

Governance and Priorities Committee Report

Date: December 13, 2013 **From:** Robert Woodland, Director of
Legislative and Regulatory Services

Subject: Application for a Liquor Primary Licence, **Peacock Billiards Ltd.** 1175C
Douglas Street

Executive Summary

The purpose of this report is to seek a Council resolution regarding an application by Peacock Billiards Ltd. Located at 1175C Douglas Street for a Liquor Primary Licence. This is a new licence application and will require Council to receive input from the public through a public hearing as set out in the Liquor Licensing Fee Bylaw and the City's Liquor Licensing Policy and Process. The applicant currently holds a Food Primary Liquor Licence within the same premises (James Joyce Bistro) which has an occupant load of 120 persons and operating hours of 11:00h to 02:00h daily.

The proposed hours of liquor service would be from 11:00h to 02:00h daily and the liquor service area would be restricted to an area that includes just over 1/3 of the area where the billard tables are located in the business. The occupant load for the proposed license area is 60 persons. Minors would be excluded from a portion of the premises within the proposed liquor primary licence service area.

Recommendation:

That Council, after conducting a review of the staff assessment of the application for a Liquor Primary Licence for **Peacock Billiards Ltd.**, located at 1175C Douglas Street and in accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy approve:

1. The scheduling of a Public Hearing before Council to receive written and oral submissions from residents, property owners and the public with respect to this application, and
2. Based upon the results of the public input received through the public hearing process, approve a resolution (with comments on the relevant factors) either supporting the licence application or not supporting the licence application. The appropriate resolution will be brought to Council at the earliest opportunity after completion of the public hearing.

Respectfully submitted,



Mark Hayden
Manager, Bylaw and
Licensing Services



Robert Woodland
Director Legislative and
Regulatory Services

Purpose

The purpose of this report is to seek Council direction regarding a Liquor Licence application by Peacock Billiards Ltd., in relation to their proposed liquor primary business located in their billiard parlour at 1175C Douglas Street.

This is a new application requesting the ability to provide liquor service as part of a billiard parlour business. The maximum proposed hours of service would be from 11:00AM to 2:00AM daily which matches the hours of operation for the billiard parlour business and the Food Primary liquor licence business (James Joyce Bistro) already in operation within the same premises. The proposed occupant load is 60 persons (includes patrons and staff) which would encompass just over 1/3 of the area where the billiard tables in the billiard parlour portion of the business.

Background

Peacock Billiards Ltd. is located at 1175C Douglas St. at the SE corner of Douglas and View Streets. The billiard parlour has been in operation for approximately 32 years (~ 10 years at this location). This application is meant to allow adult patrons of the billiard parlour to be able to consume an alcoholic beverage while playing a game of pool or billiards without having to leave the playing area. If approved, this area (36% of the billiard table space in th business) would be structured to exclude minors. Plans would be forthcoming from the Liquor Control and Licensing Branch (LCLB) if the application is approved. A Letter of Intent from the business owner is attached in the Appendix to this report as well as the Application Summary prepared by the LCLB.

Location

Official Community Plan:

- The OCP designates the property within the "Primary Centre".
- The area is designated within Development Permit Area 2 (Heritage Conservation) Core Business

Downtown Core Area Plan:

- The property is within the "Central Business District" (CBD).
- The CBD is the main employment centre not just for Victoria, but for the Region as a whole. With its concentration of higher density office buildings, this helps to attract and retain a range of supporting commercial uses – such as restaurants, cafes, convenience stores, office supply stores, retail stores, hair salons and other personal service businesses, as well as major banks and other financial institutions - to provide the daily amenities and services required by the businesses, employees and residents within the CBD.

Zoning:

- The property is zoned CA-4, Central Area Commercial Office District.
- This zone permits a mix of uses including restaurants, call centres, clubs, theatres, retail sales, transient accommodation and office space. A pool hall is an approved use in this zone.

Neighbourhood Compatibility:

- The closest residential use is at 706 Fort Street. It is a five-storey residential rental building with ground floor retail.
- The subject property is included in the "Intermediate District" under the Noise Bylaw.

The Sustainable Planning & Community Development Department has no objection to the application as the use is permitted.

Liquor Control and Licensing Branch

The General Manager of the provincial Liquor Control and Licensing Branch (LCLB) issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations. Local government is to provide comments and recommendations to the LCLB on all new liquor-primary licence applications regarding the following criteria:

- a) The location of the establishment;
- b) The proximity of the establishment to other social or recreational facilities and public buildings;
- c) The person capacity and hours of liquor service of the establishment;
- d) The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location;
- e) The impact of noise on the community in the immediate vicinity of the establishment; and
- f) The impact on the community if the application is approved.

Relevant City Policy / Bylaw

- a) Liquor Licensing Policy;
- b) Liquor Licensing Fee Bylaw.

Issues and Analysis

As stipulated in the *Liquor Control and Licensing Act*, Council has been requested to provide input to the LCLB with respect to this application. Under the City's Liquor Licensing Fee Bylaw and the City's Liquor Licensing Policy, Council is required to hold a public hearing to receive input on new applications for a Liquor Primary Licence, such as this application.

Under the rules established by the Liquor Control and Licensing Branch, Council does the ability to "opt out" of providing comment on this application. As proceeding to opt out is contrary to the City's Policy on Liquor Licensing, that option has not been further explored in this report.

It is expected that there may be more than usual public interest in this application as it is the first application for a Liquor Primary Licence by a billiard parlour in the City.

Within a 2 block radius of Peacock Billiards, there are 5 other Liquor Primary Licensed establishments with a total patron capacity of 1072 seats. Details are set out in the table:

VENUE	HOURS	SUNDAY HOURS	SEATING TYPE	TYPE
Army, Navy and Air Force Veterans, # 12	11:00h to 01:00h	11:00h to midnight	80	Liquor Primary Club - Private
Irish Times Pub	11:00h to 01:00h	11:00h to 01:00h	250	Public House
Touch Lounge	19:00h (7:00PM) to 02:00h	19:00h (7:00PM) to 02:00h	400	Cabaret
Boutique Lounge	19:00h (7:00pm) to 02:00h	19:00h (7:00pm) to 02:00h	292	Cabaret
Dalton Hotel (DORMANT)	11:30h to 01:30h	11:30h to midnight	50	Hotel

Bylaw Enforcement

The Bylaw and Licensing Services Division has minor concerns with the application. There have been 3 proven contraventions of the *Liquor Control and Licensing Act* and regulations by the operator in relation to their Food Primary Licence within the same premises in the past 2 years.

The 3 infractions relate to:

- Fail to take liquor from patrons with ½ hour of closing [s. 44(1)(b) - Liquor Control and Licensing Regulation];
- Operating contrary to primary purpose [s. 8 - Liquor Control and Licensing Regulation]; and
- Allow minor to consume liquor on premises [s. 33 - *Liquor Control and Licensing Act*].

If this application is ultimately approved, the applicant would need to complete a Good Neighbour Agreement in accordance with the requirements of the Business Licence Bylaw. This would become a condition of their City issued business licence.

Engineering & Public Works Department

The Downtown Community Development Section (DCDS) believes that:

- Providing a variety of entertainment options in the downtown, such as a billiard hall, helps provide a diversified late night offering. It is understood that the increased sale of liquor through a liquor primary licence is likely to contribute to the viability and/or profitability of the business.
- There are no hotel rooms or residences nearby that would be affected by this application.
- Downtown Victoria currently has over 9,000 licensed seats which are considered active as publicly accessible late night entertainment venues (i.e. excluding rugby clubs, etc.) with Saturday closing times at 1:00am (32%), 1:30am (9%) and 2:00am (59%). Closing times are usually the same for Friday and often also for most weekdays. The applicant's location is on Douglas Street in an area of concentration of bar patrons exiting the downtown at 2:00am, including 1,828 seats from the nearby Strathcona Hotel and Touch Lounge and from the 120 seat food primary capacity of the venue itself.

The DCDS's concern is that increasing the licensed capacity for late night closing times in this area will contribute (albeit incrementally) to issues with a shortage of transportation and public disorder which often occur in this vicinity during these hours. The DCDS is therefore, on balance, not supportive of increasing the number of late night liquor primary licencees in this location at this time.

Police

The Police Department has no concerns with respect to nuisance or noise issues. They note that the overall occupancy of the business will not change and the addition of 60 LP patrons is minor. From a design perspective, the police do have some concerns about liquor primary locations being below ground level. Underground locations can at times cause concerns from a police response perspective and obviously it can make it difficult to observe suspicious or illegal activity from the street. That stated, they have no specific objection to this application being approved as requested.

Official Community Plan Consistency Statement

As the request by the applicant is congruent with the Zoning Regulation Bylaw requirements this request, if approved, is consistent with the OCP.

Financial and Staff Capacity Assessment

Not applicable. This issue has no direct staffing or other resourcing impacts.

Public Engagement and Consultation

If Council endorses the recommendation of this Report, in accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, all owners and occupiers of property within 100 metres of the applicant's location will be solicited by mail to provide input regarding this application and invited to attend the Public Hearing. In addition, the business will be required to display posters at the access points to their business for a minimum 3 week period which will also invite the public to provide input to the City with respect to this application and to attend the Public Hearing.

Conclusions

As required under the City's bylaws and policy, the staff review has been completed and has identified no barriers to this application proceeding to the next step – public consultation via a public hearing before Council.

If the recommendations are approved, staff will arrange to receive public input via a public hearing in accordance with City policy within 30 days. A final Report to Council would be prepared and submitted summarizing the results of the Public Hearing. This report will also provide a draft Resolution for submission to the Liquor Control and Licensing Branch for Council's consideration.

Recommendation

That Council, after conducting a review of the staff assessment of the application for a Liquor Primary Licence for **Peacock Billiards Ltd.**, located at 1175C Douglas Street and in accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy approve:

1. The scheduling of a Public Hearing before Council to receive written and oral submissions from residents, property owners and the public with respect to this application, and
2. Based upon the results of the public input received through the public hearing process, approve a resolution (with comments on the relevant factors) either supporting the licence application or not supporting the licence application. The appropriate resolution will be brought to Council at the earliest opportunity after completion of the public hearing.

APPENDICES

From: David & Helen Peacock, owners
Peacock Billiards Ltd. and the James Joyce Bistro
1175 C Douglas St Victoria, BC V8W 2E2 250-384-3332 david@peacockbilliards.com

LIQUOR PRIMARY LICENCE APPLICATION – LETTER OF INTENT

1. PURPOSE & INTRODUCTION

Peacock Billiards needs a separate Liquor Primary Licence for one area to accommodate customers who view a beer as a civilized adjunct to a game. The licence would NOT be for the whole 6,000 sq ft billiard parlor, but only half. This area would be separated from the dry billiard-playing half.

We presently have a Food Primary Licence in the 2,000 sq ft restaurant area – the James Joyce Bistro. This allows us to serve alcohol in the Bistro and requires food service of a set menu during all hours of operation. But under this Food Primary Licence we cannot serve alcohol at the pool tables. **But a poolroom with a LP licenced area is now possible with the LCB. The City of Victoria could allow this & set their own conditions.**

Currently in Victoria pool-with-beer is possible only in the pubs, clubs, and Legions. This little monopoly creates an **out-of-level playfield** (anathema in billiards), is **structurally unfair** and has been **the death of ten poolhalls** in Greater Victoria since 1997.* It is not a matter of the authorities favoring my business. It is up to them to say if my category of business – poolhalls – can succeed.

Peacock Billiards is a unique cultural achievement. Family owned and operated, it's been an institution in Victoria for 32 years. The City itself has said that Peacock Billiards has not been a drain on police resources in the past because the business focus remains consistent: operating a reputable pool hall. For a long time now we have enforced stringent rules of behavior regarding the consideration due to other players and to the equipment. We won't let this licence change that.

*Victoria: The Goose (after 40 years) Cues on View, Red Rock City, Billiards Gallery, Bridge Street
Greater Victoria: Off the Break – Langford, Q-Ball Billiards – Esquimalt, ?? - Sooke, Kivell's – Sidney, ?? - Esquimalt Rd

2. TARGET MARKETS

A. URBAN & SUBURBAN LOCALS

My current customers are well known to me:

Gender 60% are male, 40% female – more women than any poolroom anywhere.

Age group 20% are over 40 55% are 19-40 25% are under 19

Customer locality Players come from all over Greater Victoria; it's not only the most beautiful poolroom, it's the only one.

Income levels Our rates reflect our quality – you need a job or a parent to play.

Occupations Customers I know work as: electricians, students including ESL students, carpenters, chefs, lawyers, bus drivers, psychoanalysts, artists, waiters, retirees, professors, government workers, grandmothers – pretty much everyone.

People who want to hang out without paying are not customers and are soon asked to leave.

B. HOSPITALITY/TOURISM

Because we were selected Best New Poolroom by Billiards Digest in 2007 this is a destination for some ardent billiards tourists. A couple from Texas pulled themselves away to go to Butchart Gardens, but otherwise spent every waking hour of their two-day visit here. The James Joyce Bistro is also a uniquely focused attraction for a much smaller contingent of fans. But locals, who can come again and again, are vastly more important to the business than tourists.

3. COMPOSITION OF THE NEIGHBORHOOD WITHIN TWO BLOCKS

A. The property is zoned CA-4 Zone, Central Area Commercial Office District. The site of Peacock Billiards borders on the City's entertainment district but is outside the high density core of clubs and restaurants.

A church is at Blanshard & View along with its rectory. And another at Broughton & Douglas.

Several English as a Second Language schools are nearby

Several English as a Second Language schools are nearby.

There is one residential use within 100 meters (the rectory beside St. Andrew's Cathedral) which makes the business compatible with the neighboring land uses. Residences within a 200 m radius are: upper level apartment at 623 Fort Street, 632 Yates Street, 1314 and 1315 Broad Street, and 1308 Douglas Street

B. TRAFFIC IN THE VICINITY AND PARKING:

Much of the business is walk-in. There is no on-site parking, but the adjacent 700 block of View St has 16 metered spaces and 20 more non-metered spaces after 6pm. The View Street Parkade is one half block away and has 50 spaces.

D. OTHER LICENCED ESTABLISHMENTS

The business is within 100 metres of the Touch Lounge (400 LP seats), the Army and Navy Veterans (80 LP seats) and Herman's Jazz Club (150 LP seats).

4. BENEFITS TO THE COMMUNITY:

A. Real pool, not bar pool

Pubs have a lock on beer-with-pool but provide little. Pool tables in the pubs are the worst possible: oversize pockets, dirty cloth, unlevel, in cramped circumstances. Management spends no money on them; they are there just to keep customers drinking. You'll have to wait in line to play your one game against the stranger who is holding the table. If you manage to beat him, then you can play your friend just once, then you have to play another stranger. Try not to be distracted by strippers and loud music.

Bars typically have only one or two tables. We have 28 tables to choose from, so you can play a series of games with your friends. You won't have to sit idly drinking while you wait for your turn to play. Other players are quiet so you can concentrate. Practice time alone is necessary to improve your game, but you can't have a table to yourself for an hour at the pub. Our tables are of five different sizes and allow all types of games; not just 8-ball snooker, English billiards, 9-ball, straight pool, one-pocket, even pocketless European billiards and its rare Korean 4-ball version. These tables are tournament quality and all fine furniture. They can be leveled to a degree not conceivable with the coin-operated tables in the bars.

Seating is plentiful on leather sofas & stools. And you won't be crowded here because you have 200 sq ft per table for your party of four. Where else in a public venue do you have this much elbow room?

B. ART & CULTURE IN A POOLHALL?

This is NOT your father's poolhall. He did not want his son to go near such a place, let alone his daughter. For most of the last century poolhalls have been low-budget places with low-budget customers. We went in another direction entirely – made everything the best possible and charged higher rates. We were counting on the general public enjoying a luxurious place to play this great game, rather than the billiard die-hards with little to spend. Peacock Billiards was named Best New Poolroom by the premier pool magazine Billiards Digest in 2007. The editor said "I've never seen any hall like this, and I've seen them all."

Peacock Billiards and the James Joyce Bistro offer an oasis of art and culture renowned throughout the city and beyond. We have been featured in Monday, Focus, and Douglas magazines, the Victoria Times-Colonist, and Billiards Digest for our artwork. Frank Lewis - Canada's pre-eminent muralist – improved the cityscape with the 1,000 sq ft art deco mural outside of 834 Johnson St in 1992. Fortunately we were able to bring most of this mural into the new poolroom. We also moved his 4x16 foot painting of David, Helen, and Cliff Thorburn - Victoria 1980 World Champion of Snooker.

In 1996 17-year-old Anne Ehrlich started her creative career with an 8x10 foot enlargement of a van Gogh that centers on a billiard table – it took a year of Saturdays. The next year it was another 8x10 of the same billiard table by Paul Gauguin. Her renditions are exact – except for the insertion of Shakespeare, James Joyce, and her father. Next she painted an 8x10 of the interior of our poolhall with eight portraits. Then a 6x10 original composition of the Bella Coola valley including her home. We had to leave her 1,000 sq ft reproduction of Sesshu's "Jinta Waterfall" at our previous location on Johnson because it was painted directly on the wall. Finally, while attending Emily Carr in Vancouver, another 5x9 Gauguin. (She is now an architect.)

In 2007, for no good commercial reason, I indulged my passion for *Ulysses* in setting up the restaurant as a shrine to James Joyce. Well-known Victoria artist Robert Amos, my friend of 30 years, has been doing calligraphy from the formidable *Finnegans Wake* for a dozen years. Joyce's words & image now cover 5 wallpanels, 16 tables,

bars, and a door. The work of fanatics, perhaps, but it looks great and the patrons love it. This environment draws book clubs to meet here including a Shakespeare reading group. Bloomsday is June 16th the day Ulysses takes place; 60 Joyceans show up to read from the books and sing the songs.

C. Youth

Youth are obviously NOT part of my target market for alcohol. But this is an important clientele for the business because they have free time and remain loyal customers as adults. Under this proposal half of the poolroom will be dry with no alcohol passing through dry areas and no need for underage patrons to pass through the licenced part of the poolroom.

Parents and teachers for three decades have praised Peacock Billiards as a safe place that is still interesting to youth. Virtually every local high school brings PE and other classes here on a regular basis to receive instruction and play pool. The ESL schools nearby actively introduce their students to our place at the beginning of each semester. We will continue to defend this important clientele by our vigilance in checking IDs and enforcing boundaries.

Our many under-age customers would have nowhere at all to play pool if we didn't exist.

D. Reputation, reputation, reputation

For three decades Peacock Billiards - family owned and operated - has been a good corporate citizen of Victoria. We have redefined what a poolhall can be. From the beginning we didn't allow smoking. We were the first billiard parlour in North America to do so, long before any level of government dared to implement such a policy.

The city has recognized that Peacock Billiards adds vibrancy and a unique entertainment option that contributes to the diversity in recreational activities in the downtown core. Before we took possession of this failed downstairs mall, it was a dead space in the heart of downtown that attracted derelicts. The building owners wanted some life in the basement, which we have provided. The luxurious environment and strict rules also have a good effect on customer behavior.

Large discounts are given to groups like the Boys and Girls Club, Big Brothers, and those with handicaps as well as the high schools. Cliff Thorburn has given exhibitions here that netted \$900 for the Boys and Girls Club last time, \$400 of it from the business directly.

If an owner's history of management means anything to our 'City Parents' we should be trusted with this licence.

5. NOISE IN THE COMMUNITY:

We are in the intermediate Zone of the Noise Bylaw which allows for a higher threshold for noises. Nonetheless, noise is not a problem; pool is a quiet game. Ping Pong & Foosball a little less so. Music outside is not contemplated.



APPLICATION SUMMARY

For Applicant and Local Government/First Nations

Date: October 7, 2013

Job # 021357404-1

Created by: Janine Lind

Re: Application for a Liquor-Primary (LP) Licence
Applicant: Peacock Billiards Ltd.
Proposed Location: 1175C Douglas Street, Victoria
Proposed Establishment Name: Peacock Billiards

1. APPLICATION INFORMATION

Date application deemed complete: August 2, 2013

Local Government Jurisdiction: City of Victoria

The primary business focus of the proposed establishment: Entertainment, Food & Beverage

Total person capacity/occupant load requested: Person 01 = 60 persons
(this number includes patrons plus staff)

Hours of Operation requested:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM
2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM

Terms and Conditions and/or Endorsements Requested:

- Minors not permitted.

2. APPLICANT ELIGIBILITY AND SUITABILITY INFORMATION (Fit and Proper)

Applicant has met the eligibility and suitability requirements of the Liquor Control and Licensing Act (LCLA) as well as Liquor Control and Licensing Policy section 3.2.

3. LOCATION/SITE FACTORS

The following sections are compiled from information provided by the applicant except where indicated otherwise.

The legal description of the proposed site is: Lot A of Lots 44, 45, 403 & 410 Victoria City Plan 22117. The proposal is for a lounge area to be situated within the playing area of the pool hall. The licensed lounge is proposed to be 2112 square feet, leaving 3298 square feet of the playing area unlicensed. There is also a Food Primary licensed area (FP licence #181391 held by the applicant) which abuts the unlicensed pool playing area. The applicant's letter of intent proposes a larger LP area which they have subsequently revised to the dimensions noted above.

See the attached **Applicant's Letter of Intent** for details of the proposed Liquor Primary establishment, including the following details:

- a) **Business Focus or Purpose**
- b) **Target Market**
- c) **Composition of the Neighbourhood and Reasonable Distance Measure**
- d) **Benefits to the Community**
- e) **Noise in the Community**
- f) **Impact on the Community**
- g) **Other impacts, comments or requests**

Please note that the applicant's letter of intent is attached to this report for reference purposes. The information or statements included in the letter of intent have not been confirmed unless otherwise stated in this report.

The following information is provided by both the applicant and the Liquor Control and Licensing Branch

h) Distance measure used for public buildings and other liquor primary licensed establishments: 2 BLOCKS

i) Social Facilities and Public Buildings within the distance measure of 2 BLOCKS radius:

Name/Type of Facility	Distance from site	Clientele Affected	Identified by
2 Churches	Within 2 blocks	Residents, minors, tourists	Applicant
ESL School	Within 2 blocks	Residents, minors	Applicant

j) Liquor Primary and Liquor Primary Club establishments within the reasonable distance of 2 BLOCKS from the proposed location:

Establishment Name	Licence Number	Establishment Type	Total Capacity	Distance from proposed site	Market Served	Identified by
Army, Navy & Air Force Veteran # 12	115328	LP Club- Private	80	Within 2 blocks	Residents	Applicant
Irish Times Pub	301113	Public House	250	Within 2 blocks	Tourists, residents	Applicant
Touch Lounge	151099	Cabaret	400	Within 2 blocks	Residents, Tourists	Applicant
Boutique Lounge	113949	Cabaret	292	Within 2 blocks	Residents, Tourists	Branch
(DORMANT status) Dalton Hotel	161479	Hotel	50	Within 2 blocks	Tourists, Residents	Branch

The following information is provided by Liquor Control and Licensing Branch except where indicated otherwise.

Community Indicators

Contravention Statistics

The Liquor Control and Licensing Branch has compiled contravention statistics on the identified liquor primary and liquor primary club establishments within a 2 BLOCK radius of the proposed location. These statistics are based on a period covering from January 2007 to present and only include **proven** contraventions.

Contravention Type	Total number of LP contraventions within the 2 block radius
Supply to Minors, s. 33	2
Overcrowding beyond capacity/occ load, s. 6(4)	5

Proven Contraventions for Applicant's Food Primary #181391	total contraventions
Fail to take liquor from patrons by time required, s. 44(1)(b)	1
Operating contrary to primary purpose-FP, s.20; s.8	1

May 2013
May 2012
+ 1 for 3B(1)(a) - oct. 13

POPULATION AND SOCIO-ECONOMIC INFORMATION

- Circle population statistics for 2001 and 2006 are available from BC Stats by emailing your request to BC.Stats@gov.bc.ca
- BC Stats Community Facts includes the BC Benefits recipient and EI Beneficiary statistics and is available at <http://www.bcstats.gov.bc.ca/data/dd/facsheet/facsheet.asp>

4. PUBLIC INTEREST

In providing its resolution on the proposed Liquor Primary application, local government must consider and comment on each of the regulatory criteria indicated below. The written comments must be provided to the general manager by way of a resolution within 90 days after the local government receives notice of the application, or any further period authorized by the general manager in writing.

Section 10 of the Liquor Control and Licensing Regulation states that local government or First Nation must consider and comment on each of the following criteria:

- The location of the establishment;
- The proximity of the establishment to other social or recreational facilities and public buildings;
- The person capacity and hours of liquor service of the establishment;
- The number and market focus or clientele of liquor primary establishments within a reasonable distance of the proposed location;
- The impact of noise on the community in the immediate vicinity of the establishment; and
- The impact on the community if the application is approved.

The local government or first nation must gather the views of residents in accordance with section 11.1 (2) (c) of the Act and include in their resolution:

- the views of the residents,
- the method used to gather the views of the residents, and
- its comments and recommendations respecting the views of the residents;

The local government or first nation must provide their recommendations with respect to

whether the licence should be issued and the reasons for its recommendations.

The resolution must be provided to the general manager within 90 days after the local government or first nation receives notice or any period authorized by the general manager in writing.

A sample resolution template and comments are enclosed as attachments 2 and 3 to this report for reference purposes.

For use by Liquor Control and Licensing Branch:

5. REGULATORY CONSIDERATIONS

Liquor Control and Licensing Act, sections: 11, 16 and 18
Liquor Control and Licensing Regulations sections: 4, 5, 6, 8, 10

6. POLICY CONSIDERATIONS

Policy Manual Section 3.2 Applicant Eligibility Assessment
Policy Manual Section 3.3 Site and Community Assessment
Policy Manual Section 3.4 Building Assessment and Issue of a Licence