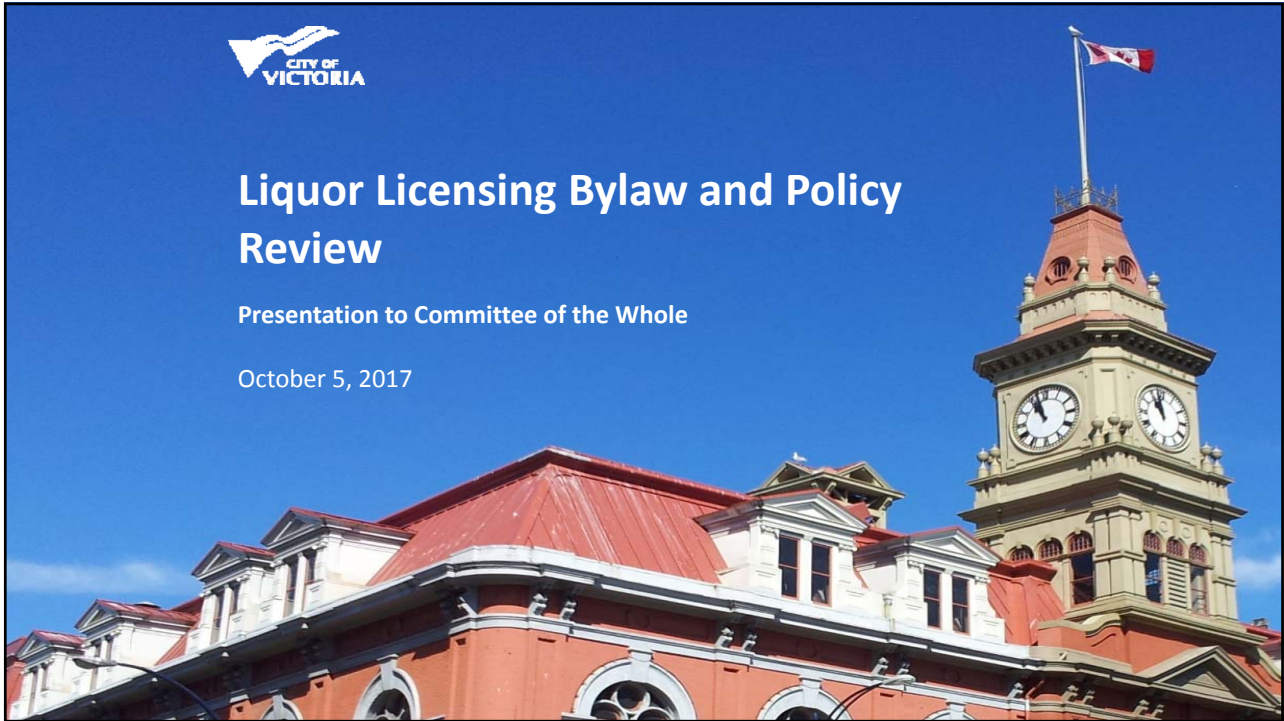




Liquor Licensing Bylaw and Policy Review

Presentation to Committee of the Whole

October 5, 2017



Background

May 2017 – Council directed staff to amend the Liquor Licensing Policy and Fee Bylaw to incorporate the following direction

1. *Communicate to the Liquor Control and Licensing Branch (LCLB) that the City of Victoria will continue to receive all Liquor Licence applications, however, staff will, on Council's behalf, "opt out" of providing comments for the following types of applications:*
 - a) *Liquor Primary with licensed service up to 10:00 pm and having an occupant load less than 31 persons.*
 - b) *Manufacturer with Lounge Endorsement, Special Event Area, or Picnic Area with licensed service up to 10:00 pm and having an occupant load less than 31 persons.*
 - c) *An extension to hours of licensed service for all licence types up to 3:00 am on New Year's Eve.*
 - d) *The addition of an Entertainment Endorsement to any Food Primary with licensed service up to 12:00 am.*
2. *Direct staff to update the Liquor Licensing Fee Bylaw and return to Council for first reading no later than July 30, 2017 to:*
 - a) *Introduce an Application Fee of \$200 for receiving the application types listed in 1 above that are referred to the City by LCLB.*
 - b) *Consolidate the current two step fee into one \$750 fee, which includes public notification costs, for application types requiring a Council resolution.*
 - c) *Remove the fee of \$25.00 for a staff assessment of a special occasion liquor licence as it is unnecessary due to current LCLB process.*
 - d) *Maintain the fee of \$40.00 for a staff assessment of licence applications for a temporary change to a liquor licenses' terms and conditions.*
3. *Set the public notification radius to 100 metres and maintain the notification period of 30 days.*
4. *That staff report back on the implications and opportunities of creating Good Neighbour Agreements with all Food Primaries open after midnight, directly adjacent to residential properties.*

Policy and Bylaw Changes

- Opt-out of providing resolutions for application types qualifying as low impact
- Harmonize notification radius for public notifications with rezoning applications at 100m.
- Requirement for notification to Community Association
- Introduce new fee for applications opted out of by the City
- Simplify process through removal of fee installations – one fee for normal applications and no increase to fee rates
- Remove blanket requirement for Good Neighbour Agreements.
- Good Neighbour Agreements reserved for problem operators of any licence variety to be used to emphasize enforcement actions.

Opt Out of Providing Resolutions for Low Impact Application Types

- Liquor Primary, Manufacture's Lounge Endorsements, Special Event Areas and Picnic Areas;
 - less than a 31 person occupant load,
 - closes before 10:00 pm
- Temporary extension of hours for all licence types up to 3:00 am on New Year's Eve
- Entertainment Endorsements for Food Primaries closing before 12:00 am
- All other application types requiring Local Government acceptance will go through the regular process of staff review, public notification and Council consideration.

Public Notification Standards

- 30 Day comment period
- Mailed notice sent to all addresses within 100m of the establishment
 - Currently, there is no policy standard for the notification radius but 50m has been used in practice.
 - Increase notification radius to 100m, equivalent to notification radius for rezoning applications.
- Community Association is notified

Good Neighbour Agreements (GNA)

Rationale

- Very high percentage of operators are responsible and cause no issues
- GNAs are not relied on for enforcement action
- GNAs do not fill a void in enforcement capabilities
- GNAs are outdated and blurs or are in conflict with jurisdictional boundaries of LCLB, Vic PD and Bylaw.
- Blanket GNA requirement requires additional staff to administer and little value is derived from the requirement.
- Using GNA's discretionally supports small business through reduced bureaucracy, recognizes high percentage of responsible operators and provides value as tool of emphasis for enforcement actions

Good Neighbour Agreements (GNA)

Recommendation

- Do not create blanket requirement for Food Primaries that are open after midnight and adjacent residential areas to enter into GNA
- Removal of blanket requirement for all Liquor Primaries to enter into a GNA
- Use Good Neighbour Agreements as a tool of discretion to emphasize reoccurring enforcement actions for irresponsible operators of all licence types.