

RESOLUTIONS

1. Food Primary Licences

- A common observation of the MATF during its late night tours, is that there are several food primary licensees who serve very little food later in the evening. They operate like Liquor Primary licensees and focus on serving alcoholic beverages. The regulations are clear that: “...*the primary purpose of the business carried on in the service area when liquor is being sold or served must be the service of food.*”
- Changes in provincial policy and regulations have created a dual licensing system that provides an opportunity for such licensees to function as a Food Primary during the day and switch to a Liquor Primary licence at a specified time in the evenings. While it would be expected that the regulations and enforcement on Food Primaries who function as Liquor Primaries without such a licence would be stricter (given the opportunity for a dual licence), LCLB staff indicate that enforcement has become more difficult.
- The benefits of more assertive use of the dual licence system would be to create a level playing field amongst licensees focusing on serving alcohol. Food Primary licences are not required to pay the significantly higher provincial and municipal fees or adopt the same standards of operation as Liquor Primary licensees. For example, a venue with 500 licensed seats would pay an annual City fee of \$3,800, while a Food Primary would pay a flat \$100 fee. Reclassification would properly assign the business the appropriate type of licence and fee, which arguably would assist in covering the higher costs the municipality associated with higher levels of alcohol consumption.
- In addition, unlike Liquor Primary licensees, Food Primaries are not subject to local government review. This makes it more difficult for Council to consider alcohol service and manage issues in the late night entertainment district.

The Late Night Advisory Committee recommends that Council request the Liquor Control and Licensing Branch require Food Primary licensees who serve significantly more alcohol than food to obtain a Liquor Primary or split liquor licence

The committee also believed that liquor service issues were also occurring where businesses were operating with the appropriate type of liquor licence. Although enforcement efforts are continuous, it was noted that there are only two liquor inspectors monitoring over 700 licensees on the south island. The committee therefore resolved that:

The Late Night Advisory Committee recommends that Council request that the Liquor Control and Licensing Branch increase the number of liquor inspectors serving the Greater Victoria area.

2. Liquor Policy

- The City of Victoria does not currently have a municipal liquor policy.

- Municipal alcohol policy (MAP) development continues to be supported by the provincial government (\$7,000). MAPs focus on "... the appropriate use of alcohol at an event or venue owned or operated by a municipality, and can be a key tool for building a community culture of moderation towards alcohol" (Canadian Centre on Substance Abuse and Addiction).
- MAPs do not typically extend to management of alcohol consumption in the community overall. While an MAP with this focus may be of value for the City of Victoria, it has not been raised as an issue requiring attention. Issues tend to relate more to managing licences and establishing policy that would set out a coherent and consistent approach to decision making with regards to them.
- The City of Vancouver has recently completed a rigorous review of its liquor policy with regards to licensees and related issues. Recent discussions with Jocelyn Kane the former Executive Director of San Francisco's entertainment commission provides other insights into tools that may be applicable to Victoria's context. Consideration for policy that can be informed by these examples and other best practices may be beneficial to the City (Council) decision making.

The Late Night Advisory Committee recommends that Council direct staff to assess the opportunity for developing a municipal alcohol policy with the support of a BC Healthy Community grant.

3. Downtown Washrooms

- At the July 26, 2017 meeting of the LNAC, committee members agreed that, despite the sidewalk urinal (Pandora and Government, 2010) and sidewalk washroom (Langley at Bastion Square, 2012), there was still shortage of washrooms available at night in the entertainment district.
- April 11, 2018 meeting with late night bar, restaurant and entertainment venue operators, attendees observed that there were not enough washrooms in the downtown entertainment area and persons not patronizing the business often ask to use their washrooms.
- The City's portable urinal program is sponsored by downtown businesses and provides facilities for males on Friday and Saturday nights in six locations in the downtown. These receive varying levels of use of from 20-70 uses per night.
- Usage data for existing public washrooms in the first quarter of 2018 indicates frequent use by the public during the hours they are open. 812 Wharf Street received an average of 816 uses a day and Centennial Square 349 uses a day. This suggests that additional washrooms in locations currently unserved (e.g. Douglas at Broughton, Douglas at Yates) would receive similar use levels during the day and would be available for late night use.

The committee recommends that the City give consideration to a new sidewalk washroom in the 900 block of Douglas Street area.

4. Extended Late Night Transit Service

- A shortage of transportation options for patrons leaving the downtown after midnight was recognized as an important concern by the Mayor's Task Force in 2009. There were an insufficient number of taxis available after midnight and bus service generally terminated at midnight. BC Transit responded to the Late Night Task Force findings by extending bus

service to approximately 1:30am on several routes. Several additional late routes were added in 2014, however the hours of service were not extended any later.

- Transportation service to 3:00am would assist in providing an option for patrons wishing to leave the downtown and would help reduce the extended period of loitering and disorder while waiting for taxis. It would also provide an affordable and reliable option for the late night work force that also experiences difficulty getting home.
- Similarly, a random survey by the City of Vancouver in 2017 found that the top request from citizens was a “request that public transportation be in operation out of downtown until 30 minutes after bar closing.” The Granville Street Safety and Security Working Group chaired by the City and the downtown business improvement district, reaffirmed this concern and committed to submitting a joint letter to Translink and the Minister of Transportation and Infrastructure requesting enhanced late night transit service.
- The owner of the Strathcona Hotel and Late Night Advisory Committee member, Grant Olson, coordinated a survey of bar patrons and workers to gauge demand for extended Transit service in Victoria. Support from respondents was reflected in a presentation made by Mr. Olson to the Transit Commission on June 19, 2018. Given the increase in revenues available to BC Transit, new service requests are being entertained. The request for extended service was positively received by the commission.

In order to demonstrate support for this request, the committee recommendation that the Mayor write a letter to the BC Transit Commission to support the request for extended late night service.

5. Mailout Notice

- As we continue to welcome our Late Night Economy and balance it with downtown living, it is important that Council understands the impacts and concerns of residents living next to late night liquor and food primaries. Council provides recommendations to the Liquor Control and Licensing Branch, which we believe are necessary in addressing any community impacts and we trust that they are reflected in the issuing of the licences. It is important that residents within a certain radius of the venue who receive notification of each application have a clear understanding of the role of their comments to Council.

The committee recommends that the Mailout Notice be forwarded to the Late Night Advisory Committee to review and make recommendations on wording to ensure that those most affected have the opportunity to express whether or not there are any concerns with the application.

MOTION:

Be it resolved that:

1. That the Mayor write to the Liquor Control and Licensing Branch to require Food Primary licensees who consistently serve significantly more alcohol than food to obtain a Liquor Primary or split liquor licence.
2. That the Mayor write to the Liquor Control and Licensing Branch requesting an increase in the number of liquor inspectors serving the Greater Victoria area.

3. That Mayor and Council direct staff to report back at the next quarterly update on the resource implications to assess the opportunity for developing a municipal alcohol policy with the support of a BC Healthy Communities grant.
4. That the City give consideration to a new sidewalk washroom in the 900 block of Douglas Street area in the 2019 budget.
5. That the Mayor write a letter to the BC Transit Commission to support the request for extended late night service.
6. That the Mailout Notice be forwarded to the Late Night Advisory Committee to review and make recommendations on wording to ensure that those most affected have the opportunity to express whether or not there are any concerns with the application.

Respectfully submitted,



Councillor Thornton-Joe

Appendices:

- Appendix A: Liquor Control and Licensing Regulation – Sections 16-27 (Food Primaries)
- Appendix B: Liquor Primary Licences
- Appendix C: BC Municipal Alcohol Policy
- Appendix D: Vancouver Liquor Policy and Staff Reports
- Appendix E: City of Prince George Municipal Alcohol Service
- Appendix F: Sample Mailout Notice