music Box 8, Scarborough	Breach of condition of the establishment's liquor licence; failure to provide or post liquor menu in accordance with regulations; carried on business under a name other than the name set out on the licence; failure to clear signs of service	19 days

*Licensee withdrew appeal to the courts on the sanction.

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.



Continued from p. 1

Tips for maintaining compliance with the law!



Overcrowding during holiday period

During the Holiday Season it is not unusual that partying increases and bar activity is the focus of many celebrations. During this busy time, licensees and SOP holders should take care to ensure that the number of persons in a licensed premises or other licensed facility does not exceed the capacity stated on the liquor licence. This number includes all staff and management. Licensees must keep track of the number of persons entering and leaving the licensed facility so as not to exceed capacity.

Monitor conduct outside premises

Liquor sales licence holders must ensure that reasonable measures are in place and reasonable efforts are made to prevent disorderly conduct on property adjacent to and in the vicinity of the licensed premises. This means that licensees are responsible for the behaviour of patrons waiting to enter the premises or leaving the facility. It is incumbent upon the licensee and staff to make “reasonable efforts” to ensure patrons are acting in a manner that is respectful to the neighbourhood where the licensed facility is located.

For more detailed information on this subject, refer to the Responsible Service Tip Sheet “Taking reasonable measures outside your establishment” on our website at www.agco.on.ca.

Security guards must be licensed

Security personnel monitoring entrances and patrolling licensed areas to ensure the safety and security of the establishment, its employees and patrons must be licensed under the *Private Security and Investigative Services Act*. Several charges have recently been laid against licensed establishments for employing individuals working as unlicensed security guards. Businesses convicted of employing unlicensed security guards can be subject to a fine of up to \$250,000. For more information on provisions of the PSISA, please refer to the Ministry of Community Safety and Correctional Service at www.ontario.ca/private-security.

Smart Serve training mandatory

Requirements under the *Liquor Licence Act* make it mandatory that all liquor sales licensees must ensure that persons involved in the sale and service of liquor

including security staff hold a certificate demonstrating the successful completion of a server training course approved by the Board of the AGCO. The approved server training course is Smart Serve. For information about the Smart Serve Training Program, please visit the Smart Serve website at www.smartserve.ca

Service by the bottle

Licensees are permitted to serve liquor by the bottle on New Year’s Eve as well as any other time during regular licensed operating hours, unless there is a pre-existing condition on the licence prohibiting this practice. The prohibition against engaging in practices that may tend to encourage immoderate consumption remains in place at all times.



Check ID for underage patrons

Serving minors is one of the most serious violations of the *Liquor Licence Act*. Licensees and their staff should make certain that all patrons of the licensed establishment are of legal drinking age (19) before serving them beverage alcohol. Check the ID of all patrons who may appear to be under the age of 25.

Sandy’s Law

The *Liquor Licence Act* requires liquor licensed premises to post signs warning women that drinking alcohol during pregnancy can cause Fetal Alcohol Spectrum Disorder (FASD). This requirement is commonly known as Sandy’s Law. The warning sign must be at least 8 by 10 inches in size. It must be prominently displayed in all locations where beverage alcohol is sold. Failure to comply with the signage requirements is an offence under the *Liquor Licence Act*.



Sandy’s Law signs (bilingual) may be printed from our website at www.agco.on.ca or ordered from AGCO Customer Service at 416-326-870 or toll free in Ontario at 1 800 522-2876

Illegal use of gaming machines in licensed establishments

Licensees are reminded that it is against the law to operate or keep on their premises illegal gaming machines.

Machines may be illegal depending on their design, construction and use. Licensees are responsible for the equipment on their premises. If a licensee is not certain whether a machine or device conforms to the law, they should seek independent legal advice.

The illegal use of a gaming machine may occur if there is potential for the player to win money, prizes or other valuable consideration from the playing of the machines, or from any person based on the results of a game played on or through the machine.

Sanctions for the use or installation of illegal gaming machines may include a monetary penalty, a liquor licence suspension or revocation.



Timeline requirements

Requirements for using a caterer's endorsement

Holders of a valid liquor sales licence may apply for a caterer's endorsement to the liquor licence. The holder of a caterer's endorsement is permitted to sell and serve liquor at events that are held in unlicensed areas other than a licensed establishment, or that are held in unlicensed areas within a licensed facility.

There is no fee for a caterer's endorsement. The licence holder may offer liquor for sale only at events which do not exceed ten consecutive days in duration and which are sponsored by a person other than the licence holder.

The licensee must notify the AGCO of each catered event by submitting a Catering Notification Form at least 10 days in advance of the event. Also, the licensee must advise (10 days in advance) local police, building and health departments of the details of the activity including estimated attendance.

Liquor may be sold and served only by the licence holder or their employees who hold a server training certificate.

The licence holder has full responsibility for compliance with the *Liquor Licence Act* and Regulations. This means no service to minors, no service to intoxicated patrons, no unruly behaviour and adherence to other conditions of the liquor licence.

Licensees who operate under a caterer's endorsement are advised to make certain that the 10 day advance notice of the event is adhered to, in order that proper approval is received in time for the event to proceed.

For full details on Liquor Sales Licence Endorsements, please refer to our Responsible Service Tip Sheet at the AGCO website www.agco.on.ca or LLA Regulation 719.

Community organization tackles unsafe drinking among students

An alliance of community partners dedicated to promoting a culture of safer alcohol use among post secondary students in the Ottawa area has been formed.

The Safer Ottawa Drinking Alliance (SODA) brings together three Ottawa post secondary institutions, Algonquin College, La Cité Collegiale and the University of Ottawa Health Services; along with eight community agencies to address unsafe drinking among students.

SODA aims to reduce the significant impacts associated with unsafe alcohol use by raising awareness of alcohol

consumption, the positives of a safe and well managed environment and access to online resources and community services.

Partners in this effort include Ottawa Police Services, Ontario Provincial Police, MADD, Canadian Centre on Substance Abuse, Centre for Addiction and Mental Health, Ottawa Venues (which owns and operates several bars and restaurant owners in the ByWard Market area), and the AGCO.

For more information on this group, please contact AGCO Communications at editor@agco.on.ca.

Licensee article**Windsor bar owners working with the AGCO to improve customer experience and profitability**

By Kash Hasan, BA, MA*

Windsor bar owner, Kash Hasan and Patrick Kim, are working alongside their local AGCO inspectors to create a better experience for their customers while increasing profitability. Kash and Patrick are the owners of The Bank Nightclub (285 Ouellette Avenue), The Office Lounge (44 University West) and newly opened Tequila Bobs (63 Pitt Street East).

Building a strong working relationship with your local AGCO inspectors is a critical component to the success for any bar or restaurant in Ontario. The perception that the AGCO inspectors are there to 'shut you down' is a falsehood. If local bars learn to work in tandem with their inspectors they are able to educate owners and their staff on the rules, regulations and practices that govern the selling of liquor or beer. Working together with the AGCO you have access to an ocean of knowledge.

Challenges and risks

[We] don't make any decisions without reaching out to our inspectors - we are able to get the pros and cons of any promotion, policy or process we are looking to implement prior to implementation. AGCO inspectors are always accessible and provide us with guidance always leaving us to make the best decision for our business with the laws and regulations in mind. They allow us to be proactive versus reactive in a business that comes with many challenges and risks. It's too bad more owners don't realize how helpful the AGCO can be to their business.

Every business has different needs and caters to a different market and therefore has to implement different strategies to stay profitable. Work with the AGCO to understand strategies and risks associated in controlling underage drinking, over capacity, over intoxication and over serving.

Working with the AGCO inspectors, we were able to invite the inspectors for a presentation to our entire team where everyone from owners, managers, bartenders, servers, bussers to security were now able to understand their responsibilities. Owning a bar or restaurant can be a very challenging road, but if you take that step towards the AGCO and ask for assistance, you will be pleasantly surprised with the knowledge and assistance that will be provided to you and your staff.

Look at it as the Rules of Engagement - if you choose to engage in the sale of liquor you must do your due diligence to ensure you know the Rules. It's ultimately the responsibility of every single person working at the establishment to ensure they provide a safe environment for everyone that comes into their establishment.



Kash Hasan (left) and Patrick Kim in front of their Windsor establishment.

Increasing profitability

Through discussion and involvement with the AGCO we have experienced a better sense of empowerment and understanding which has led to reduced liability and risks while increasing profitability and public safety. All achieved while enhancing the customer experience.

If you have not yet scheduled an appointment with your local AGCO inspector, don't be shy, pick up the phone and give them a call. Do as we have done in Windsor and you will be pleasantly surprised to learn that the AGCO is here to provide guidance and assistance to each and every one of their licensees, as they have for us.

For more information, we suggest licensees visit the AGCO website and schedule an appointment with your local AGCO inspector today.

* The above article was written and submitted by Kash Hasan, partner/ owner/operator of several licensed establishments in Windsor, Ontario. Mr. Hasan has a Master of Science in Business from Ball State University, Muncie, Indiana. Mr. Patrick is a graduate of St. Clair College, Windsor.

The opinions expressed in this article are those of the writer/s.

Note: The AGCO encourages constructive and informative articles or story ideas from licensees and others interested in Ontario's beverage alcohol industry. Please submit all correspondence to: editor@agco.on.ca.

Responsible Service Tip Sheet

Important information for licensees who get involved in planning special events, concerts or festivals

The AGCO has created a Responsible Service Tip Sheet which explains the various requirements for all of those who are involved in planning a special event where alcohol will be sold or served.

All event partners, including liquor sales licensees/caterers, need to have a clear understanding of how the event will unfold and to be aware of the laws respecting catered events where liquor is available.

The Tip Sheet is a guide to some important aspects of the licensed areas covering dates and hours of operations, access by minors, safety and security and alcohol ticket sales and refunds.

For a copy of the Responsible Service Tip Sheet, "Planning Special Events, Concerts or Festivals", please refer to our website www.agco.on.ca or contact AGCO Customer Service office at (416) 326-8700 or toll free in Ontario at 1-800-522-2876.



Top 10 liquor-related topics from the AGCO internet website

The AGCO website (www.agco.on.ca) logs more than 380,000 "visits" on an annual basis. About 50% of these visits are related to the sale and service of beverage alcohol. The top ten areas of interest to visitors to our website regarding liquor matters are:

- ✓ Liquor licensing fees
- ✓ Liquor licensing applications
- ✓ Special occasion permits (SOPs)
- ✓ Legal drinking age
- ✓ Hours of sale and service
- ✓ Renewing a liquor licence
- ✓ Credit card payment slip
- ✓ Objecting to a new liquor licence application
- ✓ Liquor advertising
- ✓ Lodging a complaint

In addition to providing information through our website, during 2012 the Customer Service Department responded to over 161,000 customer contacts, including 113,149 telephone contacts, 14,084 walk-in customers at our Toronto office, 7,158 e-mail requests and 26,642 calls through our integrated voice mail system. The majority of internet visits concerned areas relating to the *Liquor Licence Act* and Regulations, certain sections of the *Liquor Control Act*, and inquiries that concern the *Wine Content and Labelling Act, 2000*.

The AGCO licenses and regulates Ontario establishments that sell or serve liquor, liquor delivery services, liquor manufacturers and their agents, and ferment-on-premise facilities. It also administers the province's Special Occasion Permit (SOP) program which is delivered through the LCBO. For a complete list of AGCO activities, please refer to our website at www.agco.on.ca.

New AGCO Window Decals: "Licensed to Sell and Serve Alcohol"

The Alcohol and Gaming Commission of Ontario (AGCO) is the provincial agency responsible for regulating the sale and service of beverage alcohol across the province. As part of this mandate, the AGCO issues liquor sales licences to establishments in order that they may sell and serve wine, beer and spirits to their patrons.

To assist licensees in communicating to the public that their establishments are licensed, the AGCO has produced a full colour, cling vinyl decal that clearly indicates the premises are "Licensed to Sell and Serve Alcohol".

To order decals in English or French please contact AGCO Customer Service at 1-800.522.2876 or 416-326-8700.

Best Bar None now in its 2nd year

This year marks the second year of a pilot program for Best Bar None (BBN) Ontario. BBN, which was launched in the entertainment district in downtown Toronto in October, 2012 is now entering into an expanded second year of operation. This year the program will expand in Toronto to an area bounded by Lake Ontario to the south, Bloor Street to the north, Parkside Drive to the west and Yonge Street to the east. In addition, Ottawa's ByWard market area is also part of this expanded pilot. All licenced bars, clubs, restaurants, pubs, hotel lounges and members' clubs are eligible to participate.

What is Best Bar None?

Best Bar None Ontario is an industry-led international accreditation and awards program that rewards excellence amongst responsible liquor sales licensees and encourages everyone to improve their operations. It is supported by a number of industry groups, led by the *Ontario Restaurant, Hotel & Motel Association* and by the AGCO, as well as, various community groups and associations.

Originally started in the UK in 2003, over 100 British towns have now adopted the program and alcohol-related crime has dropped significantly in locations that have adopted BBN. The program launched in Alberta in 2010, and then BBN came to Ontario in 2012.

BEST BAR NONE



BEST BAR NONE
Ontario

Best Bar None Ontario aims to:

- Promote responsible management, service and operations of licensed establishments
- Reduce the number of alcohol-related issues
- Raise the standards of licensed establishments
- Improve economic viability of the night-time economy, and
- Build positive relationships among operators, industry partners, law enforcement and the community

What can you do?

All licensed establishments in the two designated areas are eligible to apply for BBN accreditation by going online to www.BBNOntario.ca and completing an application form. The deadline for applications is January 1st, 2014.

Following an application, independent third party assessors will visit the establishment to verify the information contained in the application. Once an establishment has been given an accreditation, it will be given BBN marketing materials to post in their bar, lounge or restaurant to promote with customers.

In the spring of 2014 an awards celebration will be held to announce the "Best of the Best". Awards will be given to the top establishments in the following categories: Best Club, Best Restaurant, Best Bar/Lounge, Best Hotel Lounge, Best Pub, and Best Members' Club. There is also a "Best" overall award!

Highlights of BBN Ontario's 1st Year Pilot

- 83% of patrons claimed they would be likely to attend a BBN establishment
- 71% of patrons see a need for BBN
- 100% were satisfied with the awards ceremony
- 86% of accredited establishments were satisfied with the assessment process

Continued from p.1 *Chair's column*

New supporting projects have been launched.

These include;

- *The Open Ontario Compliance Initiative, a pilot project started in April 2013 designed to make the inspection process less onerous for businesses;*
- *Last Drink Program, designed to improve public safety and help reduce impaired driving in Ontario;*
- *Community Alcohol Safety and Enforcement (CASE), the AGCO, in partnership with the Ontario Association of Chiefs of Police, have undertaken a joint effort to reduce the risks of underage and excessive drinking by students;*
- *The introduction of Best Bar None, an industry led international accreditation and awards program aimed at promoting responsible management service and operation of liquor licensed establishments.*

We also have ongoing cooperation and coordination with municipal government and local police services.

All of these measures are designed to increase public safety and have a positive effect on the sale and service of beverage alcohol in Ontario.

Our "Know the Liquor Laws" seminars will continue in the new year; and in this edition of Licence Line, we outline some useful tips for licensees to keep their establishments incident free during the Holiday Season.

Licensee writes article

I'd like to draw your attention to an article on page 5 submitted by a licensee from Windsor, Ontario, which provides some very valuable suggestions on how to benefit from meeting with AGCO inspectors and ensure "a safe environment for everyone who comes into their establishment".

We thank the writer/s of this article and remind other licensees that we do accept for publication material that is informative and useful to the successful operation of a licensed establishment.

We eagerly look forward to the coming year, and to continue working closely with our partners and stakeholders as the AGCO moves forward to modernize and improve the policies and procedures that govern the beverage alcohol sector.

Have a happy holiday!

At this time, it is also a real pleasure for me to wish all of our stakeholders and clients a very healthy, prosperous and Happy New Year; and, to thank the members of the AGCO Board, the Management Team and staff for another year of dedicated service.

Season's Greetings to all!

Eleanor Meslin, Chair

Know the Liquor Laws

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

Educational Seminars Calendar

JANUARY 2014

Brampton Wednesday, January 15
 Belleville Tuesday, January 21
 Bancroft Wednesday, January 22
 Peterborough Thursday, January 23
 Toronto (Central)..... Wednesday, January 29

MARCH 2014

No seminars Visit us at the CRFA Show
 March 2-4, 2014
 Booth 800
 Direct Energy Centre, Exhibition Place
 Toronto, Ontario

MAY 2014

Ottawa (Centre) – a.m. Tuesday, May 13
 Ottawa (Centre) – p.m. Tuesday, May 13
 Kingston Wednesday, May 14
 Oshawa Thursday, May 15

80%+ of over **8,500** participants said they would recommend attending because they found the information useful and learned something

- Since this program began the AGCO has conducted almost 200 educational seminars and visited some 75 Ontario cities and towns (with multiple trips to the larger centres).
- Over the next several months we expect to conduct an additional 24 seminars - with new stops added for Bancroft, Elliot Lake, Sault St. Marie and Sudbury.
- During the educational seminars, AGCO staff has distributed more than 70,000 pieces of informational materials relating to the sale and service of beverage alcohol.

FEBRUARY 2014

Huntsville Tuesday, February 11
 Midland Wednesday, February 12
 Barrie Thursday, February 13

APRIL 2014

London Tuesday, April 8
 Goderich..... Wednesday, April 9
 Leamington..... Thursday, April 10
 Toronto (East)..... Tuesday, April 15

JUNE 2014

Niagara Falls Tuesday, June 3
 Hamilton Wednesday, June 4
 Kitchener..... Thursday, June 5
 Sault Ste. Marie Tuesday, June 17
 Elliott Lake..... Wednesday, June 18
 Sudbury Thursday, June 19
 North Bay..... Friday, June 20
 Toronto (Central)..... Wednesday, June 25

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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