



## District of 100 Mile House

Number:

## POLICY

Reference:

Supersedes:

**Subject: Liquor Licensing Process: Amendments to Existing Licenses**

**Purpose:**

To outline the process which the District of 100 Mile House will use to review applications for amendments to existing licenses.

**Preamble:**

The Liquor Control and Licensing Branch (LCLB) of the Ministry of Public Safety and Solicitor General must provide Local Government with notice for both permanent and temporary license amendment applications. These include the following:

- an extension of hours of liquor service (either earlier or later) of a liquor-primary license or winery license endorsement;
- an increase in the person capacity of a liquor-primary license or winery license endorsement (except where an applicant held, or had preliminary site and applicant approval for, a license on December 2, 2002 and the size of the establishment is not being increased);
- the addition of a patio to a liquor-primary license or winery lounge endorsement;
- an extension of hours of liquor service past 12:00 a.m. of a food primary license; and,
- the addition of patron participation entertainment to a food-primary license.

**Stage 1: Application for a License Amendment**

The Applicant submits a completed copy of the "Application for a Permanent or Temporary Change to a Liquor License" to the District Office. The District completes Part 16, "Receipt of Application" and returns the application to the applicant.

A Local Government can recover from applicants the cost of any process used to gather the views of residents. A fee of \$1,000 will be charged to cover all costs associated with processing the application including advertising and staff time in contacting affected residents/businesses. A refund of \$600 will be returned for those applications that do not proceed past Stage 2.1.

**Stage 2: Site and Community Assessment**

Council has within 90 days of the date of receipt to:

2.1 Council may pass a "no comment" resolution and submit it to the LCLB; OR

Approved By: Council

Effective Date: April 22, 2003

2.2 Council may:

- A) Gather the views of the residents if the amendment will affect them through:
- receiving written comments in response to a public notice posted at the site and in local newspapers; or
  - conducting a public hearing (can be combined with a rezoning hearing); or
  - holding a referendum; or
  - any other method that is fair to residents and applicant, provides a reasonable notice and avoids a perception of bias.
- B) Consider the regulatory criteria:
- the potential for noise; and
  - the impact on the community; and
  - whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.
- C) Provide a resolution to the applicant that:
- comments on the regulatory criteria;
  - indicates whether or not the views of residents were gathered;
  - if the views of residents were gathered, explains:
    - the views of the residents;
    - the method used to gather the views of the residents;
    - its comments and recommendations with respect to the views of residents;
  - provides its recommendation as to whether the amendment should be approved; and
  - gives the reasons for its recommendation.

A sample resolution is attached. The report of an advisory body or subcommittee can be attached to the resolution.

Where a Local Government wishes to support a license amendment for a trial period only, such as extended hours of liquor service, it may provide a resolution supporting a temporary change to the license for a period for up to one year, rather than a permanent change.

Attachment

**SAMPLE RESOLUTION**

General Manager,  
Liquor Control and Licensing Branch

Re: Application for (addition of a patio / increase in person capacity / extension of hours of liquor service / patron participation entertainment) as an amendment to (liquor-primary / liquor primary club / winery / food-primary) license number: (license number).

At the Council meeting held on (date), the Council of the District of 100 Mile House passed the following resolution with respect to the application for the above named amendment:

**BE IT RESOLVED THAT:**

1. Council's comments on the prescribed considerations are as follows: (the Council may refer to the contents of any report attached to the resolution for further information with respect to any of the considerations).
  - (a) The potential for noise if the application is approved (provide comments)
  - (b) The impact on the community if the application is approved (provide comments)
  - (c) Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose (provide comments only if the application is from a food-primary license for an extension of hours of service past midnight or the addition of patron participation entertainment)
  - (d) The views of residents (describe the views of residents, the method used to gather the views and provide comments and recommendations with respect to the views. If the views of residents were not gathered, provide reasons).
2. Council recommends / does not recommend the amendment of the license for the following reasons: (detail and explain reasons for recommendation).

The undersigned hereby certifies the above resolution to be a true copy of the resolution passed by the Council of 100 Mile House on (date).

Sincerely,

Dianne Lawson  
Chief Administrative Officer  
District of 100 Mile House.

**Note:**

- All of the items outlined above in points 1 and 2 (a) through (d) must be addressed in the resolution in order for the resolution to comply with section 53 of the Liquor Control and Licensing Regulation.
- A separate resolution must be provided for each type of amendment if the applicant is applying for more than one of the prescribed types of amendments.
- Any report presented by an advisory body or sub-committee to the Council may be attached to the resolution.