



AGCO

Alcohol and Gaming
Commission of Ontario

Licence Line

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ELEANOR MESLIN

From the Chair...

Our lead story for this issue of Licence Line focuses on cooperation between the AGCO and local municipalities and their agencies in an effort to increase compliance rates and enhance *Liquor Licence Act* enforcement activities across the province.

One of the main strategies to reach our compliance objectives is the use of Joint Forces Operations (JFOs). These are carried out with local police services, and often include other municipal, provincial and federal agencies during the course of monitoring liquor licensed establishments.

JFOs are carried out in many communities across the province. They are very helpful in establishing better coordination and working relations with other local agencies with respect to liquor enforcement.

Continued on p. 2 See *Chair's column*

How they operate

Joint Forces Operations – working in partnership with local police and municipal agencies

The Alcohol and Gaming Commission of Ontario (AGCO), through its Inspection and Investigation Branch, has responsibility for the enforcement of the province's liquor laws. The Branch includes personnel from the Ontario Provincial Police, assigned to the AGCO, and AGCO inspectors who monitor liquor licensed premises for compliance with the *Liquor Licence Act* (LLA) and Regulations.

Liquor inspections are often carried out in cooperation and in partnership with local municipal agencies and police services. These types of enforcement activities are called Joint Forces Operations (JFOs). They are conducted for a multitude of reasons. They provide a coordinated and close working relationship

between the AGCO and community organizations to increase compliance rates and enhance LLA enforcement operations. JFOs also allow for the sharing of information which aids in the implementation of a risk-based approach to conducting liquor-related inspections.

A range of local agencies

A typical JFO can include representation from a range of local, federal and provincial agencies including: fire department and health inspectors, immigration officials, municipal by-law officers, Ministry of Revenue personnel (contraband cigarettes), AGCO Inspectors, OPP officers and local police services members.

Continued on p. 2 See *Joint Forces Operations*

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



Continued from p. 1 **Joint Forces Operations**

The focus of a joint forces operation is to ensure that licensed establishments are in compliance with a range of responsibilities and that there are no illegal activities taking place on the premises. Members of a JFO inspect and look for any violations of fire code and health regulations, the *Tobacco Act*, *Smoke Free Ontario Act*, immigration matters, the *Criminal Code of Canada*, the *Gaming Control Act* and the *Liquor Licence Act*.

Risk to public safety

Joint Forces Operations can occur at any time, in any place and for many reasons. Most often the reasons include complaints from the public, monitoring special events and festivals, and police issues. In general, they are targeted towards liquor licensed establishments that pose the greatest risk to public safety or specific high density entertainment districts of a city or region. They are carried out in all parts of the province.

During joint forces operations, AGCO inspectors focus on the sale and service of beverage alcohol and watch for, among other things, the illegal sale of liquor to minors, serving intoxicated patrons, disorderly behaviour, overcrowding, the sale, distribution or use of illegal drugs, or after hour's service of alcohol.

Charges may be laid against owners of the premises who violate the various regulations or laws applicable to the operation of the establishment. The AGCO may also impose an administrative sanction against the licensee (a monetary penalty, suspension or revocation).

In fiscal year 2010/11, the AGCO carried out 2,383 joint forces projects in cooperation with local authorities.

JFOs result in more efficiency and effectiveness and improved uses of resources at the municipal and provincial levels of government through focussed inspections.

Continued from p. 1 **Chair's column**

We are very pleased with the co-operation we are getting from both local police and municipal agencies for this innovative program.

"Last Drink Program"

We have also included an article on our successful "Last Drink" program's pilot project. Through "Last Drink", the AGCO is partnering with local police services to share information about where drivers who have been stopped for alcohol-related offences report to have been drinking. This information is used by the AGCO to better educate licensees and their staff, and to determine if certain establishments should be subject to risk-based enforcement. It also helps police to reduce the incidence of impaired driving on Ontario's roadways.

Educational seminars continue

We continue our successful program of free educational seminars. (These events have been widely acclaimed and

the sessions very well attended). The schedule for these seminars is available on our website at www.agco.on.ca.

Special occasion permits

Another important liquor regulation change concerns amendments to the issuance of Special Occasion Permits (SOPs). We have reduced the number of types of SOPs from nine to three, streamlining and simplifying the application process. See the highlights of these changes on page 5 of this edition of Licence Line, including outdoor public events involving liquor sales licensed establishments.

Sunny weather

As we enjoy the warm days of the Ontario summer, we at the AGCO wish all of our licensees and stakeholders a period of sunny and comfortable weather for the summer vacation period.



Interim Chair

AGCO window decals: "Licensed to Sell and Serve Alcohol"

The Alcohol and Gaming Commission of Ontario (AGCO) is the provincial agency responsible for regulating 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 introduced 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.



**Licensed to
Sell and Serve
Alcohol**

www.agco.on.ca

AGCO | Alcohol and Gaming
Commission of Ontario

CAJO | Commission des alcools
et des jeux de l'Ontario

Ontario

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 **March 1, 2012** and ending **June 30, 2012**. Sanctions for similar infractions may vary in length according to the specifics of each case. Details about AGCO Board decisions are now available on **QUICKLAW**.

ESTABLISHMENT	INFRACTION	SANCTION
Commercial Tavern, Brockville	Permitted narcotics on premises	Licence Revoked
Lucky’s Wings, Kitchener	Not financially responsible in conducting its business due to <i>Retail Sales Tax Act</i>	Licence Revoked
Lyric Karaoke and Lounge, Concord	Overcrowding; failure to clear signs of service; permitted removal of liquor from premises	Licence Revoked
My Friend’s Restaurant & Bar, Brampton	Overcrowding; failure to clear signs of service; permitted removal of liquor from premises	25 days
Pub 31, Ottawa	Permitted drunkenness and disorderly conduct; liquor not purchased under licence; permitted removal of liquor from premises	28 days

Other Suspensions/Revocations

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

Adam’s Restaurant, Toronto	Permitted drunkenness; service outside prescribed hours; failure to clear signs of service; liquor not purchased under licence; licensee failed to provide government store with licence number; failure to retain records of sales and purchases of liquor	14 days
Bank (The), Barrie	Permitted drunkenness and disorderly conduct	14 days
Big Echo Karaoke & Lounge, Toronto	Permitted drunkenness; overcrowding; breach of condition of the establishment’s liquor licence	30 days
Clinton’s, Toronto	Permitted narcotics on premises; overcrowding; 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	20 days
Continental Soiree, Scarborough	Service outside prescribed hours; past conduct; liquor not purchased under licence; failure to provide or post liquor menu in accordance with regulations	45 days
Cool Breeze Restaurant & Bar, Mississauga	Failure to ensure required persons successfully completed applicable training courses or programs approved by the Board within the time periods specified by the Board; breach of conditions of the establishment’s liquor licence	17 days
Liquid Lounge Bar, Etobicoke	Overcrowding; permitted narcotics on premises; failure to clear signs of service; service outside prescribed hours	14 days
Live Lounge, Ottawa	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	1 year suspension of Catering Endorsement
New Roti Supreme Restaurant, Toronto	Overcrowding	28 days
Nutty Parrot (The), Cambridge	Past conduct	Licence Revoked
Round 2 KTV, Richmond Hill	Serving minors; failure to inspect identification; permitted drunkenness; encouraged immoderate consumption; overcrowding; permitted removal of liquor from premises	25 days

"Last Drink" Program: AGCO partners with police to reduce impaired driving and enhance public safety

The AGCO is committed to enhancing its already strong partnerships with local police services across the province, and to providing regulatory oversight that is collaborative in nature and serves the public interest. To that end, the AGCO is planning to expand its six month pilot program entitled "Last Drink" which was designed to improve public safety and help to reduce impaired driving on Ontario roadways.

Under the pilot, four Ontario police services (Sudbury, Durham, London and Ottawa) have been informing the AGCO about incidents involving alcohol-related driving offences where the drivers named a liquor licensed establishment as the last place where they consumed alcohol. This information allows the AGCO to identify educational opportunities to work with licensees on better meeting their various legal and regulatory obligations moving forward. In some limited cases, the AGCO has focused additional regulatory attention on those establishments that continually run into issues.

The "Last Drink" pilot project ran from July 1, 2011 to January 1, 2012, and the results were encouraging on multiple fronts. Overall, licensees expressed appreciation at having been made aware of the additional information brought to their attention, while the participating police services also saw "Last Drink" as a good complement to other programs which target impaired driving. The AGCO will therefore be expanding the program in Fall 2012 to

include ten participating police services. The goal is to ultimately extend the "Last Drink" program to all police services across Ontario.

Mandatory reporting by police to AGCO begins in August

While the vast majority of liquor sales licensees are compliant with the laws governing the sale and service of alcohol, the AGCO continues to focus on those whose actions put their patrons and the public at risk.

As part of the AGCO's continuing efforts to become a more efficient, effective and well-informed regulator, beginning August 6, 2012, all Ontario police services must notify the AGCO if they determine that an incident involving death or serious injury can be linked back to the service of alcohol at a licensed establishment. In addition, police are also encouraged to share reports of other liquor-related offences, such as public intoxication, when a clear link with a licensed establishment is identified.

This information will then be followed up by the AGCO to determine whether the licensed establishment was in compliance with its regulatory obligations. This extra layer of cooperation with policing partners supports the AGCO's shift to a risk-based compliance approach that will allow more focus on those establishments in need of the most attention.

Applying for a temporary liquor licence extension

Temporary extensions are customarily requested by licensees to hold special events or to participate in a community festival. A temporary extension may be granted for a specific event but will not be granted to an applicant who is waiting for the issuance of a permanent liquor sales licence.

The Registrar of Alcohol and Gaming may approve a temporary physical extension (indoor or outdoor) of the premises to which a licence to sell liquor applies for a period of fourteen days or less, if the extension is adjacent to the premises to which the licence applies. A licensee is eligible to receive a maximum of four extensions per calendar year.

To ensure applications are processed as quickly as possible, please follow the checklist included with the required application, which can be found on our website at www.agco.on.ca.

Some helpful tips:

- Applications for temporary extensions must be signed by the licensee or a manager who has signing authority. The application cannot be signed by a transfer applicant. Only one signature is required from a director or officer of a corporation.
- You should submit a letter with your application outlining the details of an event indicating that local fire, health and police departments have been notified accordingly (individual letters from these departments are not required).
- Applications for temporary extensions to be held outdoors require a letter of non-objection from the local municipal clerk. While applications will be accepted without this letter, the temporary extension will not be issued until a non-objection letter from the municipal clerk is received.

For further information, refer to the AGCO web page noted above or call AGCO Customer Service at 1.800.522.2876 or 416.326.8700.

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.



Special Occasion Permits—Amendments to Regulation 389/91 of the *Liquor Licence Act*

On July 1, 2012, several changes to Regulation 389/91 of the *Liquor Licence Act* governing Special Occasion Permits (SOPs) took effect. These changes represent the third installment of the modernization of the SOP program, with previous changes having been implemented in June and August 2011.

Highlights include:

Number of SOP types reduced

The types of events for which an SOP can be issued have been reduced from nine to three: **Private Events**, **Public Events** and **Industry Promotional Events**.

Private Event SOPs are typically issued for events such as weddings, birthdays, bridal showers, etc. Private events are for invited guests only and the event must not be advertised to the public, including by way of flyers, newspaper, internet or radio. The event cannot be open to the general public, and there can be no intention to profit from the sale of alcohol at the event. Private Event SOPs can be either a Sale permit (e.g. to allow for recovery of the cost of serving alcohol) or a No Sale permit (which allows alcohol to be served, but not sold, and the permit holder is responsible for the cost of the alcohol).

Public Event SOPs are issued for events that are open to the general public, such as charity fundraisers, outdoor street festivals, community festivals, etc. A Public Event permit holder may advertise the event and can fundraise or profit from the sale of beverage alcohol.

An SOP for a Public Event can be issued to:

- a charity registered under the *Income Tax Act* (Canada); or
- a non-profit organization or association and organized to promote charitable, educational, religious or community objects.

An individual or business may also apply for a Public Event SOP if organizing or conducting an event of:

- “provincial, national or international significance”, as agreed to by the Registrar of Alcohol and Gaming (the Registrar), or
- “municipal significance” for which a municipal resolution or letter from the municipal clerk or designated authority which designates the event as one of municipal significance is required.

Industry Promotional Events is a new SOP category intended to promote a manufacturer’s products. These events may be open to the general public or for invited

guests only. They can be either Sale or No Sale events. There can be no intent to profit from the sale of alcohol at the event.

Samples for tasting at the event may be provided to those attending the event, and orders for alcohol may be taken. Samples at these events must be provided by a manufacturer or AGCO licensed representative of a manufacturer or an event organizer acting on behalf of either. All orders must be processed through authorized government retail stores.

SOP applications available at LCBO SOP service stores

Effective July 1, 2012, applications for SOPs will be processed at all Liquor Control Board of Ontario (LCBO) SOP service stores. Applicants are no longer required to submit the application to the closest LCBO issuing store to the event. For a list of LCBO SOP service stores, please visit <http://hellolcbo.com>.

Tiered Seating

In addition to Public Event permits, applicants can now apply for a Private Event SOP or Industry Promotional SOP for premises with tiered seating (bleachers or stadium seating).

Events with tiered seating must be reviewed by the AGCO, at which time conditions may be attached to the permit to mitigate any risk that may be associated with the event.

Designated Public Events: Outdoor public events involving liquor sales licensed establishments

If an SOP has been issued for an outdoor event that has both licensed areas (bars, restaurants, etc.) and areas to which the SOP applies (i.e. the street on which the event is taking place), patrons can move freely between these areas with a single serving of alcohol provided certain conditions are met.

To be eligible, the event must meet the following conditions:

- the event must be an outdoor event (e.g. street festival);
- the event must be designated “municipally significant” and the applicant must submit a resolution of municipal council or a letter from a delegated municipal official designating the event as “municipally significant”; and
- the licence holder and the permit holder must have entered into an agreement to ensure that there is no unreasonable risk to public safety, the public interest and the public, and no unreasonable risk of noncompliance with the LLA and Regulations by either of the parties.

This agreement must be submitted to the AGCO for review and approval at least 30 days prior to the event.



Continued on p. 6 See **Special Occasion Permits**

Know the Liquor Laws

8,000 attend free Educational Seminars across the province

140 seminars — 8,000 attend “Know the Liquor Laws”

As of the end of June 2012, 140 seminars have taken place throughout the province.

More than 8,000 licensees, managers and staff connected to the beverage alcohol industry have attended.

About 45,000 pieces of liquor-related informational materials have been distributed at these events.

Beginning in the spring of 2010, the AGCO launched a province-wide licensee educational program aimed at providing owners and staff of liquor licensed establishments up-to-date information in order to remain in compliance with the *Liquor Licence Act* and Regulations.

These Educational Seminars are free and focused on helping licensees become better acquainted and knowledgeable about the sale and service of beverage alcohol.

- The seminars are presented in two parts.
- Part One is for those involved in the day-to-day sale of liquor: including servers, bartenders, security staff along with owners and managers.
 - Part Two focuses on operational issues and is targeted at owners and managers.

Each session lasts for about seventy-five minutes and there is an open question and answer period.

The materials include:

- **You and the Liquor Laws:** A booklet for employees of liquor licensed establishments
- **You and the Liquor Laws-Plus:** A guide for owners and managers focusing on the operational aspects of maintaining a liquor licence in good standing
- **Know the Liquor Laws:** A CD containing complete copies of the *Liquor Licence Act* and Regulations

Lots of information available

The AGCO also has a wide array of other helpful and informative liquor related materials. To view or order these information tips, bulletins, decals and posters go to the AGCO website or telephone Customer Service at 1.800.522.2876 or 416.326.8700.

These free Educational Seminars and information materials are part of the AGCO’s expanded public affairs program aimed at establishing a closer working relationship with licensees and other stakeholders.

The AGCO will continue with an active and ongoing schedule of Education Seminars. For specific dates and locations of these new free sessions, please refer to our website at www.agco.on.ca.

Because the Educational Seminars are very popular, we suggest you register early.

Educational Seminars Calendar

August 2012	September 2012	October 2012	November 2012	December 2012
Peterborough Trenton Kingston Oakville Toronto (Central)	Kenora Thunder Bay St. Catharines Burlington Guelph Toronto (East)	Walkerton Owen Sound Collingwood Toronto (West)	London Sarnia Windsor Toronto (North)	No sessions

Continued from p. 5 Special Occasion Permits

For complete details on regulatory amendments affecting the Special Occasion Permit program please see AGCO’s **Information Bulletin No. 24** by visiting the AGCO website at www.agco.on.ca or contact the AGCO Customer Service Desk at 1.800.522.2876 (toll free in Ontario) or 416.326.8700 (in the Greater Toronto Area).





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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.

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

General Inquiries: 416.326.8700
General E-mail: customer.service@agco.ca
Internet address: <http://www.agco.on.ca>
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