



# STAFF REPORT

**TO:** Committee of the Whole

**FROM:** Katie Thomas  
Planner II

**MEETING DATE:** July 20, 2021

**FILE NO:** 3220-Venture-966

**SUBJECT:** Liquor License Change to 966 Venture Way – Blackfish Pub (LL-2021-01)

## RECOMMENDATIONS

**THAT** the report titled **Liquor License Change to 966 Venture Way – Blackfish Pub (LL-2021-01)** be received;

**AND THAT** the community notification process be initiated for LL-2021-01 (966 Venture Way)

**AND FURTHER THAT** these recommendations be forwarded to tonight's Council meeting.

## PURPOSE

The Town of Gibsons has received a change to Liquor License application for the Blackfish Pub, located at 966 Gibsons Way, as shown in figure 1.

The purpose of this report is to provide background on the application and assess the application under Council Policy 1.26.



Figure 1: Location of subject property

## **BACKGROUND**

In May 2020, the Liquor and Cannabis and Regulation Branch (LCRB) announced Policy Directive 20-13 to support the reopening of B.C.'s hospitality sector during the COVID-19 pandemic. This Policy permitted food primary, liquor primary and manufacturing licensees to temporarily expand their service area footprint until October 31, 2021.

On June 16 2020, Council resolved the following:

### **R2020-286 Special Planning & Development Committee Meeting**

MOVED by Councillor Croal

SECONDED by Councillor Ladwig

*A recommendation from the June 16, 2020 Special Planning & Development Committee Meeting forwarded directly to the June 16, 2020 Regular Council meeting.*

THAT the Liquor and Cannabis Regulation Branch's expedited process be authorized for temporary expansions to service areas, and endorse pre-approval to cover all liquor primary and manufacture establishments in the Town of Gibsons, who may apply for an expanded service area.

On June 15, 2021 Policy Directive 21-09, enclosed as attachment A, was circulated to Local Governments to extend all current Temporary Expanded Service Areas (TESA) authorizations to June 1, 2022 to enable business owners to apply to make TESAs permanent.

Licensees who would like to make their current TESA authorization permanent, must apply for new outdoor patio permanent structural change (if their TESA is located outdoors) or a new interior service area permanent structural change (if their TESA is located indoors).

The LCRB has stated that as support for some patios was only an interim measure intended to help businesses weather the pandemic, local governments need to evaluate structures and outdoor licensed areas in terms of their community's unique requirements and approach to outdoor dining before those temporary authorizations are made permanent by the LCRB.

The Town of Gibsons uses Council Policy 1.26, enclosed as Attachment B, to assess a change to a Liquor License in Town.

The Blackfish Pub has made a formal outdoor patio permanent structural change to the LCRB, and therefore, the Town has been requested to provide a resolution to the LCRB within 90 days of receiving the application. As the application was received on July 12, 2021, the Town must respond by October 10, 2021.

## **DISCUSSION**

The Blackfish Pub is looking to change their liquor license to include their TESA patio, which is situated to the rear of the pub. The site plan shows the proposed new permanent patio in pink in figure 2.

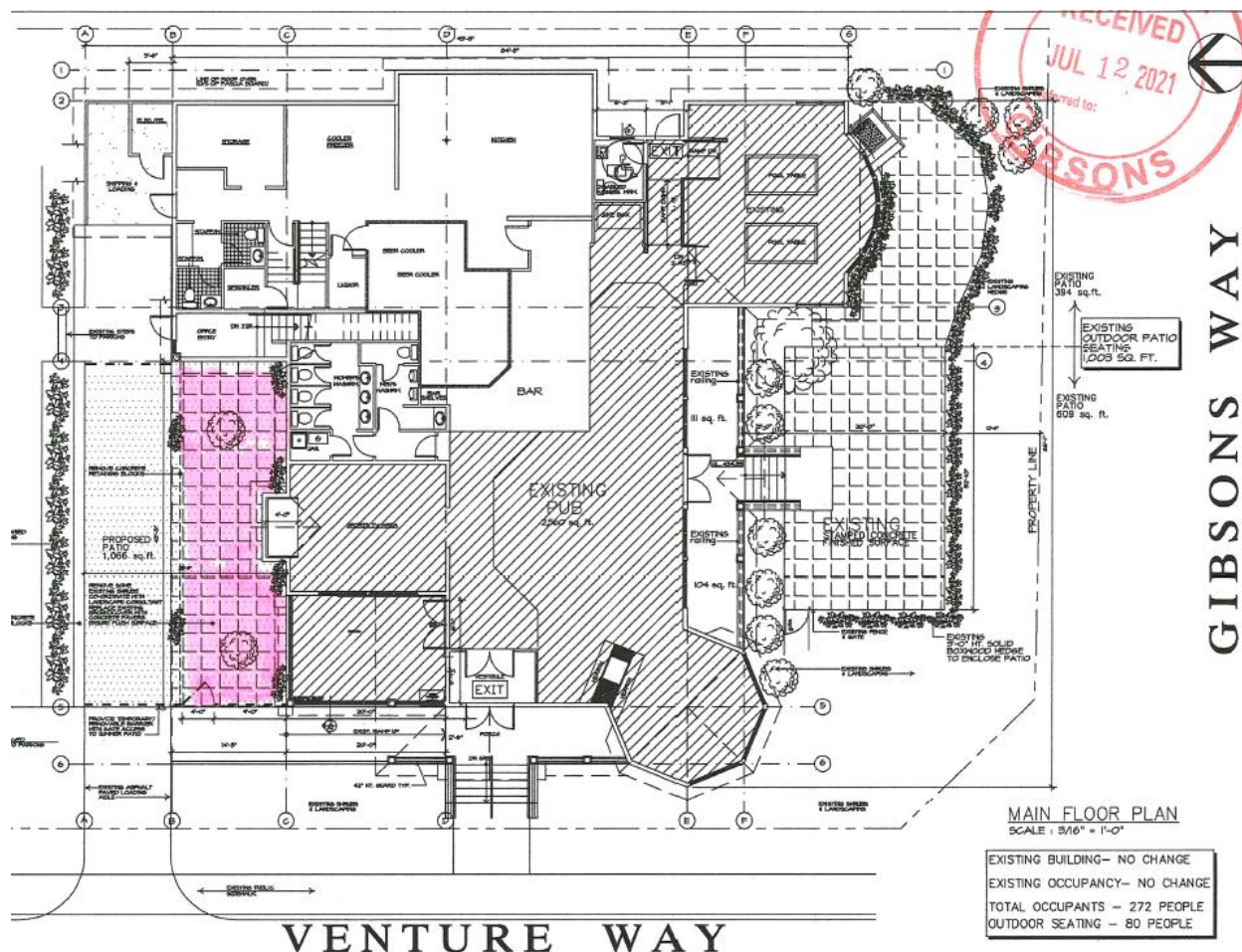


Figure 2: Site Plan showing the proposed new patio in pink

The Pub has an existing outdoor patio occupancy of 80 persons and there is no increase to occupancy. The patio would be open seasonally. There are no changes to opening hours.

**Staff Review**

The LCRB request that local governments gather public input for the community in the immediate vicinity of the property and provide a resolution with comments on:

- 1) The impact of noise on nearby residents
- 2) The impact on the community if the application is approved
- 3) The view of residents and a description of the method used to gather views
- 4) Local Government recommendations, including whether or not the application be approved and the reasons on which they are based.

Staff have provided the following the assessment of the request:

*Impact of noise on nearby residents*

The property is an existing neighbourhood pub, surrounded by commercial uses: an automobile service shop to the east, a butcher's shop to the north and a fast food restaurant to the west, bank to the south as seen in figure 1.

The closest residential neighbours are situated north of the butcher's shop. The outdoor patio has had a TESA for the second outdoor patio since May 20 and the Town has not received any complaints to date.

*The impact on the community if the application is approved*

Staff conclude that the patio is small and will have minimal impacts to the community. As the patio will be open seasonally and there is no change to occupancy, there are no additional parking requirements.

The use is supported by the OCP to provide year-round service to residents.

**COMMUNICATION**

The LCRB requests to be informed about the views of the residents, the method used to gather this input, and Local Government's comments and recommendations regarding those views. This will be done by following the notification process as laid out in Council Policy 1.26 (attached):

- Notice in newspaper for two consecutive weeks
- Notice delivered to owners and tenants within a 100 m radius of subject property
- Seek comments from the RCMP. Staff sent a referral to the RCMP on July 13, 2021.

Staff recommend that Council direct staff to proceed with notification as per Policy 1.26.

Staff recommend forwarding recommendations directly to tonight's Council meeting, to enable neighbour notification in August, during the Council summer break, allowing for consideration of neighbour input by Council in early September to abide by the LCRB's 90 day referral period.

**NEXT STEPS**

Following the public notifications, staff will report back with comments received for Council's consideration of its decision on whether to authorize a change to the Blackfish Pub's Liquor License application to make its Temporary Expanded Service Areas (an outdoor patio) permanent.

**RECOMMENDATIONS / ALTERNATIVES**

Recommendations are provided on page 1 of this report.

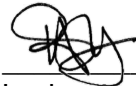
**Attachments**

- Attachment A – Policy Directive 21-09
- Attachment B – Council Policy 1.26

Respectfully Submitted,



Katie Thomas  
Planner II



Lesley-Anne Staats, MCIP, RPP  
Director of Planning

**CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:**

I have reviewed the report and support the recommendation(s).



Mark Brown  
Chief Administrative Officer

Date: June 15, 2021

To: All Licensees  
All LCRB Staff  
All Industry Associations  
All Local governments, Indigenous Nations and Police agencies

**Re: Temporary Expanded Service Area, extension of provisions and application deadline**

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### **Current Policy**

Under the Liquor Control and Licensing Regulation (LCLR), s.109.1, the General Manager (GM) of the Liquor and Cannabis Regulation Branch (LCRB) may issue a Temporary Expanded Service Area (TESA) authorization to Food Primary (FP), Liquor Primary (LP), and Manufacturer licensees.

Under LCLR, s. 109.5, the TESA provisions in the LCLR will be repealed on October 31, 2021.

See [Policy Directive 20-26](#) for further information.

### **New Policy**

To support the delivery of the Minister of Public Safety and Solicitor General's [mandate commitment](#) to make TESA authorizations permanent, the LCLR has been amended.

The TESA provisions in the LCLR will now expire on **June 01, 2022**. This will enable the GM to extend existing TESA authorizations from October 31, 2021 to June 01, 2022.

The LCRB will be providing additional information to licensees, local governments and Indigenous Nations on the process for extending existing TESA authorizations.

The GM will also not be able to accept new TESA applications after **October 31, 2021**. This means that licensees who want to apply for a new TESA authorization need to submit an application to the LCRB by October 31, 2021. Applications can be submitted

by visiting the [liquor and cannabis licensing portal](#).

Approved TESAs must remain in compliance with local bylaws and requirements and all other requirements relating to TESA authorizations remain the same. If the local authority bylaws or requirements change and prevent the operation of TESAs in that jurisdiction, the local authority should advise the LCRB.

### **Explanation**

The LCLR has been amended to support the implementation of the Minister of Public Safety and Solicitor General's mandate letter commitment to make temporarily expanded service areas permanent.

These amendments will support local governments and Indigenous Nations by providing additional time to review applications where required for permanent expansions to licensed service areas, and also to update any associated policies or requirements. It will also support licensees by providing additional time to apply for a permanent expansion to their service area, and mitigate risks of disruption in the use of the expanded area during the application process.

### **Further Information**

Further information regarding liquor and cannabis regulation and licensing in British Columbia is available on the LCRB website at <http://www.gov.bc.ca/liquorregulationandlicensing>

If you have any questions regarding these changes, please contact the LCRB toll free in Canada at 1-866-209-2111 or 250 952-5787 if calling from the Victoria area.

### **Disclaimer**

This communication is intended to be used only for general informational purposes and may not apply to all situations. This communication does not constitute legal advice nor is it a comprehensive statement of the legal obligations that arise under the *Liquor Control and Licensing Act*, regulations, or any other applicable laws. When interpreting and applying the information contained in this communication, you are encouraged to seek specific advice from your professional advisors as appropriate in the circumstances.

*Original signed by*  
Mary Sue Maloughney,  
Assistant Deputy Minister and General Manager



<b>SUBJECT:</b> LIQUOR CONTROL AND LICENSING APPLICATIONS	<b>SECTION:</b> Administration <b>NUMBER:</b> 1.26 <b>PAGE 1 OF 4</b>
<b>ADOPTED:</b> December 3 <sup>rd</sup> , 2002 <b>REVISED:</b>	<b>RESOLUTION NO.:</b> 2002.525

**PURPOSE:**

The purpose of this Policy is to provide direction to Staff, applicants and the community concerning the process that will be followed by the Town of Gibsons when applications are received under the B.C. Liquor Control and Licensing Act as amended and in force on December 2, 2002.

**POLICY:**

It is the Policy of Council:

1. To review and comment on all applications that are referred by the Liquor Control and Licensing Branch or that are submitted by an applicant for a resolution of Council.
2. That the public will be consulted in the following circumstances:
  - a. for all applications for new liquor primary licenses;
  - b. for license changes that would extend hours of liquor service, increase the person capacity or for the addition of a patio for any liquor-primary establishment; and,
  - c. to extend the hours of liquor service ending after 12:00 am, or for patron participation entertainment for any food-primary establishment.
3. That the following factors will be considered when reviewing an application for a new liquor-primary establishment or for a change to a license:
  - a. the location of the establishment;
  - b. the proximity of the establishment to other social or recreational facilities and public buildings;
  - c. the person capacity and hours of liquor service;  
the number and market focus or clientele of liquor primary establishments within a reasonable distance of the proposed location;
  - d. traffic, noise, population density and population trends;
  - e. relevant socio-economic information;
  - f. the impact on the community;
  - g. any other information that Council considers relevant to comment on with respect to an application.





<b>SUBJECT:</b> LIQUOR CONTROL AND LICENSING APPLICATIONS	<b>SECTION:</b> Administration <b>NUMBER:</b> 1.26 <b>PAGE 2 OF 4</b>
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4. That the following factors will be considered for changes to a liquor-primary license or a food-primary license:
  - a. the potential for noise;
  - b. the impact on the community; and,
  - c. other factors that Council considers relevant.
  
5. That fees will be established to recover costs incurred by the Town of Gibsons to assess applications.

**PROCEDURE:**

1. New Liquor-Primary Applications:
  - a. an application fee of \$500.00 is required;
  - b. applications will be reviewed by the Planner who will prepare a report and recommendation to Council;
  - c. notice of the application will be published by the Town of Gibsons in two consecutive editions of the newspaper and will be posted at the Municipal Office;
    - i. Notice will include:
      1. the date and time that the application will be considered by Council;
      2. An invitation to the public to comment on the application;
      3. A map reference showing the location of the property that is subject of the application;
      4. the type of license application;
      5. the proposed person capacity, and
      6. the proposed hours of liquor service.
    - ii. Copy of the notice will be delivered to the owner(s) and tenant(s) of all properties that are located within 100 meters of the property that is subject of the application.
  - d. Comment from the Royal Canadian Mounted Police is required prior to consideration of the application by Council;



<b>SUBJECT:</b> LIQUOR CONTROL AND LICENSING APPLICATIONS	<b>SECTION:</b> Administration <b>NUMBER:</b> 1.26 <b>PAGE 3 OF 4</b>
<b>ADOPTED:</b> December 3 <sup>rd</sup> , 2002 <b>REVISED:</b>	<b>RESOLUTION NO.:</b> 2002.525

- e. Council may require that a public meeting or other public consultation process be held prior to final consideration of the application;
  - f. Public consultation under this procedure may be included during a public hearing to consider a re-zoning application provided notice has been given;
  - g. Council may refer the application to a Committee of Council;
  - h. The resolution of Council in respect to an application will be forwarded to the Liquor Control and Licensing Branch within 90 days of receipt of the application unless an extension has been granted by the general manager.
2. Changes to a License for Liquor-Primary or Food-Primary Establishments:
- a. A Fee of \$300.00 is required;
  - b. applications will be reviewed by the Planner who will prepare a report and recommendation to Council;
  - c. notice of the application will be published by the Town of Gibsons in edition of the newspaper and will be posted at the Municipal Office and in a prominent location within the subject establishment for a minimum of seven (7) days;
    - i. Notice will include:
      - 1. the type of license change application and factors to be considered by Council
      - 2. the date and time that the application will be considered by Council
      - 3. An invitation to the public to comment on the application; Copy of the notice will be delivered to the owner(s) and tenant(s) of all properties that are located within 100 meters of the property that is subject of the application
  - a. Comment from the Royal Canadian Mounted Police is required prior to consideration of the application by Council;
  - b. Council may require that a public meeting or other public consultation process be held prior to final consideration of the application;
  - c. Council may refer the application to a Committee of Council;
  - d. Council may support a temporary license change for up to one year rather than a permanent change to a license;
  - e. The resolution of Council in respect to an application will be forwarded to the Liquor Control and Licensing Branch within 90 days of receipt of the application unless an extension has been granted by the general manager.



<b>SUBJECT: LIQUOR CONTROL AND LICENSING APPLICATIONS</b>	<b>SECTION: Administration</b>
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<b>ADOPTED: December 3<sup>rd</sup>, 2002</b>	<b>RESOLUTION NO.: 2002.525</b>
<b>REVISED:</b>	

3. Special Occasion License Applications:

All 'public special occasion' licenses require the approval of the local government and the RCMP for community or public celebrations, or tasting events held to acquaint the public with products of a licensed liquor manufacturer.

Applications for public special occasion licenses may be approved by the Planner provided there are no objections by the RCMP and there is not history of problems associated with the event.

4. Resolution Templates:

The resolution templates provided by the Liquor Control and Licensing Branch will be used by the Town of Gibsons for applications received and processed under this policy.

Copies of the resolution templates are attached for reference.

References:

- BC Liquor Licensing and Control Act, Regulations and Policies;
- Ministry of Solicitor General, "Role of Local Government and First Nations in the Liquor Licensing Process", November, 2002.

## SAMPLE RESOLUTION TEMPLATE FOR A LIQUOR-PRIMARY OR LIQUOR-PRIMARY CLUB LICENCE APPLICATION

General Manager,  
Liquor Control and Licensing Branch

RE: Application for a liquor-primary licence at: (address of proposed establishment)

At the (council/board) meeting held on (date), the (council/board) passed the following resolution with respect to the application for the above named liquor licence:

"Be it resolved that:

1. The (council/board) (recommends/does not recommend) the issuance of the licence for the following reasons: (detail and explain reasons for recommendation)
2. The (council's/board's) comments on the prescribed considerations are as follows: (see the following page for sample comments for each criterion — a comment on each must be included in the resolution. It is not sufficient to reference a staff report.)
  - (a) The location of the establishment (provide comments)
  - (b) The proximity of the establishment to other social or recreational facilities and public buildings (provide comments)
  - (c) The person capacity and hours of liquor service of the establishment (provide comments)
  - (d) The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location (provide comments)
  - (e) Traffic, noise, parking and zoning (provide comments)
  - (f) Population, population density and population trends (provide comments)
  - (g) Relevant socio-economic information (provide comments)
  - (h) The impact on the community if the application is approved (provide comments)
3. The (council's/board's) comments on the views of residents are as follows: (describe the views of residents, the method used to gather the views and provide comments and recommendations with respect to the views. If the views of residents were not gathered, provide reasons).

The undersigned hereby certifies the above resolution to be a true copy of the resolution passed by the (council/board) of (local government/First Nation) on (date).

Sincerely,

(signature)  
(name and title of official)  
(local government/First Nation)

**Note:**

- All of the items outlined above in points 1, 2 (a) through (h) and 3 must be addressed in the resolution in order for the resolution to comply with section 10 of the Liquor Control and Licensing Regulation.
- Any report presented by an advisory body or sub-committee to the council or board may be attached to the resolution.

## SAMPLE RESOLUTION COMMENTS FOR A LIQUOR-PRIMARY LICENCE APPLICATION

The following are examples that illustrate the type of comments that local government and First Nations might provide to demonstrate they have taken into consideration each of the criterion in reaching their final recommendation. Comments may be a mix of positive, negative and neutral observations relevant to each criterion. The final recommendation is the result of balancing these 'pros and cons'.

The list is not intended to illustrate every possible comment as the variations are endless, given the wide range of applications and local circumstances.

It is important that the resolution include the comment and not refer to a staff report, as the general manager cannot suppose that the local government considered all the criteria unless comment on each criterion is specifically addressed in the resolution itself.

Local government or First Nation staff may wish to contact the Liquor Control and Licensing Branch for assistance on drafting the content of a resolution before it is presented to local government or First Nation to avoid resolutions that do not comply with the regulations.

(a) The location of the establishment:

The location is in a commercial area that is removed from nearby residences and is suitable for a late night entertainment venue where some street noise at closing time can be anticipated.

(b) The proximity of the establishment to other social or recreational facilities and public buildings:

The only nearby social, recreational and public buildings do not conflict with the operation of a late night entertainment venue.

- or -

The proposed location is across a lane from a church with an attached retirement facility and church hall routinely used for youth group gatherings. The proximity of the proposed establishment is not considered compatible with the existing facilities.

(c) The person capacity and hours of liquor service of the establishment

The maximum person capacity of 250 with closing hours of 2:00 a.m. Tuesday through Saturday and midnight on Sunday is acceptable. A larger capacity or later hours is not supported given the few number of police on duty at that time.

- (d) The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location:

The existing establishments are large public house establishments that focus on exotic entertainment or are nightclubs that attract patrons 19 to 25 years of age. The proposed establishment is a small local pub style facility with an extensive menu and is designed to appeal to couples wanting a quiet adult venue for socializing in their community. There are no other (or few other) facilities with a similar focus.

- (e) Traffic, noise, parking and zoning:

The establishment is not expected to negatively affect traffic patterns and noise is not expected to be an issue because [of the small size and early hours] – or – [the applicant has agreed to various noise baffling strategies to ensure the neighbours are not disturbed by late night music]. The applicant has met the requirements of the zoning bylaw with regard to road access and parking. Council has passed a bylaw rezoning the property and a Development Permit permitting the use.

- (f) Population, population density and population trends:

The population for the community at 25,000 and 15,000 within a mile of the establishment with a growth rate of 3% supports the growth in the number of licensed establishments.

- (g) Relevant socio-economic information:

The contravention rates for surrounding establishments is less than the provincial average and does not indicate a problem with over-proliferation of licensed establishments in the community. The community has an unemployment and income assistance rate that is lower than the provincial average and a growing tourism industry based on expanding hunting and skiing lodges in the area and an increase in scheduled bus tours through the mountain passes.

- (h) The impact on the community if the application is approved:

If the application is approved, the impact is expected to be positive in that it will support the growth in tourism and offer a new social venue for residents.

## SAMPLE RESOLUTION TEMPLATE FOR A WINERY LICENCE ENDORSEMENT APPLICATION

General Manager,  
Liquor Control and Licensing Branch

RE: Application for a (winery lounge endorsement/picnicking endorsement) to winery licence number: (winery licence number)

- or -

RE: Application for a (winery lounge endorsement/picnicking endorsement) to a winery licence at: (address of proposed establishment, if applicant not already in possession of a winery licence)

At the (council/board) meeting held on (date), the (council/board) passed the following resolution with respect to the application for the above named endorsement:

"Be it resolved that:

1. The (council/board) (recommends/does not recommend) the issuance of the endorsement for the following reasons: (detail and explain reasons for recommendation)
2. The (council's/board's) comments on the prescribed considerations are as follows: (the council or board may refer to the contents of any report attached to the resolution for further information with respect to any of the considerations)
  - (a) The location of the (winery lounge/picnicking area) (provide comments)
  - (b) The proximity of the (winery lounge/picnicking area) to other social or recreational facilities and public buildings (provide comments)
  - (c) The person capacity of the winery lounge (provide comments)
  - (d) Hours of liquor service of the (winery lounge/picnicking area) (provide comments)
  - (e) Traffic, noise, parking and zoning (provide comments)
  - (f) The impact on the community if the application is approved (provide comments)
3. The (council's/board's) comments on the views of residents are as follows: (describe the views of residents, the method used to gather the views and provide comments and recommendations with respect to the views. If the views of residents were not gathered, provide reasons).

The undersigned hereby certifies the above resolution to be a true copy of the resolution passed by the (council/board) of (local government/First Nation) on (date).

Sincerely,

(signature)  
(name and title of official)  
(local government/First Nation)

**Note:**

- All of the items outlined above in points 1, 2 (a) through (f) and 3 must be addressed in the resolution in order for the resolution to comply with section 18 of the Liquor Control and Licensing Regulation.
- A separate resolution must be provided for each endorsement application if the applicant is applying for both a winery lounge endorsement and a picnicking endorsement
- Any report presented by an advisory body or sub-committee to the council or board may be attached to the resolution

## SAMPLE RESOLUTION TEMPLATE FOR A LICENCE AMENDMENT APPLICATION

General Manager,  
Liquor Control and Licensing Branch

RE: Application for (addition of a patio/increase in person capacity/extension of hours of liquor service/patron participation entertainment) as an amendment to (liquor-primary/liquor-primary club/winery/food-primary) licence number: (licence number)

At the (council/board) meeting held on (date), the (council/board) passed the following resolution with respect to the application for the above named amendment:

"Be it resolved that:

1. The (council/board) (recommends/does not recommend) the amendment of the licence for the following reasons: (detail and explain reasons for recommendation)
2. The (council's/board's) comments on the prescribed considerations are as follows: (the council or board may refer to the contents of any report attached to the resolution for further information with respect to any of the considerations)
  - (a) The potential for noise if the application is approved (provide comments)
  - (b) The impact on the community if the application is approved (provide comments)
  - (c) Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose (provide comments only if the application is from a food-primary licence for an extension of hours of service past midnight or the addition of patron participation entertainment)
  - (d) The views of residents (describe the views of residents, the method used to gather the views and provide comments and recommendations with respect to the views. If the views of residents were not gathered, provide reasons).

The undersigned hereby certifies the above resolution to be a true copy of the resolution passed by the (council/board) of (local government/First Nation) on (date).

Sincerely,

(signature)  
(name and title of official)  
(local government/First Nation)

**Note:**

- All of the items outlined above in points 1 and 2 (a) through (d) must be addressed in the resolution in order for the resolution to comply with section 53 of the Liquor Control and Licensing Regulation.
- A separate resolution must be provided for each type of amendment if the applicant is applying for more than one of the prescribed types of amendments
- Any report presented by an advisory body or sub-committee to the council or board may be attached to the resolution.



## SAMPLE RESOLUTION TEMPLATE FOR OPTING OUT OF COMMENT ON AN INDIVIDUAL APPLICATION

General Manager,  
Liquor Control and Licensing Branch

RE: (describe type of application)

At the (council/board) meeting held on (date), the (council/board) passed the following resolution with respect to the above named application:

"Be it resolved that the (council/board) does not wish to provide comments or recommendations to the Liquor Control and Licensing Branch with regard to the application for (describe type of application and applicant).

The undersigned hereby certifies the above resolution to be a true copy of the resolution passed by the (council/board) of (local government/First Nation) on (date).

Sincerely,

(signature)  
(name and title of official)  
(local government/First Nation)



**Ministry of Public Safety  
and Solicitor General**

**Liquor Control and Licensing**  
PO BOX 9292 STN PROV GOVT  
VICTORIA BC V8W 9J8  
Telephone: 250 387-1254  
Fax: 250 387-9184

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DATE: January 21, 2003 URGENT: NO: \_\_\_\_\_ YES: \_\_\_\_\_  
CONFIDENTIAL: NO: \_\_\_\_\_ YES: \_\_\_\_\_

TO: All Local Governments and First Nations  
OFFICE: \_\_\_\_\_  
PHONE: \_\_\_\_\_  
FAX: \_\_\_\_\_  
CC: \_\_\_\_\_

RE: Attached please find Policy Directive 03-02. Of particular interest to local governments and First Nations will be the sections that describe the process for licence amendments titled Local Government / First Nation Resolutions for Licence Amendments and the section titled Application to Increase Person Capacity up to the Occupant Load

FROM:  
OFFICE: LIQUOR CONTROL AND LICENSING BRANCH  
PHONE: 1-866-209-2111 or 387-1254  
FAX:

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Asst. Dir. Support Services	
Other:	

*I would be a good  
idea to attach this to  
beer policy as info matter.*



Ministry of  
Public Safety and  
Solicitor General

Liquor Control and  
Licensing Branch

**POLICY  
DIRECTIVE  
No: 03-02**

January 21, 2003

To: All LCLB Staff  
All Liquor Industry Licensees  
All Industry Associations  
All Local Governments, First Nations and Police Agencies

**Re: Changes to Liquor Control and Licensing Policies**

The purpose of this directive is to clarify and provide additional information on some of the policy changes that were announced in Policy Directives 02-09, 02-10, and 02-11.

**Application to Increase Person Capacity up to the Occupant Load**

Policy Directive 02-10 describes the requirement for a resolution from the local government or First Nation for an increase in person capacity for liquor-primary establishments. This requirement applies to all capacity increases for new licences issued after December 2, 2002.

Despite this requirement, licensees who held, or applicants who had preliminary site and applicant approval for, a licence on December 2, 2002 may make a one-time application to the Liquor Control and Licensing Branch (LCLB) to increase the person capacity of the licence up to the occupant load. Provided the size of the establishment is not being increased, this one-time amendment will not require a resolution from the local government or First Nation.

Licensees who wish to make a one-time increase in their capacity up to their occupant load are instructed to complete an application for a structural change on form LCLB012a and submit the required floor plan(s) marked with the current occupant load. The approved occupant load is stamped on the floor plans by the local building or fire authority. A separate occupant load certificate does not meet this requirement.

Where the current floor plan accurately depicts the detailed layout of the establishment including the furniture, and has an occupant load stamp from the local building or fire authority, the licensee will be required to have this occupant load confirmed by the relevant local authority. This confirmation can be provided to the LCLB on the form LCLB019 or the occupant load can be re-stamped on the current floor plan.

If the current floor plan no longer accurately depicts the detailed layout of the establishment including the furniture, the licensee will be required to submit new floor plans that have an occupant load stamp from the local building or fire authority.

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### **Local Government/First Nation Resolutions for Licence Amendments**

The *Liquor Control and Licensing Act* and its supporting regulations require the general manager to give the appropriate local government or First Nation notice of applications for certain types of amendments to an establishment's liquor licence. For liquor-primary establishments these are amendments for: an extension of hours of liquor service, an increase in the person capacity (except a one-time increase up to the occupant load as described earlier), and the addition of a patio. For food-primary establishments these are amendments for: hours of liquor service ending after 12:00 a.m. and patron participation entertainment.

#### **Role of the Licensee**

Licensees who wish to make any of the above mentioned amendments to their licence will complete the appropriate application form. The licensee is instructed to take the original application form along with a photocopy to their local government or First Nation and request that they complete the confirmation of receipt of application which includes recording the date it was received. The licensee gives the local government or First Nation the copy of the application and submits the original date stamped application along with the appropriate fee to the LCLB Head Office in Victoria.

#### **Role of the Local Government or First Nation**

When a local government or First Nation receives an application from a licensee this application serves as notice from the LCLB of an amendment to a licence within their community. The local government or First Nation is requested to provide a resolution commenting on the application to the LCLB Head Office in Victoria within 90 days of the date it was received from the licensee. The resolution should not be given to the licensee to forward to the LCLB.

If the local government or First Nation does not wish to provide comment they are requested to provide a resolution indicating this decision to the LCLB. Please be advised that if the LCLB does not receive a resolution or a request for an extension within 90 days, the general manager is authorized to review the application taking into account the required regulatory criteria.

#### **Role of the LCLB**

When an application for an amendment to a licence that requires a local government or First Nation resolution is received by the LCLB, staff are directed to verify that the confirmation of receipt of application has been completed. If the confirmation of receipt of application has not been completed, licensing staff will return the application to the licensee with instructions to have this portion of the form filled out by the relevant local government or First Nation.

When a completed application is received at the LCLB Head Office in Victoria it will be entered into the POSSE computer system. Licensing staff are reminded to set up a manual monitor for 90 days from the date the application was received by the local government or First Nation. When a resolution is received

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staff will shut off the manual monitor. Should no resolution be received within the prescribed 90 day time period POSSE will bring the job forward into a 'to do' list for further action by licensing staff.

If the local government or First Nation provides a resolution, the general manager must take this into account when deciding whether or not to amend the licence. If no resolution is received, the LCLB will take into account the same regulatory criteria, including gathering the views of residents, which would have been considered by the local government or First Nation. The final licensing decision is made by the LCLB.

*The Role of Local Government and First Nations in the Provincial Liquor Licensing Process* guide will be revised at the next printing to reflect the process for amending a liquor licence.

#### **Licensee Retail Store Establishment Name and Signage**

The establishment name for a Licensee Retail Store (LRS) must always contain a reference to the liquor-primary establishment with which it is associated. The primary factor that is considered by the LCLB when approving establishment names and signage for an LRS is the location of the LRS relative to the liquor-primary establishment. The following examples will describe appropriate establishment names and signage for an LRS that is associated with "Joe's Neighbourhood Pub".

Where the LRS is immediately adjacent or within close proximity to the liquor-primary establishment a derivative of the primary establishment name is permissible e.g. "Joe's Private Liquor Store". It is not a requirement to place this name in the signage for the LRS. In this example the signage may read "Joe's Private Liquor Store" or simply "Private Liquor Store".

Where the LRS is located some distance away from the liquor-primary establishment, so that it is not readily apparent that the two are linked, the full name of the primary establishment must be used e.g. "Joe's Neighbourhood Pub Private Liquor Store". This name must be included in the signage for the LRS.

LRS names and signage cannot include any additional term that is unrelated to either the liquor-primary establishment or the LRS. If an additional related term is included in the name or signage a reference to the primary establishment is always required. For example, if "Joe's Private Liquor Store" is located in the west end of Vancouver the signage could not read "West End Private Liquor Store", however it could read "Joe's West End Private Liquor Store".

#### **Determining Whether a Restaurant is Operating as a Bar**

The section on the ratio of food to liquor has been clarified in the publication *A Guide for Liquor Licensees in British Columbia – Terms and Conditions of Licence for Food-Primary Establishments*. Some of the examples that were used may be construed to be

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more restrictive than what is permitted by the regulations. Page 10 will now read as follows:

**Food to liquor ratio:** the ratio of receipts from food sales to receipts from liquor sales in the restaurant must support the fact that your primary focus is food. As a general rule, liquor sales should not exceed food sales in the dining area of the establishment.

This revision will be reflected in the next printing of the guide. An updated version of the guide is available on the LCLB website.

#### **Relocation of a Licensed Establishment**

Licensees who wish to relocate their licensed establishment to a new address require the written consent of the general manager before the licence can be transferred to the new location. All relocations to a new address require that the licensee complete an Application for a Transfer of Location (LCLB014, LCLB095, or LCLB096). Licensees will no longer be required to submit a new application for the liquor licence in cases where the relevant public interest factors are likely to be substantially affected.

However, where the relevant public interest factors are likely to be substantially affected, such as a relocation to a new residential area or to another municipality, the same regulatory criteria that are required for a new application will be considered, including input from the relevant local government or First Nation and gathering the views of area residents.

Where the relevant public interest factors are not likely to be substantially affected, such as a relocation across the street or within the same block, the local government or First Nation will be asked to provide a resolution stating whether they have any objection to the relocation of the licensed establishment.

#### **Relocation of an LRS**

Due to the connection between the qualifying liquor-primary licence and the LRS licence, the LRS and the primary establishment must remain linked and may not be separately relocated. The only exception would be relocating to an adjacent property where the LRS continues to appear to be on the same property. Should the two licences be relocated to a new location they must be located such that they are on the same property or appear to be on the same property.

#### **Relocation of a Winery with a Winery Lounge or Picnic Area Endorsement**

Wineries with an endorsement for a winery lounge and/or picnic area will be able to relocate the winery subject to approval from the general manager. The endorsement(s) will be suspended until such time as a resolution has been received from the local government or First Nation.

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**Relocation of a Food-Primary Establishment with a Patron Participation Entertainment Endorsement or Hours of Liquor Service after 12:00 a.m.**

Food-primary establishments will be able to relocate subject to approval from the general manager. Patron participation endorsements or hours of liquor service after 12:00 a.m. will be suspended until such time as a resolution has been received from the local government or First Nation.

While a processing fee will be required for the transfer of the licence no additional fees will be levied for the transfer of endorsements or additional privileges.

**Serving It Right: The Responsible Beverage Service Program – Server Package**

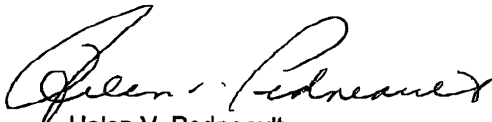
The Liquor Distribution Branch has advised that government operated liquor stores will no longer be carrying the Serving It Right self-study packages for servers. Government operated liquor stores will continue to carry the self-study packages for licensees as the licensee training is a requirement when applying for certain kinds of Special Occasion Licences. More information on the Serving It Right Program, including the licensee and server self-study packages, can be found on the Hospitality Industry Education Advisory Committee (HIEAC) website at <http://www.hieac.com/sir/>.

**The Role of the Government Agent**

Effective immediately, please be advised that Government Agents can only accept liquor licence renewal and temporary change fees. The LCLB has installed a Point of Sale machine at our Head Office in Victoria. Licensees are now able to pay fees by credit card or, if attending the Victoria Head Office in person, by debit card. While the Point of Sale payment option is the most efficient method of paying application and renewal fees, licensees who prefer to pay by cheque are directed to send their payments directly to the LCLB Head Office in Victoria.

**Further Information**

Further information is available on the Liquor Control and Licensing Branch website at [www.pssg.gov.bc.ca/lclb](http://www.pssg.gov.bc.ca/lclb). If you have any questions regarding these changes, please contact the LCLB toll free at 1-866-209-2111 or 387-1254 if calling from the Victoria area.

  
Helen V. Pedneault  
General Manager