

Re: LS15.4

Municipal Interests in Liquor Licensing

Liquor Licensing Issues Task Force
October 21, 2016

Tracey Cook
Executive Director, ML&S

TORONTO | Timeline of Events

Dec.
2013

- City Council approved a Members Motion to “protect communities and help small business by improving the licensing of bars and restaurants”

Apr.
2014

- City Council received a report from Legal Services regarding AGCO communication
- Requested ML&S to report back with options to deal with issues arising from premises with liquor sales licences

Jul.
2014

- City Council requested input from the working group to develop better compliance with City by-laws regarding restaurants, bars and entertainment establishments as per motion from Dec. 2013

TORONTO | Timeline of Events

Feb.
2015

- City Council established the Liquor Licensing Issues Task Force

Mar.
2015

- 6 Members appointed to the Task Force for a term of office until December 31, 2016 and until successors are appointed

Oct.
2015

- First meeting of the Liquor Licensing Issues Task Force

Task Force Mandate

Provide advice to staff on...

- the City's role in liquor licensing
- issues associated with operating restaurants, bars and entertainment establishments with respect to liquor licensing and alcohol-related matters
- solutions that mitigate community nuisance concerns

Regulatory Working Group

Objective To identify policy and/or legislative gaps to ensure community nuisance issues are appropriately addressed

Membership ML&S, AGCO, Toronto Police, OPP, Toronto Building, City Legal, City Clerk

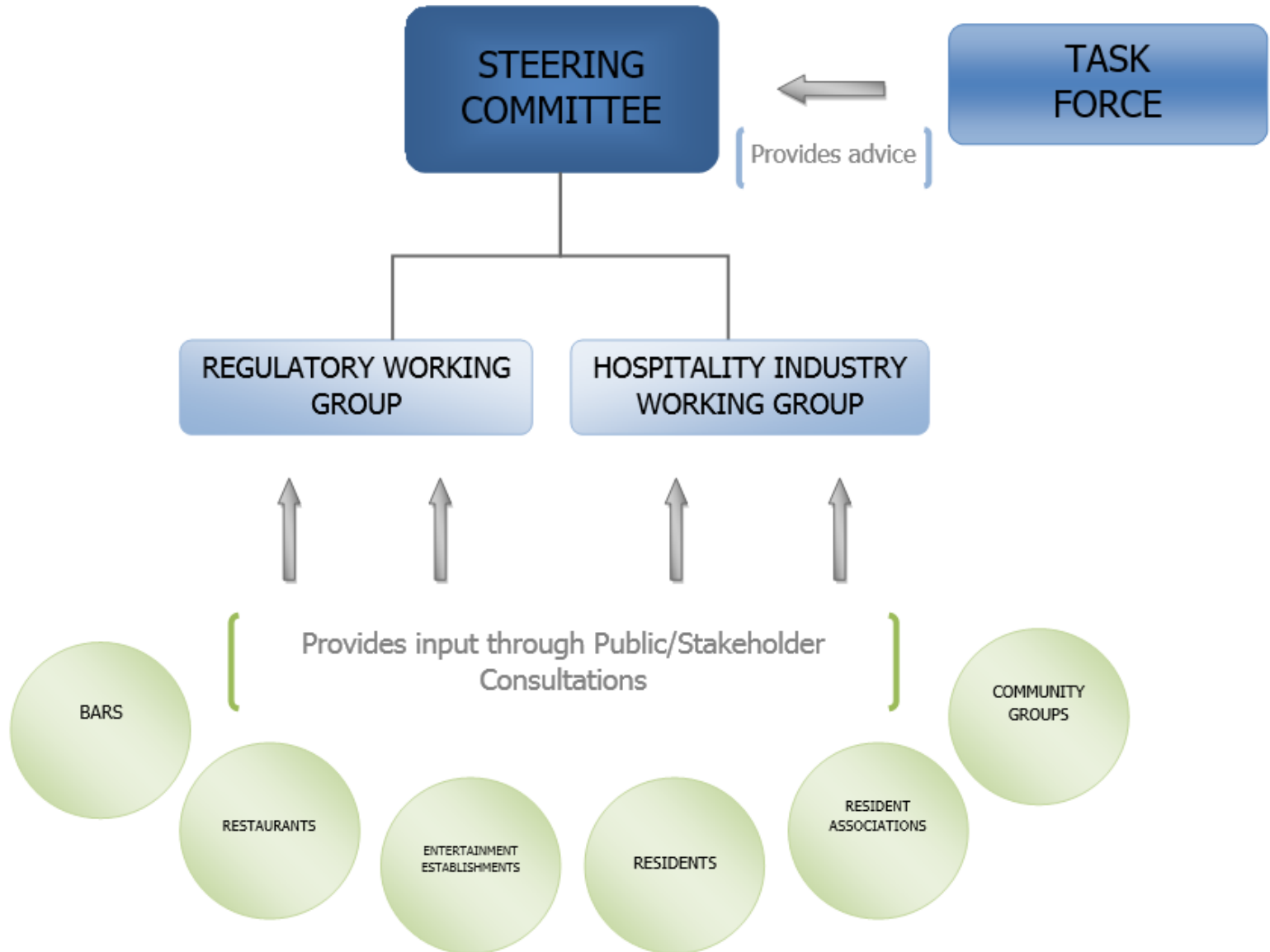


*quarterly
meetings*

Hospitality Working Group

Objective To discuss issues related to restaurants, bars and entertainment establishments, such as the process for obtaining liquor licences; and neighbourhood impacts

Membership ML&S, AGCO, Toronto Police, ORHMA, TABIA, Economic Development, Public Health, City Legal, City Planning



Update on Working Group Progress



Three types of SOP's

1. *Private Event* (private guests only; no advertising permitted; no profit from the sale of alcohol)
2. *Industry Event* (e.g. beer, wine samples)
3. *Public Event* (events open to the public)
 - a. Not-for-profit Event
 - b. Charity Event
 - c. Event of National or Provincial Significance
 - d. Event of Municipal Significance



BREWERS BACKYARD
THANKSGIVING
OCT 12
12 - 5
EVERGREEN BRICK WORKS

 **EVERGREEN**

TORONTO*oberfest*





TORONTO
RIBFEST 2016
KICK OFF SUMMER!

Rotary 
Etobicoke

THURSDAY - SUNDAY

JUNE 30 - JULY 3
(CANADA DAY WEEKEND)
ETOBICOKE CENTENNIAL PARK



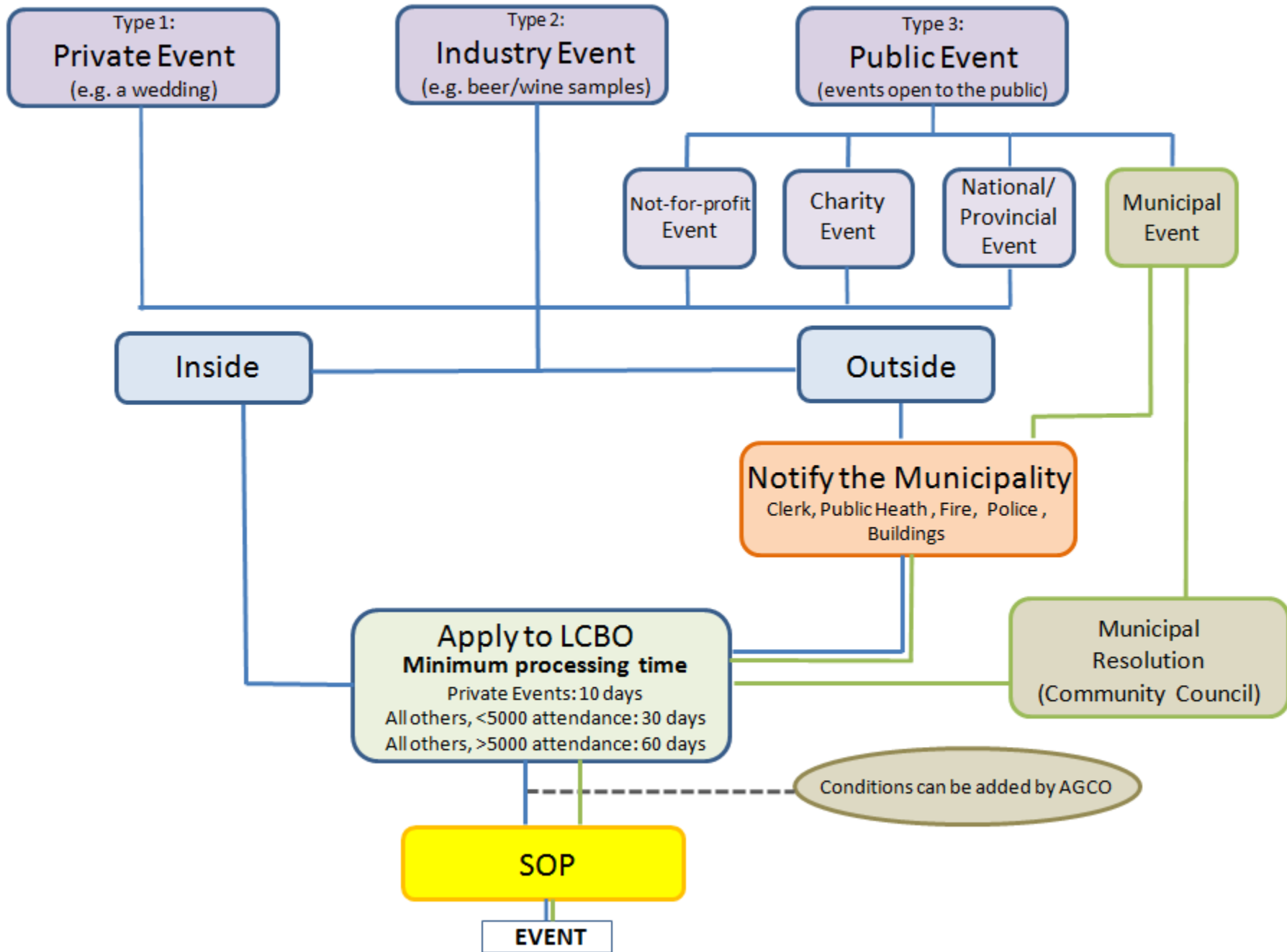
September: 1690 SOP Events

- 45 Industry Promotion Events
- 1377 Private Events
- 268 Public Events

Annual Volume of SOPs

- 17,477 SOP events were held in Toronto over the past 12 months





When is the City notified/involved in an SOP?

- The City is notified of all SOP events that are being held outdoors
- Notifications go to the Police, Public Health, and Fire
- Toronto Building is notified if a temporary large tent or tiered seating is being proposed
- The local Councillor is notified if the event is seeking a Municipal Significance designation
- An SOP held by a charity or not-for-profit does not require a municipal resolution



ongoing

Circulation of “High Risk” SOP’s

- Notification of Charity and Not-for-Profit SOP events is not required
- *AGCO has agreed to notify the City of “high-risk” events*
 - Implementation details to be confirmed
 - (thresholds, process, etc.)



Application Process Improvements

- Existing application process is informal
- ML&S and City Clerks identified that the application process requires greater rigour to improve oversight, decision-making and processing times:
 - Minimum standards / application criteria
(anticipated capacity, exact location, sketch or plan of the proposed extended licence area)
 - Clearer connections to other permit requirements
(e.g. Noise by-law exemption permit)



med.-term

TORONTO | Temporary Extension Permits





ongoing

Administrative Improvements

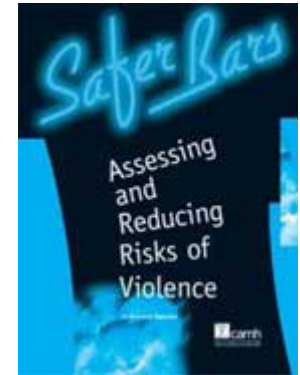
- Temporary Extension requests are presently considered by City Council (letter of non-objection)
- Staff are exploring the merits of delegating this decision-making to Community Council
- This would require an amendment to COTA and its Regulations; as well as an amendment to Municipal Code Chapter 27



Review Education & Training Programs

Safer Bars Program (CAMH)

- Program was placed on-hold ~2 years ago
- Is likely to be discontinued permanently



Smart Serve

- Online training and testing
- The training course takes ~ 4 hours to complete
- Tests are overseen by an impartial individual (proctor)
- Cost \$34.95



Best Bar None



- Industry-led accreditation program
- Supported by the AGCO
- Promotes the highest standards for responsible service
- No cost to apply for accreditation
- Independent third party verification
- Increasing enrolment of BBN-accredited operators will help grow responsible liquor licensee operations
- Has been implemented in +75 cities (including Ottawa, Edmonton)



ongoing

AGCO Educational Webcast Series

- Launched an educational webinar series in 2015
- Topics covered to-date include:
 - Sales of VQA wines at Farmers Market
 - Special Occasion Permits (SOPs) for Festivals or Large Public Events

<http://www.agco.on.ca/en/whatwedo/webcast.aspx>

Video



Rebecca Castillo
Manager, Eligibility – Liquor - AGCO



The Permitting Process – A Primer

Key Risk Considerations

- Past Conduct
- Honesty and Integrity
- Financial
- Experience and Training
- Liquor-Related Infractions

Applicant-Specific

The Application Review Process

AGCO CAJO

09:18 58:06



complete

Good Neighbour Guide

- Developed by the Hospitality Working Group
- The Guide combines regulatory responsibilities and “good-will” measures to address noise, litter and public safety
- The Guide will be used to educate bar and restaurant operators of their regulatory obligations
- The Guide will also play a role in promoting proactive compliance

CITY OF TORONTO



Good Neighbour Guide for

BARS RESTAURANTS & ENTERTAINMENT VENUES

Toronto's bar, restaurant and entertainment industry is thriving. However, this success can sometimes result in negative impacts on the surrounding community due to issues related to noise, litter and public safety. This guide is a tool to raise awareness of these issues, and of the measures you can take to be a good neighbour, by providing a safe, clean, quiet environment in the vicinity of your establishment.

REQUIREMENTS

1. Ensure that noise arising from entertainment or the sale and service of alcohol on your outdoor patio does not disturb local residents.
2. Ensure that amplified sound is not clearly audible beyond your lot line.
3. If you operate a nightclub, monitor line-ups outside and ensure the orderly conduct of your patrons. Nightclubs are required to have a municipal noise and crowd control plan; a metal detector; and to be staffed with at least one security guard for every 100 patrons in attendance.
4. Ensure that your waste is properly sorted, set out after 6:00pm on collection night, and placed in a City garbage bin, yellow bag, or a regular garbage bag with a Garbage Tag (make sure it is visible). If using private garbage collection, try to arrange pick-up times that aren't disruptive to nearby residents.
5. Keep the exterior of your establishment clean and free of litter, cigarette butts and gum, particularly locations that are adjacent to residential areas.
6. Smoking laws must be respected. Post "No Smoking" signs at entrances and exits, and provide smokeless ashtrays at least nine metres from main entrances or exits, where feasible.

ADDITIONAL GUIDANCE

7. Display prominent notices at main entrances and exits advising your patrons to leave in a quiet, peaceful, and respectful manner, and to avoid littering and public urination. Employees can also reinforce these expectations to patrons exiting the establishment.
8. Provide adequate mechanical ventilation within your establishment so that open doors and/or windows are not required, and noise is contained within.
9. Inform your employees about local transit options, including taxis and private transportation companies, so that they can provide this information to exiting patrons if required.
10. Consider providing outdoor lighting to discourage nuisance activities along the street, sidewalk, or a rear laneway as appropriate, while also ensuring that light from these devices does not interfere with your neighbours.
11. Consider participating in the Best Bar None program, an industry-led accreditation program for liquor licensees that have good relationships with the community and hospitality industry partners, and the highest standards for the responsible service of alcohol.
12. Ensure that any persons or promoters who hold events on your premises are aware of the expectations outlined in this document and adhere to this guide.
13. Establish lines of communication with your neighbours by providing a phone number for them to register complaints or concerns. Ensure the line is answered during your hours of operation, and equipped with a functioning message service for other periods.



Ongoing Implementation

Website Links

- ORHMA, TABIA, MLS, Ec. Development

MLS, Business Licensing

- Issuance to new licence holders and renewals

Enforcement Education

- The guide will be used by enforcement agencies to help educate operators
- It will be used in this way by:
 - *MSO's*
 - *AGCO Inspectors*
 - *Public Health Inspectors*



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Review of AGCO Processes

Public Notice Requirements

- Public Notice is required for all new liquor licence applications.
- Public Notice is also required at an existing location if:
 - There has been no liquor sales licence at an address for at least 6-months
 - The licensee wishes to licence an outdoor space (e.g. patio)
 - The licensee wishes to increase the licensed capacity (indoor or outdoor) of the establishment by more than 25%

Transfer of Liquor Licences

- No public notice, however the AGCO performs due diligence on all transfer applicants to determine eligibility.
 - Factors taken into account include honesty and integrity; financial responsibility; personal history etc.
- Staff are aware of issues with the transfer process
- The working group has not yet determined if these can be resolved through process improvements; or if legislative amendments would be required.

Process to Remove Conditions

- Applications to remove conditions added through public interest process must be made to the Licence Appeal Tribunal (LAT).
- The decision whether to advertise the application to remove conditions rests with the LAT.
- Applications to remove conditions added by the Registrar (e.g. as part of risk-based licensing) can be made to the AGCO



Review the interface between brew pubs, micro-breweries and the zoning by-law



complete

- Toronto Building has provided an interpretation of the zoning by-law which is more flexible than what they have allowed in the past
- Zoning by-law amendment to distinguish small-scale beer production from general “Manufacturing” or “Restaurant” use



long-term





Examine how the business licensing application process can be improved



long-term

Two ongoing, related initiatives identified

- 1) Test business licensing proof of concept for restaurants.

Pilot site: Etobicoke Civic Centre

Stakeholder Engagement with ORHMA and select members

Improvements will include...

Front Counter Redesign	<ul style="list-style-type: none">• Streamline the queuing process• Introduce automated queuing including appointments
One window completes all services	<ul style="list-style-type: none">• One window will provide all services including payments & receipts.• Complex license issuing services will be handled by appointments to the greatest extent possible.
Image Paper File Records	<ul style="list-style-type: none">• File records will be imaged and available to the counter clerk at multiple ML&S locations.• This will provide the client options to conduct business at an ML&S location of their choice.
Introduce Self-service options for clients	<ul style="list-style-type: none">• Online Application/License/Invoice Look-up• Change Contact Information.• Renewals and payments online only.
Back Office Functions streamlined	<ul style="list-style-type: none">• Email contact and notifications, reducing mail outs.• Eliminate the refund function.• Reconciliation and payment deposit and reporting streamlined.



Examine how the business licensing application process can be improved



long-term

2) Develop a “one-stop” web-based platform to simplify the process to start a business

- Specific focus on the restaurant industry
- Partnership with:
 - Province of Ontario (AGCO & Service Ontario)
 - Federal Government (Innovation, Science & Economic Development Canada (ISED))



long-term

Partnership with the Province

1. Introduce the concept of using One Business Number for identifying a business, collecting information, and establishes access to authoritative sources of information.
2. Provide seamless access to requirements and regulations across multiple levels of government.
3. Provide integrated data sharing for businesses by requesting information once and sharing it across governments.
4. Provide information bundles on restaurants that are municipal specific to expedite the process for starting a restaurant and enable better compliance by identifying all requirements.

Log in to your account

Email address

Password

[Cancel](#)

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Don't have an account?

Logging in with your account will save you time on this site and enable you to keep track of your permit & licence applications.

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Start Your Restaurant Business

Premises, Construction & Renovation

Sidewalk Café & Music

Food Prep & Handling

Liquor Service

Employees

Need help now?

Advisors are available during business hours (9-5 Mon-Fri) to assist you with licence & permit applications.

[Chat now](#)

or call

416-555-1212

Need business advice?

Contact our new business advisors for help with a business plan, financing, & other aspects of starting a restaurant.
[Contact us](#)

EXAMPLE



Review the process to deal with problem establishments



ongoing

- Graduated approach to enforcement including:
 - Education (e.g. Good Neighbour Guide)
 - Cautions, notices of violation and/or formal warnings
 - Prosecutions initiated in Provincial courts for Municipal By-law infractions
- Coordinated inspection initiatives and improved information sharing to support enforcement outcomes
- New staff in Prosecutions (Legal) dedicated to ML&S charges, with focus on case management approach

Improved Information Sharing

- Convictions resulting from municipal bylaw charges are used by AGCO for risk-based licensing reviews
- Toronto Police information is shared with ML&S for use as evidence at the Toronto Licensing Tribunal (TLT)
- MLS and TPS are developing a MOU to formalize processes for information-sharing
- *AGCO has recently agreed to share their inspection information with ML&S for use as evidence at the TLT*
- *AGCO has agreed to share information about SOP events*
- *AGCO is implementing a Regulatory Assurance Solution (RAS) initiative that will automate data-sharing with municipalities*



Review of Toronto Municipal Code Chapter 545, **Licensing**

- The review of 545, Licensing is a multi-phased project
- Framework for the comprehensive review of Chapter 545 was approved by City Council in June 2015
- Amendments to support **litter reduction** were adopted by City Council on October 6, 2016



Next phase of the 545 review will examine....

- Review of definitions (e.g. “hybrid” bar/lounge; resto-bar)
- Risk-based approach to licensing:
 - With liquor licence | without liquor licence
 - Seating ratios
 - Availability of music (background, live or recorded music)
 - Noise mitigation
 - Venue capacity etc.
- Estimated project delivery timeline: Q4 2017



Review of Toronto Municipal Code Chapter 591, **Noise**

- Amendments considered by L&S in May 2016
- Recommendations aimed at enhancing enforcement and compliance by:
 - Increased fines and/or penalties
 - Making the by-law easier to interpret, understand, and enforce
- Proposed amendments were deferred to provide time for further study and consultation



ongoing

Next Steps for Chapter 591, Noise

- Noise Working Group ToR established
- Public Health Noise Monitoring Study
 - Examining noise levels throughout the city to determine relationship to health concerns
 - ~250 sites being monitored across the city
 - Results will inform noise by-law recommendations
- Estimated project delivery timeline: Q3 2017

Review of Work Plan and Next Steps

Original Work Plan Endorsed by City Council (Feb. 2015)

1. Review of Toronto Municipal Code Chapters:
 - a. 545, Licensing
 - b. 591, Noise
 - c. 548, Littering and Dumping
2. Review the City's process/procedures to deal with problem establishments
3. Review of AGCO/City of Toronto clearance processes
 - a. New liquor licence applications
 - b. Transfer of liquor licences
 - c. Applications for increased capacity, outside service, etc.
 - d. Requests for change in conditions
4. Review the SOP processes

Liquor Licence Task Force, Oct. 2015: Directives

5. Report back on efforts by Legal Services to attach conditions to new liquor licenses at the Licensing Appeal Tribunal
6. Report on use of the TLT to secure additional conditions on licenses with repeated violations of City by-laws and what thresholds could be used to appeal a license to the TLT
7. When reporting to L&S on liquor licensing issues, to include a recommendation for City Council to request amendments to the Liquor Licence Act to allow for the yearly renewal and review of liquor licenses

Liquor Licence Task Force, Oct. 2015: Additional Requests

8. Review COTA changes proposed by City Council
9. Review education/ training programs including "Safer Bars Program"
10. Examine the effect of concentrations of bars and restaurants on main streets
11. Review the interface between brew pubs, micro-breweries and the zoning by-law
12. Examine how the business licensing application process can be improved (case management)

Working Group: Additional Initiatives

13. Develop Education Materials (Good Neighbour Guide; Webinars)
14. Review decision-making for Temporary Extension requests (potential delegation to Community Council)
15. Review the application process for SOP's and Temporary Extensions
16. Improve Information-sharing
 - a. use of AGCO information as evidence at TLT hearings
 - b. Circulation of "high-risk" SOP information



Developing a Late Night Economy Strategy



long-term

A strategy is needed to respond to inter-relationships and to prioritize competing city interests

- Quality of Life
- Vibrancy
- Community Safety
- Transportation
- Venue Safety & Responsibility
- Patron Responsibility

Q & A