

*Liquor Control and Licensing Act*

**LIQUOR CONTROL AND LICENSING REGULATION**

[includes amendments up to B.C. Reg. 137/2017, April 7, 2017]

**Division 3 — Food Primary Licences**

**Authorized activities**

**16** A food primary licence authorizes

- (a) a licensee to sell drinks containing liquor to patrons in the service area under the licence when the primary purpose of the business carried on in the service area is the service of food, and
- (b) a patron to consume drinks containing liquor in the service area.

**Issue, renewal, transfer or amendment of licence**

**17** The general manager must not issue, renew, transfer or amend a food primary licence unless the general manager is satisfied that the primary purpose of the business that will be carried on in the service area when liquor is being sold or served is the service of food.

**Rules and requirements**

**18** (1) The following rules and requirements apply to a food primary licence:

- (a) 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;
- (b) when liquor is being sold or served, there must be a varied selection of food items, including appetizers and main courses or their equivalent, available for purchase and the food items must be prepared in a kitchen in the establishment;
- (c) subject to limitation by the general manager, hours of liquor service must start no earlier than 9 a.m. and end no later than 4 a.m. the next day.

(2) If a food primary licence is endorsed with a catering endorsement, the rules and requirements set out in subsection (1) do not apply in relation to a catered event authorized by a catering authorization held by the licensee.

## **Service of food**

**19** The general manager may, for the purposes of this Division, consider any or all of the following in determining whether the primary purpose of the business is or will be the service of food:

- (a) kitchen equipment;
- (b) furnishings and lighting;
- (c) menu;
- (d) type and hours of entertainment and games that are available or to be offered;
- (e) advertising;
- (f) hours of operation;
- (g) financial records;
- (h) the ratio of receipts from food sales to receipts from liquor sales in the establishment;
- (i) any other relevant consideration that may assist in the determination.

## **Catering endorsement**

**20** A food primary licence endorsed with a catering endorsement authorizes a licensee

- (a) to sell and serve liquor at a residential event under section 25 (2) of the Act, and
- (b) to apply for a catering authorization.

## **Primary purpose of business for catering endorsement**

**21** (1) The general manager must not endorse a food primary licence with a catering endorsement unless the general manager is satisfied that

- (a) the primary purpose of the business of the licensee, in relation to an event catered by the licensee, will be the preparation and service of food, and
- (b) the licensee has the equipment in its establishment and personnel necessary to prepare and serve food at an event catered by the licensee.

(2) In making a determination for the purposes of subsection (1), the general manager may consider the factors set out in section 27.

### **Temporary use area endorsement**

- 22** (1) A food primary licence endorsed with a temporary use area endorsement authorizes the licensee to apply for a temporary use area authorization.
- (2) It is a requirement of a food primary licence endorsed with a temporary use area endorsement that the establishment be located on a golf course or ski hill.

## **Division 4 — Catering Licences and Rules and Requirements for Caterers**

### **Authorized activities**

- 23** A catering licence authorizes a licensee
- (a) to sell and serve liquor at a residential event under section 25 (2) of the Act, and
  - (b) to apply for a catering authorization.

### **Establishment**

- 24** Under a catering licence, the premises where a licensee prepares food used in the catering business is the establishment.

### **Primary purpose of business**

- 25** The general manager must not issue, renew, transfer or amend a catering licence unless the general manager is satisfied that
- (a) the primary purpose of the business of the licensee will be the preparation and service of food, and
  - (b) the licensee has the equipment in its establishment and personnel necessary to prepare and serve food at events catered by the licensee.

### **Rules and requirements for caterers**

- 26** The following rules and requirements apply to a catering licence, a liquor primary licence endorsed with a catering endorsement and a food primary licence endorsed with a catering endorsement:
- (a) the primary purpose of the business of the licensee, in relation to an event catered by the licensee, is the preparation and service of food;
  - (b) the licensee has the equipment at its establishment and personnel necessary to prepare and serve food at events catered by the licensee;

- (c) the licensee must not host, promote, or invite people to an event catered by the licensee unless
  - (i) the event is to express appreciation for the licensee's employees or customers,
  - (ii) the liquor is provided without charge, and
  - (iii) the only persons who attend the event, other than the licensee and the licensee's employees, are the persons personally invited by the licensee or named in an invitation issued by the licensee;
- (d) unless authorized by the general manager, the licensee must not offer liquor for sale at a series of events hosted by the same person if, as a result of doing so, the licensee is or appears to be operating an ongoing business with that person;
- (e) revenue from liquor sales at an event catered by the licensee must be retained by the licensee;
- (f) the licensee or one or more employees of the licensee must be in attendance at each event catered by the licensee at all times that liquor is being sold or served at the event;
- (g) the licensee must ensure that no one other than the licensee or the licensee's employees sells liquor at an event catered by the licensee;
- (h) the licensee must not sell liquor at a residential event except to the host;
- (i) at the end of a residential event, the licensee must ensure that all unused liquor purchased under the licence is returned to the establishment, unless the liquor is a bottle of wine that is sealed in accordance with section 141 (4) (a).

[am. B.C. Reg. 291/2016, Sch. 1, s. 5.]

### **Determinations relating to primary purpose of business**

- 27** In determining whether the primary purpose of the business of a person is the preparation and service of food and whether a person has the equipment and personnel necessary to prepare and serve food at an event catered by the person, the general manager may consider the following:
- (a) the kitchen equipment located at the existing or proposed establishment;
  - (b) the food selection offered;
  - (c) advertising;

- (d) financial records;
- (e) staffing;
- (f) the ratio of receipts from food sales to receipts from liquor sales at events catered by the person;
- (g) any other relevant consideration that may assist in the determination.