



Governance and Priorities Committee Report

For the Meeting of March 12, 2015

To: Governance and Priorities Committee **Date:** March 5, 2015
From: Robert Woodland, Director of Legislative and Regulatory Services
Subject: Liquor Policy Review Impacts

Recommendation

That Council:

1. Direct staff to bring forward an amendment to the Business Licence Bylaw for Council consideration that will align the City's minimum drink prices with those established by the Province,
2. Adopt the proposed new Liquor Retail Stores Rezoning Policy attached to this report as Appendix C,
3. Provide further direction to staff in relation to any of the matters contained in this report, and
4. Forward these motions to the Council meeting of March 12, 2015.

Executive Summary

The purpose of this report is to provide Council with:

- information regarding the impact of the recommendations from the Province of British Columbia's 2013 Liquor Policy Review
- advice on the City's Licensee Retail Stores Rezoning Policy, and
- possible options if Council wishes to further investigate or respond to community concerns associated with the operation of liquor licensed establishments.

There has been only one direct impact on City bylaws and policies from implementation of the Liquor Policy Review to date. A minor amendment to the minimum drink prices established under the Business Licence Bylaw is required to bring the City's bylaw in line with Provincially-established minimum drink prices. Staff anticipate that implementation of the remaining recommendations will not result in any significant impacts within Victoria. Once implementation of the Liquor Policy Review is complete, staff will again review current City bylaws, policies and processes to ensure that they effectively respond to any changes in the Provincial regulatory environment.

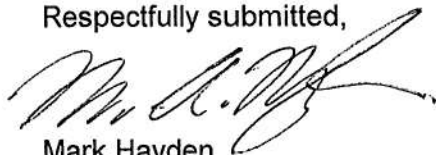
Sustainable Planning and Community Development Department staff recently conducted a review of the current "Licensee Retail Stores Rezoning Policy" and have identified the following recommendations for Council to consider that would help clarify the application of the policy and better reflect current practice:

- changing terminology from "licensee retail stores" to "liquor retail stores," and
- eliminating the guideline that limits facility size to a total floor area of 200 m².

A number of options are possible if Council wishes to respond to community concerns regarding the impacts of liquor licensed establishments, including concerns expressed during an October 2014 Downtown Victoria Livability Solutions Town Hall Meeting regarding bar noise. These could include:

- directing staff to examine possible bylaw or policy changes to address the issue of bar noise, including the approaches used in Vancouver, or
- establishing a committee or task force to further investigate these concerns and make recommendations.

Respectfully submitted,




Mark Hayden
Manager, Bylaw and Licensing Services
Legislative and Regulatory Services Department



Robert Woodland
Director, Legislative and
Regulatory Services Department

Report accepted and recommended by the City Manager:

Date:


Mar. 6/15

List of Attachments:

- Appendix A – City Liquor Licensing Policy & Process
- Appendix B – Liquor-Primary Business Good Neighbour Agreement
- Appendix C – Proposed New Liquor Retail Stores Rezoning Policy
- Appendix D – 2013 Province of BC Liquor Policy Review Recommendations
- Appendix E – Liquor Policy Review Implementation Table
- Appendix F – Excerpt from the City of Vancouver's License Bylaw Relating to Liquor Establishments
- Appendix G – Excerpt from the Victoria Downtown Residents Association website

Purpose

The purpose of this report is to respond to Council direction to provide:

- information regarding the impact of the recommendations from the Province of British Columbia's 2013 Liquor Policy Review
- advice on the City's Licensee Retail Stores Rezoning Policy, and
- possible options if Council wishes to further investigate or respond to community concerns associated with the operation of liquor licensed establishments.

Council has made the following motions regarding the Provincial Liquor Policy Review:

1. On June 26, 2014, Council directed staff to review changes to the Provincial Government liquor policy and the City of Vancouver's bylaw related to establishments that are open late and serve alcohol and report back if there are any policy or zoning changes that the City of Victoria could implement.
2. On October 23, 2014, Council directed that staff provide Council with a memo outlining the City's current liquor bylaws and policies and identifying potential impacts to the bylaws and policies resulting from changes to BC's liquor laws.

On October 23, 2014, Council also directed that staff provide options for a renewed policy framework to guide proponents and ensure a fair and consistent application of liquor policies in relation to zoning regulations governing the retail sale of liquor.

Background

Roles and responsibilities for liquor licensing

The Province of British Columbia has authority over the distribution and sale of liquor within the province. The Liquor Control and Licensing Branch (LCLB) issues liquor licences and monitors the activities of all private liquor licensees in British Columbia to make sure they are following the rules laid out in the Liquor Control and Licensing Act (the LCLA), its Regulations, and their licence terms and conditions. The Liquor Distribution Branch is responsible for the importation and wholesale distribution of liquor in BC and also operates government liquor stores.

Types of liquor licences issued by the LCLB include:

- Food-primary licences for selling alcoholic beverages at businesses (restaurants) where the primary purpose is to serve food.
- Liquor-primary licences for selling alcoholic beverages at businesses (pubs, bars, lounges, nightclubs, etc.) where the primary purpose is to sell liquor. Private clubs require a liquor-primary club licence.
- Special Occasion Licences for individuals and groups holding special events, such as community celebrations, weddings or banquets.
- Liquor (Licensee) Retail Store Licences for selling liquor by the bottle at retail stores (often called Private Liquor Stores).

Although local governments do not make liquor licensing decisions, they do play a significant role in the liquor licensing process. Under the LCLA and its Regulations, the LCLB must notify the responsible local government and provide an opportunity for comments and recommendations for new liquor-primary applications and certain licence amendments. Council provides this input by way of a resolution to the General Manager of the LCLB. The resolution must include:

- comments on each of the criteria prescribed in the LCLA regulations for that type of application, or any other issues or factors that Council considers relevant
- the views of residents, if they were gathered, and the method used to gather the views of residents
- comments and recommendations with respect to the views of residents
- recommendations as to whether the application should be approved, and
- the reasons for Council's recommendations.

Council has developed policies to guide its review of individual liquor licence applications. The Liquor Licensing Fee Bylaw and Liquor-Primary Licensing Policy outline the fees, processes and evaluation criteria used by the City in its review of liquor licence applications. An excerpt from the City's website that describes the content of both the policy and the bylaw is reproduced in Appendix A. A review and update of that website content will occur once the Liquor Policy Review is fully implemented and any impacts to City policies and processes are known.

The processes and evaluation criteria used by the City vary depending upon the type of liquor licence application under consideration. When an application for a new liquor-primary licence is received from the LCLB, it is circulated to the Victoria Police Department (VicPD) and internally to the Business Licence Inspector, the Downtown Coordinator and the responsible Area Planner for comments specific to their operational areas. A notice soliciting comments from residents and businesses within a certain radius of the proposed location is distributed and a public notice sign is also posted at the proposed location. Council invites input from the general public through these notices at a public hearing. All comments and feedback received from these channels is presented to Council in a staff report, which includes a recommended resolution to the LCLB.

Applications to amend the terms of conditions of an existing liquor licence follow a slightly different process. This includes applications to change the hours of operation or occupant load for a liquor-primary licence, or to allow a food-primary licence to serve liquor past midnight or allow patron-participation entertainment. For these types of applications, no public hearing is held as written public input is solicited through notices.

Council's authority to regulate liquor licensed establishments

Distinct from the liquor licensing process, Council has the ability to influence or regulate the location and operation of liquor licensed establishments through its regulatory authority under the *Community Charter* and its zoning authority under the *Local Government Act*.

Relevant powers under the *Community Charter* include the power to regulate with respect to business, noise and nuisances, and the power to establish a business licensing scheme. The power to regulate business includes the power to restrict or limit the activities of a particular type or class of business, including restrictions on the hours of business operation. Council has used these powers to impose a number of operating requirements on liquor licensed establishments.

All liquor licensed establishments operating in the city must possess a valid business licence issued under the Business Licence Bylaw. As a condition of obtaining a business licence, the owner of a liquor-primary licensed establishment must enter into a Good Neighbour Agreement with the City that includes requirements for noise and nuisance abatement, security, graffiti removal and cooperation with the Victoria Police Department. The full text of the Good Neighbour Agreement is included in Appendix B. That bylaw also establishes minimum prices for the sale of alcoholic beverages. Other City bylaws that regulate liquor licensed establishments include the

Nuisance (Business Regulation) Bylaw, the Noise Bylaw and, if the licensed area includes a patio on City property, the Sidewalk Cafés Regulation Bylaw.

The Zoning Regulation Bylaw regulates the use, density, size and placement of buildings and structures on parcels of land. "Liquor retail stores" are a specific defined use in the Zoning Regulation Bylaw and are only allowed in zones which specifically permit that use. Council adopted guidelines in 2003 for its consideration of liquor retail store rezoning applications through its "Licensee Retail Stores Rezoning Policy." An edited version of that policy is provided in Appendix C. Under the policy guidelines, new licensee retail stores require a zoning amendment in order to permit that use and should be located at least 200 metres from an elementary or secondary school or an existing store. All owners and occupiers of neighbouring properties must be polled as part of the application process.

Other types of businesses that are licensed by the Province for the sale or production of liquor are listed as permitted uses in various zones established under the Zoning Regulation Bylaw and numerous properties within the City are in zones that identify these types of uses. A variety of terms are used within the Zoning Regulation Bylaw to describe these uses, including:

- neighbourhood pub
- restaurant
- club
- cabaret
- wine making
- beer brewing
- breweries
- brew pubs
- pubs
- lounges
- distiller
- establishments for which a Class A licence has been issued under the *Liquor Control and Licensing Act*
- establishments in respect of which there is a dining lounge license, dining room license, or lounge license issued pursuant to the *Liquor Control and Licensing Act*, and
- premises validly licensed for use as a dining lounge, dining room, lounge or public house.

The Liquor Policy Review

In January 2014, the Province of British Columbia endorsed the 73 recommendations outlined in the 2013 Liquor Policy Review, which considered all aspects of provincial liquor policy including licensing, control and distribution. Those 73 recommendations are reproduced in Appendix D.

Many of the recommendations will be of interest to Council, because the sale of liquor and the operation of licensed establishments has an impact on the community, including the deployment of police resources. Very few of the recommendations will have a direct impact on existing City policies and processes related to liquor licensed establishments. Those recommendations that may have a direct impact on City policies and processes are identified with grey highlighting in Appendix D. They include:

- permitting licensees to offer time limited drink specials provided the price is not below a prescribed minimum,
- allowing food primary licensees to fully transition from food service after a certain hour,
- allowing an applicant to seek input from a local government before or at the same time it

- applies to the LCLB,
- allowing local governments to determine the criteria for evaluation of applications within their communities,
- allowing local governments to delegate some licensing decisions to staff, and
- finding ways to streamline the police and local government role in approving some types of special occasion licences.

While some recommendations from the Liquor Policy Review have already been put in place, implementation of others will require further policy work and consultation with stakeholders. The table in Appendix E is drawn from the LCLB website, and shows implementation status as of February 2, 2015. None of the recommendations identified with grey highlighting in Appendix D have been implemented. The Province plans to implement all recommendations by the end of 2015. The LCLB will continue to seek input from local government on proposed changes via the UBCM Liquor Policy Working Group, which includes a representative from Victoria.

Issues & Analysis

1. Impact of Liquor Policy Review on current City bylaws and policies

As described in the background section of this report, the City has a number of bylaws and policies in place that influence or regulate the location and operation of liquor-licensed establishments. This current framework of bylaws and policies provides a guide for liquor licence applicants and licensees and ensures the fair and consistent application of City policies and processes relating to liquor-licensed establishments.

The one recommendation implemented to date that directly affects City bylaws and policies is the establishment of Province-wide minimum drink prices. The prices established by the Province are the same as those established under the Business Licence Bylaw (i.e., \$3 for 1.5 ounces of spirits, 5 ounces of wine or 12 ounces of beer); however, the City's prices are inclusive of taxes, while the Province's are not. In order to align the City's minimum drink prices with the Province's, an amendment to the Business Licence Bylaw is required.

Implementation of the remaining recommendations from the Liquor Policy Review will likely have no direct impact on current City liquor-related bylaws and policies. The City's authority to regulate the location and operation of liquor establishments will remain the same. The City's role in the liquor licence approval process should also remain the same, although there may be new opportunities for Council to delegate some liquor licensing decisions to staff.

Recommendations relating to liquor sales in grocery stores have generated a great deal of community interest, but are unlikely to have much impact within the City of Victoria for the following reasons:

- a) The provincial moratorium on new private liquor store licences remains in place. This means that a grocery store that wished to sell liquor would have to partner with an existing private liquor store, or arrange for the transfer of an existing private liquor store licence.
- b) The "one-kilometre rule" – the minimum distance between new or relocating private liquor stores – will be maintained and expanded to include BC Liquor Stores. Possible locations for a combined grocery/liquor store are limited, as staff believe that there are likely few, if any, commercially-zoned properties within the city that are not within one kilometre of an existing liquor store.

- c) The store location would also need to have the appropriate zoning in place.

A grocery store that wished to limit its liquor sales to 100% BC wine may be a more likely scenario in Victoria. In December 2014, the Province announced that an exception will be made to the “one-kilometre rule” for grocery stores selling 100% BC wine and that a limited number of new licences will be made available specifically for the 100% BC wine-on-shelves model.

One recommendation that may impact the City’s role in the liquor licence approval process is #37, which would allow food-primary licensees to operate as a liquor-primary establishment during certain hours. The recommendation recognizes that local government and residents should be consulted as part of the approval process, but the form of consultation has not yet been determined. There is a possibility that the application process for this type of licence endorsement will not follow the currently established method for soliciting local government input on a liquor-primary application. The Province is currently consulting with local governments on the appropriate form of consultation through the UBCM Liquor Policy Working Group.

Some process changes may result from the implementation of recommendations relating to the issuance of Special Occasion Licences (SOLs). The Province is moving towards a streamlined electronic approval process for these applications that, once implemented, will see these applications forwarded to the VicPD for approval on behalf of the City. City staff are working with VicPD to ensure they are able to assess appropriate factors (occupant load, permission to use public space, etc.) during the review and approval process.

The recommendation to allow “whole-site licensing” as an option instead of beer gardens for special events was implemented in April 2014, but few special events in Victoria have applied for or been granted whole-site SOLs. This is because, for larger events, the cost of hiring sufficient security personnel to adequately monitor consumption of liquor throughout the event site would be significant. Applications for whole-site SOLs are reviewed by the City’s Special Event Technical Committee, which includes representatives from the VicPD and the LCLB, to ensure that they adequately meet Provincial security requirements.

2. City of Vancouver Bylaws

Through its License Bylaw and Business Premises Regulation of Hours Bylaw, the City of Vancouver has implemented a licensing and regulatory scheme for liquor-primary licensed establishments (defined as “liquor establishments”). Some regulatory requirements are similar to those included in Victoria’s Good Neighbour Agreements, but the License Bylaw also includes the following requirements:

- all bar, serving and security staff must complete relevant training programs
- management, security and first aid certified personnel must be present at certain hours and patron capacities, and
- signage must be posted that requests customers to respect the adjacent neighbourhood and provides a management contact number for complaints.

An excerpt from the License Bylaw that includes the requirements applicable to liquor establishments is included in Appendix F.

The City of Vancouver License Bylaw makes a distinction between “standard hour” and “extended hour” liquor establishments. Extended hour establishments can be open two hours earlier and one hour later than standard hour establishments. Permitted hours of operation are set out in the Business Premises Regulation of Hours Bylaw and vary depending upon whether an

establishment is located within a commercial, mixed-use or residential area. Extended hour establishments pay a substantially higher licence fee than standard hour establishments (\$15.05 per annum per seat versus \$5.55 per annum per seat), and are also subject to several additional regulatory requirements. These additional regulatory requirements include installation of surveillance cameras, patron screening using metal detectors and stricter noise regulations, including submission of an acoustical report as part of the business licence application.

For the purpose of assessing business licence fees, Victoria's Business Licence Bylaw makes a distinction between establishments based upon their location. Food-primary and liquor-primary businesses within the downtown pay a base business licence fee plus a \$7 fee per licensed seat. Outside of the downtown, the per seat fee is reduced to \$6. Victoria's business licence fees are not based upon the hours of operation of an establishment.

The City of Vancouver has been granted some unique powers and authorities under the *Vancouver Charter*. If Council wished to further explore Vancouver's approach to business licensing of liquor licensed establishments, staff would need to investigate whether the City of Victoria possesses similar authority under the *Community Charter*.

3. Possible changes to current City bylaws and policies

At this time, the only specific recommendation for liquor-related bylaw or policy changes resulting from implementation of the Liquor Policy Review is a change to the minimum drink prices set out in the Business Licence Bylaw. Once implementation of the Liquor Policy Review is complete, staff will again review current City bylaws and policies to ensure that they effectively respond to any changes in the Provincial regulatory environment.

Staff are not aware of any other jurisdictions within the CRD that have made changes to their liquor-related policies as a result of the Liquor Policy Review. District of Saanich staff indicate that they are currently considering the implications of liquor sales in grocery stores, but have made no bylaw or policy changes.

The VicPD have also identified several opportunities to improve current policies and processes to enhance communication with City staff and allow the VicPD to provide more meaningful input into the review of liquor licence applications. These include:

- putting effective follow-up mechanisms in place to respond to any breaches of Good Neighbour Agreements
- ensuring that VicPD input into new liquor-primary licence applications is given the appropriate consideration and weight, and
- reviewing the police-related factors that the City uses to review applications to ensure that they sufficiently inform the determination of community need.

Bylaw and Licensing Services staff will be working with VicPD to explore these opportunities further.

Sustainable Planning and Community Development Department staff recently conducted a review of the current "Licensee Retail Stores Rezoning Policy" and have identified several amendments that would help clarify the application of the policy and better reflect current practice. A "track changes" version of the policy, which identifies the proposed changes, is attached as Appendix C to this report. The proposed changes are:

- changing the terminology from "licensee retail store" to "liquor retail store." This change aligns the policy with the language currently used in the Zoning Regulation Bylaw and clarifies that the policy applies to any business engaged in the retail sale of liquor.

- eliminating the current facility size limit of 200 m² from the policy guidelines. Current practice is to recommend to Council the maximum size of a liquor retail store based upon a variety of factors including the Official Community Plan, 2012, Land Use Designation and the surrounding neighbourhood context.

Some of the terms used to describe various other types of liquor-licensed establishments in the Zoning Regulation Bylaw reflect previous Provincial liquor licensing categories and are now outdated. These terms would be comprehensively reviewed and updated as part of the proposed Zoning Regulation Bylaw Renewal project that is the subject of a supplementary operating budget request for 2015 and 2016.

On October 1, 2014, the Victoria Downtown Residents Association hosted a discussion forum to come up with solutions for present and future livability issues facing residents of Downtown and Harris Green neighbourhoods. Attendees had the opportunity to liaise with fellow community members to identify and deliberate items of specific concern to the residential community of downtown. One key topic discussed was "after hours bar noise," with a variety of possible solutions suggested by participants. An excerpt from the Victoria Downtown Residents Association website that summarizes the discussion of that topic is included in Appendix G.

The Bylaw and Licensing Services Division confirms that the majority of community complaints regarding the operation of liquor-licensed establishments are noise-related. These complaints are generally associated with licensed outdoor patios and the conduct of patrons who have exited licensed premises to smoke a cigarette on adjacent public property.

A number of options are possible if Council wishes to respond to these community concerns. These could include:

- directing staff to examine possible bylaw or policy changes to address the issue of bar noise, including the approaches used in Vancouver, or
- establishing a committee or task force to further investigate these concerns and make recommendations.

Appendix A - City Liquor Licensing Policy & Process

Our liquor-primary licensing policy supports responsible liquor-primary licensees who demonstrate a commitment to minimizing the negative impacts of their business operations on the community, and to take action against the liquor-primary licensees whose business operations have a negative impact on the community.

The policy is designed to advise applicants of:

- The objectives of the City's liquor licensing policy.
- The evaluation measures and process employed by the City in assessing a liquor-primary application.
- The City's compliance and enforcement policy.

A. Objectives & Process

The process by which the City reviews liquor-primary applications is described under Liquor Licensing Process & Fees. Most applications require a two-stage evaluation that first involves a community impact assessment followed by a report to and assessment by Victoria City Council. The process used and fees charged are set by City of Victoria Bylaw No. 01-36.

B. Policy Areas

Purpose: Apply policy guidelines that are consistent with area land use plans and the City's strategic objectives.

The liquor licensing evaluation criteria (noted below) employed to assess an application may vary, either by relative weight or emphasis, between different areas of the City. Three distinct policy areas are identified, which are consistent with the regulatory areas shown on the attached map [PDF - 1.8 MB] from the City's draft Noise Bylaw (see Appendix A):

1. Activity Zone & Downtown Victoria
2. Intermediate Zone
3. Quiet Zone

Public consultation required as part of the City's liquor licence application assessment process varies depending upon whether the application is for a new liquor-primary licence or is an amendment to an existing liquor-primary licence. A food-primary licence application that is referred to the City for consideration is also subject to a public consultation process.

Public consultation for a new liquor-primary licence application involves a hearing before Council to which affected persons are invited through newspaper ads and mailed notices to nearby properties. The cost of this public consultation process is borne by the applicant. Three notification area guidelines are used, which define the area to which notices of public hearing are mailed:

- Activity Zone & Downtown - Properties within a 100-metre radius of site
- Intermediate Zone - Properties within a 300-metre radius of site
- Quiet Zone - Properties within a 500-metre radius of site

Public consultation for an application to amend an existing liquor-primary or food-primary licence involves the solicitation of written comments from properties within 50 metres of the application site. The City mails a notice to these properties and the applicant posts a sign at the entrance to the business for a 30-day period. The comments are appended to the staff report on the application, which is forwarded to Committee of the Whole for Council's consideration. The cost of this public consultation process is borne by the City.

C. Evaluation Criteria

I. Neighbourhood Compatibility

Purpose: To reduce conflicts between liquor-primary businesses and nearby land uses by:

- Evaluating the compatibility between proposed liquor-primary businesses, existing land uses and future land uses defined in neighbourhood and community plans.,
- Placing conditions on liquor-primary businesses to reduce their impact on existing land uses.

Liquor-primary businesses generate noise and other "externalities" either directly through their operations (E.g. music) or indirectly through the coming and going of patrons (E.g. shouting, altercations). Significant and persistent noise, inappropriate patron behaviour outside the premises, litter and graffiti may create a community nuisance to which the City will respond. Several unique factors exacerbate the community impact of liquor-primary businesses relative to other types of businesses:

- Building design
- Hours of operation
- Type of entertainment offered
- The intoxicated state of patrons

A responsible management style, sympathetic building design and the neighbourhood land use context help to mitigate the impact of liquor-primary businesses on neighbours. Council may also recommend that a liquor-primary business' hours of operation be restricted to increase neighbourhood compatibility in an Intermediate or Quiet Zone.

For example, neighbourhood compatibility decreases as the neighbourhood context moves from predominantly noise tolerant (E.g. commercial or industrial) to noise intolerant land uses (E.g. residential). Adjacency to other land uses, measured by distance, is used to estimate neighbourhood compatibility.

1. Adjacency to properties that are unoccupied during the night.
2. Adjacency to transient accommodation uses.
3. Adjacency to residential uses.

II. Economic Impacts

Purpose: To maximize the total economic impacts arising from the liquor-primary business.

Investing in a liquor-primary business involves an investment in capital (a building) and labour (staff). The degree of investment in capital, the resulting demand for labour and the subsequent

direct and indirect economic impacts of the business are measures of the community economic impact that may arise from the application.

The labour impact is driven by the size of the proposed licensed establishment, the range of services offered by the establishment (E.g. food, beverage, entertainment) and whether the licensed establishment is a primary or ancillary use (E.g. contrast a stand alone pub versus a pub in a full service hotel).

The varying degrees of anticipated economic impact may be illustrated by comparing the following types of projects in which a liquor-primary business is proposed. The projects are ranked from highest to lowest, in terms of their total estimated economic impact on the City:

1. New multi-use construction (E.g. a hotel or mixed use commercial building)
2. Heritage building rehabilitation for multi-use (E.g. commercial & residential)
3. New single-use construction (E.g. a neighbourhood pub)
4. Renovation of other buildings for single use (E.g. a cabaret).

III. Community Need

Purpose: To assess whether there is a need for additional liquor-primary seating in the proposed location.

The City acknowledges its role as the cultural and entertainment centre of the region and the role that liquor licensed businesses play in creating a vibrant and economically viable downtown. However, Council must address whether there is a need for additional liquor-primary seats in a specific neighbourhood or in the overall community.

Community need is estimated by using two measures:

- Calculating the current supply of liquor-primary seats within a given area; and
- Analyzing liquor-related crime statistics within the same area.

There is a direct relationship between the density of liquor-primary seats and the number of liquor related criminal incidents (assault, disturbing the peace, drunk in public place, mischief) in a given geographic area. These two measures give an estimate of the community need for additional liquor-primary seats in a given area. If an application for new or additional liquor-primary seats is in an area where there is a high density of liquor-primary seats and a high number of liquor related criminal incidents the application will likely not be supported.

The reference area around an application site that is used to measure the number of liquor-primary seats and liquor related criminal incidents is identified as follows:

1. Quiet Zone - within 500-metre radius of application site.
2. Intermediate Zone - within 300-metre radius of application site.
3. Activity Zone & Downtown - within 100-metre radius of application site.

The density of liquor-primary seats is highest in the downtown area (Activity Zone) where demand and the capacity to absorb seats are assumed to be greatest. As a result, the size of the reference area is small. Conversely, in residential areas (Quiet Zone) where the demand for and capacity to absorb liquor-primary seats is less, the reference area is larger.

IV. Compliance History

Purpose: To give greater consideration to liquor-primary applications from experienced business operators who have a good compliance history in the City and in other communities where they do business.

Compliance history is checked by a review of the agencies involved in liquor licensing, law and bylaw enforcement. Questions of interest to the City include:

- Are there any outstanding liquor licence or bylaw compliance issues with the applicant?
- What is the applicant's compliance history with respect to LCLB regulations and/or municipal bylaws?

V. Other Factors

Purpose: To ensure that unique factors regarding the application are considered by the City in evaluating the application.

The applicant may have unique circumstances, business plans or measures that are relevant to the City's consideration of their application. Examples may include a voluntary agreement regarding business practices, a business plan catering to a specific market segment or building design measures that reduce external noise.

D. Enforcement Policy

A liquor-primary business must have a City of Victoria Business Licence to lawfully conduct its business. A business licence may be suspended or revoked by Council if a business owner continually operates their business in contravention of City bylaws or other laws governing the conduct of their business.

A new compliance measure implemented by the City requires the licensee to enter into a *good neighbour agreement (GNA)* as a condition of the City business licence. The agreement specifies a series of measures that the licensee must implement and abide by in their business operations. Failure to abide by the terms of the GNA may also constitute grounds for Council to consider suspending or revoking the business licence.

Bylaw Officers and Victoria City Police will enforce City bylaws and Provincial liquor licensing regulations governing licensees. The City may take enforcement action in concert with, or independent of the Liquor Control & Licensing Branch. The Business Licence Inspector has the authority to suspend a business licence for cause, and is responsible for making recommendations to Council to suspend and/or revoke a business licence.

Liquor Licensing Process & Fees - Bylaw 01-36

Initiating an Application

All applicants for a new liquor licence or a permanent change to an existing liquor licence must first contact the Liquor Control & Licensing Branch (LCLB) to initiate the application process. Only after initiating an application with the LCLB will the City of Victoria consider an application.

Application Fees

The City of Victoria charges the following fees for the assessment of liquor licence applications:

- Special Occasion Licence \$25.00
- Permanent liquor licence application - Stage 1 \$375.00
- Permanent liquor licence application - Stage 2 \$375.00
- Public consultation process for permanent liquor licence application* City's costs

** The applicant must pay the City's costs for public notification related to any public consultation process required by the Liquor Control and Licensing Act or requested by Council to complete the Council's assessment of a new, permanent liquor licence application. The costs for the public consultation process associated with an application to amend a liquor-primary or food-primary licence are borne by the City.*

Stage 1 (Staff Assessment) - Permanent Liquor Licence Application

Stage 1 involves a technical review of the application by City staff (E.g. police, fire, planning & development) and the drafting of the City staff's comments on the application. Stage 1 may identify issues regarding policing, prior licensee conduct, bylaw compliance, site zoning, land use planning, noise & traffic impacts, and parking.

Applicants will have an opportunity to review City staff's comments and their recommendations before advising the City if they wish to proceed to Stage 2 (Council Assessment) and pay the respective fee. If the applicant wishes to proceed, a report is prepared and presented to Council with the application at the next available meeting.

Stage 2 (Council Assessment) - Permanent Liquor Licence Application

Stage 2 consists of Council's consideration of the application, and the accompanying staff report and recommendations. The applicant is usually present at the meeting to provide additional information if requested by Council. The staff report typically contains one of the following recommendations:

- That Council support the application with or without conditions; or
- That Council not support the application; or
- That Council reserves its final decision pending the receipt of information from a public consultation process.

In all cases, Council's decision to either support (with or without conditions) or not support the application is forwarded to the LCLB for final consideration.

Public Consultation - Permanent Liquor Licence Application

There are two forms of public consultation employed in the review of liquor licence applications:

- Public hearing - required for all new liquor-primary licence applications.
- Public comments - required for applications to amend a liquor-primary or food-primary licence.

A public hearing before Council that invites residents and property owners to provide written or verbal submissions on the application is mandatory for all new liquor-primary applications. The notice requirement for the public hearing includes newspaper ads and mailed notices to properties located within an area defined by this policy.

The City will solicit public comments regarding the application from properties within a 50-metre radius of the application site. A notice is also posted for 30 days at the entrance to the applicant licensee's business. Written comments on the application are appended to the staff report, which is forwarded for Council's consideration.

Public Consultation Fees

A new liquor-primary application referred to a public hearing has a fee equal to the City's costs for conducting the public consultation process, which is generally in the range of about \$1,200 - \$1,500.

Appendix B – Liquor-Primary Business Good Neighbour Agreement

WHEREAS representatives of the Corporation of the City of Victoria (the "City"), Victoria Police Department (the "Police Department"), and the owners, _____ of the liquor-primary business, _____ (the "Liquor-Primary Business"), located at _____, Victoria, B.C., recognize that liquor licensed establishments have a civic responsibility beyond the legislated requirements of the Liquor Control and Licensing Act to control the conduct of their patrons; and

WHEREAS the City, the Police Department and the Liquor-Primary Business agree that in recognizing this principle, the following measures will be implemented by the Liquor-Primary Business, up to the opening for business and will continue to be in effect at all times; and

WHEREAS the City of Victoria Business Licence Bylaw, s. 8(3)(b) imposes certain conditions with which the holder of a business licence for a Liquor-Primary Business) must comply;

Conditions of license (as provided under City of Victoria Business Licence Bylaw No. 89-71)

1. As there is recognition that the Liquor-Primary Business exists within proximity of transient & residential accommodations and other commercial buildings, the Liquor-Primary Business undertakes to ensure that noise emissions do not disturb the neighbourhood and comply with the City of Victoria Noise Bylaw.
2. The Liquor-Primary Business will not play amplified music outside of the building after 23:00h.
3. The Liquor-Primary Business will post a sign at the entrance to the licensed premises advising of the identification requirement and any dress code or admission fee.
4. The Liquor-Primary Business staff shall wear distinctive identification badges displaying an identification number at all times while on duty in the licensed premises, and the manager shall at all times maintain a list identifying every staff member by name and identification number.
5. The Liquor-Primary Business shall employ staff or security personnel to patrol the external area and to monitor the activity of patrons immediately outside the Liquor-Primary Business, particularly at closing time, to ensure orderly dispersal.
6. The Liquor-Primary Business staff shall make every reasonable effort to scrutinize patrons as they enter to ensure that all patrons are at least 19 years of age and that no weapons or items of contraband are brought into the Liquor- Primary Business.
7. Patrons shall not be allowed to carry open beverages or to consume them in areas that are not licensed for such purpose including outside of the Liquor- Primary Business.
8. Patrons of the Liquor-Primary Business who have consumed liquor shall be allowed free use of a telephone for the purposes of calling a taxi or other transportation, if requested.

9. The Liquor-Primary Business' staff shall undertake to inspect the outside of the premises each night after closing to ensure that there is no litter, garbage or broken glass left in the area around the Liquor-Primary Business.
10. The Liquor-Primary Business shall ensure at all times that the line-up into the business does not impede or obstruct pedestrian traffic along the sidewalk or interfere with access or egress to another place of business.
11. The Liquor-Primary Business agrees to remove immediately all graffiti placed from time to time on the property that is owned or leased by the Liquor-Primary Business.

Other terms and conditions of this Good Neighbour Agreement

12. The Liquor-Primary Business staff shall monitor the conduct of all patrons within the Liquor-Primary Business and terminate alcoholic beverage service to persons exhibiting signs of intoxication.
13. The Liquor-Primary Business shall support and cooperate with Victoria City Police in Licensed Premises Checks and any crime prevention initiatives for liquor-licensed establishments.
14. When incidents occur that require police involvement, all Liquor-Primary Business staff shall cooperate with police members and shall not impede or obstruct the investigation in any way.
15. There shall be no tolerance for criminal activity within the Liquor-Primary Business, and police will be consulted should a "criminal element" become present.
16. The Liquor-Primary Business and Victoria City Police agree to meet a minimum of once every calendar year to discuss issues and concerns.
17. The Liquor-Primary Business agrees to support the hiring of qualified people from the community when appropriate.
18. The Liquor-Primary Business recognizes its role within the community, and agrees to work with the City, its departments and any task forces to resolve mutual concerns.
19. Any proposed changes to these guidelines will first be discussed and be resolved with Victoria City Police and/or the City.
20. Nothing contained or implied herein shall prejudice or affect the City's rights and powers in exercise of its functions pursuant to the *Local Government Act* and the rights and powers of the City under all of its public and private statutes, bylaws, and regulations, all of which may be as fully and effectively exercised in relationship to the Lands and the Premises as if this agreement had not been entered into.

The City and the Liquor-Primary Business recognize that participation in this agreement is a condition of the City Business Licence and that its success is based on licensee compliance. The Liquor-Primary Business recognizes that should non-compliance with the terms of the agreement arise, or if complaints to the Victoria Police Department regarding negative community impacts are in the opinion of the Corporate Administrator attributable to the Liquor-Primary Business, the City

will provide written notice to the Liquor-Primary Business of such impacts or non-compliance. The Liquor-Primary Business shall have 30 days from receipt of the Notice in which to address and correct the negative impacts specified in the Notice to the satisfaction of the Corporate Administrator, in his or her sole discretion. If, upon the expiry of the thirty (30) day period, the negative impacts specified in the Notice have not been addressed and corrected to the satisfaction of the Corporate Administrator, this matter will be brought to the attention of City Council with a recommendation that the Business Licence be suspended or revoked, as the evidence of noncompliance warrants.

WHEREAS the Liquor-Primary Business has entered into this agreement, the City and Victoria City Police commend them for their recognition of their civic responsibilities and their commitment to fostering a good working relationship with the City and their neighbours.

Signed this _____ day of _____, at Victoria, B.C.

Liquor-Primary Business

Mayor

Liquor-Primary Business

Corporate Administrator

Victoria City Police

Appendix C – Proposed New Liquor Retail Stores Rezoning Policy



Liquor Retail Stores Rezoning Policy

As a result of regulatory changes from the Province with respect to Licensee Retail Stores, the City of Victoria amended its Zoning Regulation Bylaw to remove the sale of beer, wine, and spirits from the retail sales definition. As a result, any new liquor retail stores will require a zoning amendment to permit this use.

In conjunction with this zoning amendment, the attached criteria for assessing future rezoning applications to permit this use were adopted by a Resolution of Council on March 27, 2003. Amendments to the criteria were adopted by Council on XXX.

For More Information

For further information on development applications, please contact the City of Victoria Sustainable Planning & Community Development staff, located on the second floor of City Hall. The Planning Technicians and Planners will advise you on how to make an application. The business hours of Sustainable Planning & Community Development are 8:00 am to 4:30 pm, Monday to Friday, except statutory holidays.

City of Victoria
Planning & Development
1 Centennial Square
Victoria, BC V8W 1P6
Phone: (250) 361-0382
Fax: (250) 361-0386

Amended XXX, 2015

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LIQUOR RETAIL STORES REZONING POLICY

Deleted: LICENSEE

GENERAL CHARACTERISTICS

- An application for a Liquor Retail Store must be accompanied by a letter of preliminary approval from the Province of BC.
- The store should be in an established or planned retail location to minimize nuisance to nearby neighbours. This may be within a primary or district centre as identified in the Official Community Plan, within a commercial area identified in a neighbourhood plan or in a location zoned for other retail use.
- Entrance to the store should be from an existing street frontage or from within an existing shopping centre.

Deleted: Licensee

- Required parking may range from one space per 37.5 m² of gross floor area in suburban malls to nil in highly walkable locations, e.g. Downtown or a corner store.
- The store should be at least 200 m from an elementary or secondary school.
- The City wishes to avoid concentrations of this use, e.g. in the same block or at the same intersection. Generally, the store should be at least 200 m from an existing Liquor Retail Store. A reduced distance may be warranted in locations such as neighbourhood or district centres.

Deleted: Licensee

Deleted: , BC Liquor Store, wine or beer store

Note that provincial regulations may require a higher distance between stores. The most restrictive regulation shall apply.

- For applications with street frontage, the applicant should refer to the City's Crime Prevention Through Environmental Design (CPTED) guidelines and indicate, as part of the application, how the guidelines will be observed.
- Facility size should respond to the surrounding neighbourhood context.
- Revitalization of a heritage building and/or improved shop frontage on a street is encouraged.

Deleted: is limited to a total floor area of 200 m²APPROVAL PROCESS

- Recognizing the impact of this type of application, all residents and owners of neighbouring lots must be polled by the applicant as to the acceptability of the application, with the results submitted as part of the site plan information.
- The application will be referred to School District #61 and Victoria City Police for up to 30 days to ensure that their comments are considered in Council's decision.
- In addition to the policies for Liquor Retail Stores, the applicant must undertake the processes required for a rezoning application. This will include participation in a community meeting (CALUC) prior to the submission of the application.

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In accord with the, Liquor Retail Stores Rezoning Policy, an applicant is required to poll all the residents and owners of neighbouring lots. An example of neighbouring lots is shown shaded on the diagram below.

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To complete the petition requirement of the Liquor Retail Store Rezoning process, the following must be submitted with your application:

- A map showing location of your property and the neighbouring lots polled highlighted or noted on the map.
- A completed petition, with the format shown on the following page.

Note that both the owners and occupiers must be polled. If a property has a rental occupier, it is required that the owners also be polled. If the owner can't be located via the tenant, then the information can be obtained through the Land Titles Office, 850 Burdett Avenue, Victoria, B. C., phone 387-6331 or the Property Tax Division at City Hall.

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[illegible]

Date _____

Signature _____

March 5, 2015
Page 22 of 36

Appendix D - 2013 Province of BC Liquor Policy Review Recommendations

Note: Recommendations that may have a direct impact on City policies and processes are identified with grey highlighting

Health, safety and social responsibility

1. Government should expand public education about health and safety risks related to alcohol use, with particular emphasis on the harmful effects of binge drinking by youth and post-secondary students.
2. Government should identify all of its alcohol-related education initiatives to ensure they are focused and are as effective as possible.
3. Easily understood information about Canada's Low Risk Drinking Guidelines should be made available to consumers in licensed establishments.
4. The Liquor Control and Licensing Branch (LCLB) should have the regulatory authority to require social responsibility public education material to be posted in all licensed establishments and liquor stores. These materials should be developed in consultation with industry.
5. Government, public health officials and industry should collaborate to develop effective and meaningful social responsibility educational campaigns for display in licensed establishments, liquor stores and advertising and public service campaigns.
6. While labelling liquor bottles and packages is the responsibility of the federal government, B.C. should work with the other provinces and territories to encourage warning labels on liquor products.
7. Serving it Right (SIR), the provincial government's responsible beverage service program, should be expanded and enhanced:
 - a. Sales and service staff in restaurants, wine stores, rural agency stores and BC Liquor Stores who are not already required to have SIR certification should now be required to obtain it. Licensees, managers, and sales and serving staff should also be required to recertify.
 - b. A focused, abridged and less expensive version of SIR should be developed for people who receive Special Occasion Licences (SOLs) or who serve at these events.

This will help ensure they understand their responsibilities around responsible handling of liquor.
 - c. SIR content should be updated to include information about:
 - i. Canada's low-risk drinking guidelines.
 - ii. the social and health costs of alcohol.
 - iii. why alcohol is regulated.
 - d. SIR should continue to ask recent graduates to evaluate the program, with the aim of developing and introducing improvements.
8. The fee structure of SIR should be reviewed by the provider and government to ensure the cost to retailers and establishments is not onerous. Additionally, consideration should be given to the application of fee revenue to SIR program enhancements.

9. LCLB should develop an in-person educational program for licensees, like that in Ontario, to educate licensees and their staff about the Province's liquor laws and how to operate their establishments in a responsible manner. The goal would be to increase licensee compliance and develop an increasing awareness of the health and safety harms from alcohol abuse. Government should consider using monetary penalties imposed on licensees to fund this initiative.
10. Government should encourage police to use the enforcement tools of ticketing and fines more frequently for those people under 19 years of age who are caught possessing liquor, using false identification or being in restricted premises selling liquor. Liquor retailers and the public should also be made more aware of the severity of these penalties.
11. Government should review enforcement penalties of LCLB and other jurisdictions to ensure that B.C.'s penalty levels are appropriate.
12. Due to the varying size and focus of licensed establishments, consideration should be given to how different types of penalties (e.g., a suspension versus a monetary penalty) may impact a licensee and staff.
13. LCLB should work with police agencies to explore implementing "last drink" programs across B.C. on a more concerted basis. If an impaired person's last drink was in a licensed establishment, LCLB can investigate and possibly levy penalties for overserving clients.
14. LCLB should have the authority to regulate the home delivery of alcohol and should consider that home delivery service providers require SIR certification.
15. Applicants and licensees seeking a review of LCLB decisions should have access to a new and separate decision-making body outside the licensing branch. The Ministry of Justice should review current processes and determine how best to provide independent decision-making for those seeking appeal.
16. Permit licensees to offer time-limited drink specials (e.g., happy hours), provided the price is not below a prescribed minimum consistent with those advocated by health advocates.
17. LDB should review its minimum pricing policy as it applies to all categories of liquor so that minimum prices are set at an appropriate level.
18. LDB should consider tying minimum prices to the amount of alcohol (e.g., a beer with seven per cent alcohol would have a higher minimum price than a beer with four per cent alcohol).

Retail and convenience

19. The Province should develop and implement a retail model that meets consumer demands for more convenience by permitting the sale of liquor in grocery stores. Government should continue to restrict the total number of retail outlets and require separation of grocery products and liquor. This reflects the views of health and safety advocates and the acknowledged safety benefits of restricting minors' access to liquor.
20. Introducing liquor in grocery stores should be phased in, giving public and private liquor stores time to adjust to the new retail model.
21. In consultation with industry, government should develop a policy that standardizes the types of non-liquor products that can be sold in liquor retail outlets.
22. As a grocery model is developed, government should look at consistency in operating hours for licensed, rural agency and manufacturer retail stores.

Economic Growth, Jobs, Tourism and Marketing

23. LDB should improve its marketing of B.C. liquor products in stores, developing new opportunities for product placement and innovative promotional and educational materials.
24. Government should work with industry and tourism associations to develop promotional materials such as maps, apps and brochures on B.C. wineries, breweries and distilleries.
25. Government should work with other Canadian wine-producing jurisdictions to jointly develop thematic wine promotions in each jurisdiction's liquor stores to promote Canadian wine.
26. Government should discuss establishing a quality assurance program for B.C. craft beer and artisan-distilled spirits (similar to the VQA wine program).
27. Manufacturers should be able to establish low-risk tasting venues such as a picnic area as part of their existing licence without the need to apply for a specific endorsement. Government should work with industry, local government and First Nations to increase flexibility for tasting options for manufacturers while being sensitive to potential negative impacts, such as noise, on the community.
28. Allow manufacturers to offer patrons liquor that was not produced on site (e.g., a winery could sell a beer to a visitor).
29. Government should consult with the Agricultural Land Commission about amending the Agricultural Land Commission Act regulations to allow manufacturers operating within the Agricultural Land Reserve to allow more people in consumption areas (e.g. lounges) and to sell liquor that was not produced on site.
30. Government should consult with industry and review the minimum requirements to obtain a brewery, winery or distillery licence. Government should also consider how these requirements are regulated by LCLB and LDB to ensure transparency and an effective regulatory system.
31. Government should permit B.C. liquor manufacturers to offer products for sample and sale at temporary off-site retail locations (e.g., farmers' markets), with appropriate conditions. The decision about whether to allow vintners, brewers and distillers to showcase their products at a particular location will be left to the location management (e.g., farmers' market association).
32. Allow patrons to buy bottles of liquor to take home that are showcased at festivals or competitions. Consider amending SOLs issued to festivals and competitions, or allow BC Liquor or private retail stores to operate a temporary store on site as the means to provide for these sales.
33. Allow manufacturers to have off-site locations where they can sample and sell their products to the public (e.g., permanent tasting rooms in a downtown store).

Licensing and cutting red tape

34. Minors, if accompanied by a parent or guardian, should be permitted in certain liquor-primary establishments.
 - a. Government should establish a reasonable time (e.g., until 9 p.m.) that respects both the family's choice to include minors in some events and the establishment's responsibility to ensure an appropriate environment for all.
 - b. Licensees should continue to have the option of an adult-only establishment.
 - c. For those establishments that currently offer gaming options, LCLB should have the authority to approve or deny whether minors are to be allowed based on a minor's

potential access to gaming. Minors should not be permitted in casinos or community gaming centres. As well, minors should not be allowed into establishments that offer adult entertainment.

35. The LCLB should clarify and modernize regulations with respect to food-primary operations, including lounge and kitchen requirements.
36. Food-primary licensees should continue to focus on food service, with a full menu available whenever liquor service is available. However, patrons should not be obligated to – or made to feel like they must – order food if they do not wish to eat.
37. Food-primary enterprises that wish to fully transition away from food service after a certain hour (e.g., 9 p.m.) – if, for example, they wanted to operate as a nightclub – will be able to apply for a licence endorsement, allowing them to operate like a liquor-primary licence during those hours only.
 - a. Minors would not be allowed in the establishment after that time.
 - b. To reflect the approach taken on liquor-primary licences, local government and residents should be consulted as part of the approval process.
38. Food- or liquor-primary licences should be available to other types of businesses, allowing a range of new establishments (e.g., spas, cooking schools, and galleries) to offer liquor to their clientele as an additional service.
39. Government should consult with UBCM, local governments and First Nations about streamlining the liquor application process. An applicant for a liquor-primary licence should be able to seek input from the local government or First Nation before or at the same time it applies to LCLB.
40. The criteria used by local governments and First Nations to evaluate an application from their community and then make a recommendation to LCLB should be determined by the local government or First Nation. This respects the role of local governments and First Nations in setting standards for assessing liquor-licence applications in their communities.
41. The provincial government should amend legislation so local government councils could, if they wish, give staff the authority to provide recommendations on licence applications (e.g., licence amendments involving a change in hours or capacity) directly to LCLB. This means local government recommendations would not have to be endorsed by a council resolution.
42. In the interest of customer service, First Nations, local and provincial governments should identify target timelines to resolve all applications related to liquor licensing.
43. Introduce online applications to simplify the process.
44. Government should create an annual SOL for organizations that hold occasional meetings or activities throughout the year. Licence holders could store unconsumed liquor for future events. The licence holder would be required to ensure the safe transport and storage of unconsumed liquor product.
45. Event organizers should be able to apply for a single SOL that covers multiple events held over several days at several locations.
46. Consult with police and local governments and First Nations to find ways to streamline their role in approving small-capacity, time-limited events (e.g., family wedding) that have little or no public safety risks for their communities.
47. Police should continue to be informed of all upcoming SOL events in their communities.

48. Remove the regulation that requires non-profit organizations to apply for an SOL for concerts and events. This will allow promoters who actually manage the event, to be responsible to meet all requirements of the liquor licence.
49. Permit businesses to obtain SOLs to raise funds for charity.
50. Permit hobby brewers and vintners to apply for an SOL to host competition events, allowing homemade beers and wines to be sampled by both judges and the public.
51. Except where it is not suitable from a public safety perspective, permit wholesale licensing for public events, eliminating "beer gardens."
52. Allow the sale of mixed-spirit drinks at public SOL events.
53. Allow hosts to serve UBrew/UVin or homemade beer or wine at SOL events (e.g., weddings, family reunions).
54. Government should consult with clubs to determine if there is interest in repealing the club designation, and reclassify the licence as food-primary or liquor-primary.
55. The provincial government should introduce a new licence class and streamlined application process for facilities (e.g., stadiums, arenas and theatres) that charge a fee for an event (e.g., a sporting event or play). Minors should be permitted to stay until the event ends.
56. There should be more drink choices (e.g., mixed spirits) for consumers, as in all other types of licensed establishments.
57. Liquor sales in arenas and stadiums should be permitted in all public areas. As part of this, stadiums should have increased flexibility to provide hawking services to patrons in both the seated and concourse areas, and throughout the scheduled event.
58. LDB warehousing and distribution systems should be modernized and streamlined. The wholesale ordering processes should be improved with the goal of better and more efficient service to clients.
59. Any establishment that sells liquor should be able to provide samples in a socially responsible manner.
60. Permit licensees to store liquor in secure, off-site locations, subject to notifying LCLB.
61. Individual establishments that are part of a larger company (e.g., chain outlets) should be able to transfer small amounts of liquor between locations.
62. Provide a more streamlined and time-sensitive application process to allow facilities such as ski hills and golf courses to temporarily extend their licensed area to another part of the property (e.g., a patio near a ski-hill gondola lift or a temporary patio near a golf clubhouse).
63. Permit patrons to carry liquor between adjoining licensed establishments (e.g., from the pub to the adjoining restaurant).
64. Allow hotel and resort patrons to carry liquor throughout designated areas of the hotel (e.g., carrying a glass of wine presented at check-in to the hotel room).
65. Extend the hours that patrons can receive liquor through room service.
66. Allow liquor-primary establishments to offer more liquor-free events for all-ages (e.g., music concerts).
67. Allow multi-use buildings (e.g., community centres) to use licensed space for non-alcohol related purposes.

68. Allow private and public retail liquor stores to sell growlers (refillable bottles) and operate refilling stations.
69. Change the regulations allowing UBrew/UVin members to change their name to Ferment-On-Premise (FOP) to be consistent with federal legislation.
 - a. Establishments can continue to call themselves UBrews/UVins if they choose.
70. Permit the owners and family members of UBrews and UVins to own other liquor-related establishments.
71. Remove or streamline the requirement that changes in corporate share ownership must be reported to LCLB, provided no new shareholders are added.

Change management

72. To make the required adjustment, the Ministry of Justice should develop an effective change management plan, which should include training and professional development for staff and consideration of appropriate LCLB resources.
73. Ensure that these recommendations, when taken in total, represent a significant reduction in red tape for businesses in the liquor industry in B.C., to support economic development.

Appendix E - Liquor Policy Review Implementation Table

(from the BC Liquor Control and Licensing Branch Website - Updated February 2, 2015)

This document notes the recommendations that have been implemented and provides links to the supporting documents for each change.

Implementation History

Ongoing: Recommendations 4, 7, 11, 12, 23, and 73
 February 2, 2015: Recommendation 43, 45 and 47
 November 24, 2014: Recommendations 62, 66 and 69
 October 27, 2014: Recommendation 42

June 21, 2014: Recommendations 31, 32 and 34
 June 20, 2014: Recommendations 16, 36, 53, 61, 63, 70
 May 30, 2014: Recommendation 60
 April 28, 2014: Recommendations 51, 52, 56 and 57

Recommendation	Related Documents	Application Forms
4. The Liquor Control and Licensing Branch (LCLB) should have the regulatory authority to require social responsibility public education material to be posted in all licensed establishments and liquor stores. These materials should be developed in consultation with industry.	<p><i>Note</i> LCLB will collaborate with public health officials and industry to develop effective and meaningful social responsibility educational campaigns for mandatory display in licensed establishments and liquor stores.</p> <p><i>Nothing will happen immediately. The LCLB will notify licensees about display requirements and send out materials over the coming months.</i></p>	
7. Serving it Right (SIR), the provincial government's responsible beverage service program, should be expanded and enhanced: <ul style="list-style-type: none"> a. Sales and service staff in restaurants, wine stores, rural agency stores and BC Liquor Stores who are not already required to have SIR certification should now be required to obtain it. Licensees, managers, and sales and serving staff should also be required to recertify. b. A focused, abridged and less expensive version of SIR should be developed for people who receive Special Occasion Licences (SOLs) or who serve at these events. This will help ensure they understand their responsibilities around responsible handling of liquor. c. SIR content should be updated to include information about: <ul style="list-style-type: none"> i. Canada's low-risk drinking guidelines. ii. the social and health costs of alcohol. iii. why alcohol is regulated. d. SIR should continue to ask recent graduates to evaluate the program, with the aim of developing and introducing improvements. 	<p><u>Policy Directive 14-20</u></p> <p><u>Factsheet on 2015 changes to SIR</u></p>	

Recommendation	Related Documents	Application Forms
11. Government should review enforcement penalties of LCLB and other jurisdictions to ensure that B.C.'s penalty levels are appropriate.	<u>Penalty Schedule Consultation Paper</u>	
12. Due to the varying size and focus of licensed establishments, consideration should be given to how different types of penalties (e.g., a suspension versus a monetary penalty) may impact a licensee and staff.	<u>Penalty Schedule Consultation Paper</u>	
16. Permit licensees to offer time-limited drink specials (e.g., happy hours), provided the price is not below a prescribed minimum consistent with those advocated by health advocates.	<u>Policy Directive 14-15</u>	
31. Government should permit B.C. liquor manufacturers to offer products for sample and sale at temporary off-site retail locations (e.g., farmer's markets), with appropriate conditions. The decision about whether to allow vintners, brewers and distillers to showcase their products at a particular location will be left to the location management (e.g., farmer's market association).	<u>Policy Directive 14-11</u>	<u>Farmer's Market Sales Authorization Request (LCLB049c)</u>
32. Allow patrons to buy bottles of liquor to take home that are showcased at festivals or competitions. Consider amending SOLs issued to festivals and competitions, or allow BC Liquor or private retail stores to operate a temporary store on site as the means to provide for these sales.	<u>Policy Directive 14-12</u>	<u>Permanent Change to a Liquor Licence (LCLB005b)</u> <u>Temporary Off-site Sales Authorization Request (LCLB091)</u>
34. Minors, if accompanied by a parent or guardian, should be permitted in certain liquor-primary establishments. <i>a. Government should establish a reasonable time (e.g., until 9 p.m.) that respects both the family's choice to include minors in some events and the establishment's responsibility to ensure an appropriate environment for all.</i> <i>b. Licensees should continue to have the option of an adult-only establishment.</i> <i>c. For those establishments that currently offer gaming options, LCLB should have the authority to approve or deny whether minors are to be allowed based on a minor's potential access to gaming. Minors should not be permitted in casinos or community gaming centres. As well, minors should not</i>	<u>Policy Directive 14-13</u>	<u>Application to Allow Minors (LCLB045)</u>

Recommendation	Related Documents	Application Forms
<i>be allowed into establishments that offer adult entertainment.</i>		
36. Food-primary licensees should continue to focus on food service, with a full menu available whenever liquor service is available. However, patrons should not be obligated to – or made to feel like they must – order food if they do not wish to eat.	Food Primary Guide	
42. In the interest of customer service, First Nations, local and provincial governments should identify target timelines to resolve all applications related to liquor licensing.	Letter to Local Government and First Nations	
43. Introduce online applications to simplify the process.	Special Occasion Licences Online (SOLO) website SOLO FAQ	
45. Event organizers should be able to apply for a single SOL that covers multiple events held over several days at several locations.		
47. Police should continue to be informed of all upcoming SOL events in their communities.		
51. Except where it is not suitable from a public safety perspective, permit whole-site licensing for public events, eliminating “beer gardens.”	Policy Directive 14-02 Special Occasion Licence Policy Manual Major Events Terms and Conditions Guide	
52. Allow the sale of mixed-spirit drinks at public SOL events.		
53. Allow hosts to serve UBrew/UVin or homemade beer or wine at SOL events (e.g., weddings, family reunions).	Policy Directive 14-08 Special Occasion Licence Policy Manual	
56. There should be more drink choices (e.g., mixed spirits) for consumers, as in all other types of licensed establishments.	Policy Directive 14-03	
57. Liquor sales in arenas and stadiums should be permitted in all public areas. As part of this, stadiums should have increased flexibility to provide hawking services to patrons in both the seated and concourse areas, and throughout the scheduled event.	Policy Directive 14-03 Liquor Primary Terms and Conditions Guide	To apply for a change to allow hawkers or to expand the area in which they can sell, use form LCLB045b (Stadiums only)
60. Permit licensees to store liquor in secure, off-site locations, subject to notifying LCLB.	Policy Directive 14-05	Off-site Storage Notification form (LCLB027)

Recommendation	Related Documents	Application Forms
61. Individual establishments that are part of a larger company (e.g., chain outlets) should be able to transfer small amounts of liquor between locations.	<u>Policy Directive 14-09</u>	
62. Provide a more streamlined and time-sensitive application process to allow facilities such as ski hills and golf courses to temporarily extend their licensed area to another part of the property (e.g., a patio near a ski-hill gondola lift or a temporary patio near a golf clubhouse).	<u>Policy Directive 14-16</u>	<u>Application for a Temporary Use Area (TUA) Endorsement</u> <u>Security Plan Template for TUA Activations</u>
63. Permit patrons to carry liquor between adjoining licensed establishments (e.g., from the pub to the adjoining restaurant).	<u>Policy Directive 14-10</u>	
66. Allow liquor-primary establishments to offer more liquor-free events for all-ages (e.g., music concerts).	<u>Policy Directive 14-18</u>	
69. Change the regulations allowing UBrew/UVin members to change their name to Ferment-On-Premise (FOP) to be consistent with federal legislation. Establishments can continue to call themselves UBrews/UVins if they choose.	<u>Policy Directive 14-17</u>	
70. Permit the owners and family members of UBrews and UVins to own other liquor-related establishments.	<u>Policy Directive 14-08</u>	

**Appendix F – Excerpt from the City of Vancouver’s License Bylaw
Relating to Liquor Establishments**

19.2A (1) The licensee of a liquor establishment must:

- (a) wear, and cause each employee who works in the liquor establishment as a manager, door attendant, server, busser, or security person to wear, a name plate that is clearly visible and that shows an identification number;
- (b) maintain a list showing the full name, address, telephone number, and identification number of any person required to wear such a name plate;
- (c) allow the Inspector or Chief Constable to inspect and copy such list at any time;
- (d) require that all serving and bar staff participate in a training program, satisfactory to the Inspector, that includes responsible serving practices, emergency procedures, preventing and managing aggressive behaviour, awareness of drug use and abuse, and city and provincial operating regulations;
- (e) ensure that each new employee completes the training program referred to in section 19.2A(1)(d) within 120 days from his or her date of commencing employment;
- (f) maintain a list showing the full name of each employee including the employee’s date of employment, and completion date of training;
- (g) allow the Inspector, Chief Constable, or city Fire Chief to inspect and copy such list at any time;
- (h) refrain from selling, or offering for sale, an alcoholic beverage at a retail price of less than \$3.00 per standard serving, inclusive of taxes, being:
 - (i) one fluid ounce of spirits having an alcoholic content of 17% or more, served on its own or in a mixed beverage,
 - (ii) five fluid ounces of wine having an alcoholic content of 1.5% or more, or
 - (iii) 20 fluid ounces of beer, cider or a cooler, having an alcoholic content of 1.5% or more;
- (i) calculate pro rata the minimum price of an alcoholic beverage containing a fraction of one standard serving;
- (j) use all reasonable efforts to conduct business in such a manner that customers awaiting entry into the liquor establishment do not obstruct sidewalks or entry or exit areas;
- (k) if any part of the liquor establishment is less than 61 metres from any exterior wall of a residential use, ensure that:
 - (i) except in case of emergency, customers enter or exit the liquor establishment only by doors that have direct street access or access to a legal patio, and
 - (ii) except for the purpose of entering or exiting, all doors and windows of the liquor establishment remain closed between 11 p.m. and 9 a.m.;
- (l) be present, or appoint a designate who has management experience to be present, in the liquor establishment when it is open;

- (m) post signage that is clearly visible to customers, and satisfactory to the Inspector:
 - (i) on the interior wall of the liquor establishment, directly adjacent to all exits, requesting customers to respect the adjacent neighbourhood as they leave, and
 - (ii) outside each entry to the liquor establishment, providing a management contact number for complaints during operating hours; and-
 - (n) after closing each day and before 7 a.m., clean up all litter associated with the liquor establishment in and about the exterior of the liquor establishment.
- (2) The licensee of a standard hours liquor establishment - class 7 or extended hours liquor establishment - class 7 must:
- (a) maintain, at the liquor establishment, a current list of names and addresses of members of the club in which the liquor establishment is situate;
 - (b) allow only members of the club and their guests, as permitted by this section, to attend the liquor establishment;
 - (c) require members to sponsor guests, and to sign in the guests in a guest register including the name and address of the guest and the date; and
 - (d) allow the Inspector or Chief Constable to inspect and copy the guest register at any time, and retain any guest register for two years.
- (3) The licensee of a standard hours liquor establishment – class 3, standard hours liquor establishment – class 4, standard hours liquor establishment – class 5, standard hours liquor establishment – class 6, extended hours liquor establishment – class 3, extended hours liquor establishment – class 4, extended hours liquor establishment – class 5, or extended hours liquor establishment – class 6 must:
- (a) require that each employee the licensee hires to provide security, and uses to satisfy the requirements of subsection (c), participates in a training program, satisfactory to the Inspector, that includes access control, search techniques, personal safety, conflict management and incident report writing;
 - (b) ensure that each employee referred to in subsection (a) completes the training program referred to in section 19.2A(3)(a) within 120 days from his or her date of commencing employment;
 - (c) ensure that at least one trained security employee for every 150 customers, based on the total liquor license capacity of the liquor establishment, and at least two staff members, are on duty in the liquor establishment from and after the earlier of:
 - (i) 9 p.m., and
 - (ii) the number of customers exceeding 150,
 - (iii) until closing.
- (4) The licensee of an extended hours liquor establishment must:
- (a) install and maintain surveillance cameras at all entrances and exits to and from the liquor establishment, and in any parking lot on the property of the liquor establishment;

- (b) position and maintain the surveillance cameras to record all activities at the entrances, exits, and any parking lot referred to in subsection (a) during all hours the liquor establishment is open for business and during all hours customers are entering or exiting the liquor establishment or parking lot;
 - (c) ensure that the surveillance cameras produce useable images; and
 - (d) retain the video tapes for at least 21 days.
- (5) The licensee of a standard hours liquor establishment – class 5, standard hours liquor establishment – class 6, extended hours liquor establishment – class 5, or extended hours liquor establishment – class 6 must ensure that one employee who has first aid certification is on duty in the liquor establishment from and after the earlier of:
 - (a) 9 p.m., and
 - (b) the number of customers exceeding 500, until closing.
- (6) The licensee of an extended hours liquor establishment – class 3, extended hours liquor establishment – class 4, extended hours liquor establishment – class 5 or extended hours liquor establishment – class 6 must:
 - (a) between 9 p.m. and closing, at each entrance, screen, by use of a metal detector, every person who wishes to enter or re-enter the liquor establishment, and that person's belongings;
 - (b) if using a hand-held metal detector, complete a full, front and back, head to toe body scan of each person; and
 - (c) if a metal detector positively indicates metal in connection with a person or his or her belongings and if the person cannot eliminate the positive indication, refuse the person entry to the liquor establishment.
- (7) The licensee of an extended hours liquor establishment, except for an extended hours liquor establishment – class 1, must:
 - (a) submit, with the application for a license, an acoustical report, prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the design and construction of the establishment is capable of ensuring identified maximum permissible sound levels generated from the liquor establishment will comply with the noise or sound level requirements of the Noise Control By-law that apply to the liquor establishment; and
 - (b) if the acoustical report requires the installation of bass and sound-level limiting equipment on sound systems, set such equipment to warn the licensee when the sound levels of such sound systems are within five decibels (dBA or dBC) of the limits set out in sections 11D and 11E of the Noise Control By-law.

Appendix G – Excerpt from the Victoria Downtown Residents Association Website

(<http://victoriadra.ca/2014/10/recap-downtown-victoria-livability-solutions-town-hall-meeting/>)

Recap: Downtown Victoria Livability Solutions Town Hall Meeting

The CRD projects that the residential community in the Downtown Core Area will grow by approximately 10,000 people in the next 30 years.

On Wednesday October 1, 2014, the Victoria DRA hosted a discussion forum to come up with solutions for present and future livability issues facing residents of Downtown and Harris Green neighbourhoods. Attendees had the opportunity to liaise with fellow community members to identify and deliberate items of specific concern to the residential community of downtown.

1. After hours bar noise:

Suggestions were for improved training for service staff regarding over serving patrons. The Serve It Right program needs to be implemented in all facilities. Perhaps a re-certification program could help with this issue. A shorter-term solution could be to provide Liquor Branch with concerns with specific establishments as complaints about specific operators will result in their being under greater scrutiny. The high amount of bars and restaurants in the core makes it difficult for inspectors to check every place on a regular basis. Concerns are public safety and public interest. Only a few party-goers cause the problems. Directing a program to partygoers via media such as twitter. "Don't be that guy or girl." "Be respectful, remember this is our neighbourhood." Staggered closing hours. When a large event is happening; i.e. Canada Day; have no close time. When patrons can then exit at any time through the night, the police and streets are not overloaded. Late Night/Great Night has 4 officers dedicated to the core area. Their policy is to disperse people as quickly as possible. Thereby helping to eliminate fights and loud arguments. Lollipops have been handed out to exiting patrons, which has proved to be a good solution to the loud voices. Coffee and treats were another suggestion. More temporary food stands. Area residents should speak directly with owners of establishments. Don't add any more liquor primary locations in the core. Many patrons are from outside our area. Concerns also were taxis not using designated stands. Suggestion was to hand out tickets to noisy people. The Police Chief explained that being drunk is not against the law.

Solutions to follow up;

- Social Media Campaign
- Advise Liquor Branch on problem areas.
- Inform Bylaw Officer of taxi stand issues.