



## District of 100 Mile House

Number:

## POLICY

Reference:

Supersedes:

**Subject: Liquor Licensing Process: New Liquor-Primary Licenses**

**Purpose:**

To outline the process which the District of 100 Mile House will use to review applications for a new liquor-primary license.

**Definitions:**

Liquor-Primary License: is for an establishment that is primarily in the hospitality, entertainment, or beverage service business. This may include establishments commonly known as bars, lounges, pubs, and cabarets, as well as convention centres, stadiums, concert halls and recreation centres, airports, trains and motor vessels. This is a licensed establishment where the service of liquor, as opposed to food, is the primary focus of the business.

**General Statement:**

The Liquor Control and Licensing Branch (LCLB) of the Ministry of Public Safety and Solicitor General must provide Local Government with notice for a liquor-primary license for local government comments and recommendations.

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.

**Process:**

**Stage 1 & 2: Application for a Liquor-Primary License**

The Applicant submits a completed application to the provincial Liquor Control and Licensing Branch (LCLB). The applicant must provide information in the application indicating that they comply with the permitted uses in the local government Zoning Bylaw or that they are applying to rezone the property to allow for the use. At this stage the applicant should contact their local government to determine any local requirements for business licensing or building, or development permits.

Approved By: Council

Effective Date: November 14<sup>th</sup>, 2006

The LCLB will summarize the application and forward it to the local government. Local government has 90 days from the date received to provide the LCLB with comment.

### **Stage 3: Site and Community Assessment**

Council must:

A. Gather the views of the residents/businesses if the local government believes they may be affected. Local government determines the appropriate area to be included and the method for gathering those views. Methods permitted:

- receiving written comments in response to a public notice posed at the site and in local newspapers;
- conducting a public hearing (can be combined with a rezoning hearing);
- holding a referendum; or,
- any other similar method.

The method chosen should make sure that it meets the following criteria:

- it is fair and equitable to both the public and the applicant;
- it provides reasonable notice and opportunity to comment;
- it avoids any perception of bias; and,
- it is appropriate to local circumstances.

B. Review the regulatory criteria and provide a resolution to the LCLB. Local government must consider and comment on each criteria in determining whether the license should be issued:

- the location of the establishment;
- the proximity of the establishment to other social or recreation facilities and public buildings;
- the person capacity and hours of liquor service;
- the number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location;
- traffic, noise, parking and zoning;
- population, population density and population trends;
- relevant socio-economic information; and,
- the impact on the community.

C. Provide a resolution to LCLB that:

- comments on the regulatory criteria;
- indicates whether or not the views of residents/businesses were gathered;
- if the views of residents/businesses were gathered, explains:
  - how the views of residents/businesses were gathered;
  - the views of residents/businesses; and
  - local government's comments and recommendations with respect to the views of the residents/businesses;
- recommends whether the license should be issued; and,
- gives the reasons for its recommendation.

Sample resolutions are attached.

Attachment

**SAMPLE RESOLUTIONS**

**Sample #1:**

**Sample Resolution Template for a Liquor-Primary License Application**

General Manager,  
Liquor Control and Licensing Branch

Re: Application for liquor-primary license at **(address of proposed establishment)**.

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 liquor license:

BE IT RESOLVED THAT:

1. Council of the District of 100 Mile House **(recommends/does not recommend)** the issuance of the license for the following reasons: **(detail and explain reasons for recommendation)**
2. Council of the District of 100 Mile House comments on the prescribed considerations are as follows: **(see the following page for sample comments for each criterion - a comment on each of the criteria must be included in the resolution. It is not sufficient to reference a staff report)**
  - (a) The location of the establishment **(provide comments)**
  - (b) The proximity of the establishment to other social or recreational facilities and public buildings **(provide comments)**
  - (c) The person capacity and hours of liquor service of the establishment **(provide comments)**
  - (d)** The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location **(provide comments)**
  - (e) Traffic, noise, parking and zoning **(provide comments)**
  - (f) Population, population density and population trends **(provide comments)**
  - (g) Relevant socio-economic information **(provide comments)**
  - (h) The impact on the community if the application is approved **(provide comments)**
3. Council of the District of 100 Mile House comments on the views of residents are as follows: **(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).**

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

Sincerely,

**(Name)**

Chief Administrative Officer  
District of 100 Mile House.

**Note:**

- All of the items outlined above in points 1, 2 (a) through (h) and 3 must be addressed in the resolution in order for the resolution to comply with section 10 of the Liquor Control and Licensing Regulation.
- Any report presented by an advisory body or sub-committee to the council may be attached to the resolution.

**Sample #2**

**Sample Resolution Comments for a Liquor-Primary License Application**

The following are examples that illustrate the type of comments that Council might provide to demonstrate they have taken into consideration each of the criterion in reaching their final recommendation. Comments may be a mix of positive, negative and neutral observations relevant to each criterion. The final recommendation is the result of balancing these “pros and cons”

The list is not intended to illustrate every possible comment as the variations are endless, given the wide range of applications and local circumstances.

It is important that the resolution include the comment and not refer to a staff report, as the general manager cannot suppose that Council considered all the criteria unless comment on each criterion is specifically addressed in the resolution itself.

District staff may wish to contact the Liquor Control and Licensing Branch for assistance on drafting the content of a resolution before it is presented to Council to avoid resolutions that do not comply with the regulations.

(a) The location of the establishment:

The location is in a commercial area that is removed from nearby residences and is suitable for a late night entertainment venue where some street noise at closing time can be anticipated.

(b) The proximity of the establishment to other social or recreational facilities and public buildings:

The only nearby social, recreational and public buildings do not conflict with the operations of a late night entertainment venue.

-or-

The proposed location is across a lane from a church with an attached retirement facility and church hall routinely used for youth group gatherings. The proximity of the proposed establishment is not considered compatible with the existing facilities.

(c) The person capacity and hours of liquor service of the establishment.

The maximum person capacity of 250 with closing hours of 2:00 a.m. Tuesday through Saturday and midnight on Sunday is acceptable. A larger capacity or later hours is not supported given the few number of police on duty at that time.

(d) The number and market focus or clientele liquor-primary license establishments within a reasonable distance of the proposed location:

The existing establishments are large public house establishments that focus on exotic entertainment or are nightclubs that attract patrons 19 to 25 years of age. The proposed establishment is a small local pub style facility with an extensive menu and is designed to appeal to couples wanting a quiet adult venue for socializing in their community. There are no other (or few other) facilities with a similar focus.

(e) Traffic, noise, parking and zoning:

The establishment is not expected to negatively affect traffic patterns and noise is not expected to be an issue because {of the small size and early hours} – or – {the applicant has agreed to various noise baffling strategies to ensure the neighbors are not disturbed by late night music}. The applicant has met the requirements of the zoning bylaw with regard to road access and parking. Council has passed a bylaw rezoning the property and a Development Permit permitting the use.

(f) Population, population density and population trends:

The population for the community at 25,000 and 15,000 within a mile of the establishment with a growth rate of 3% supports and growth in the number of licensed establishments.

(g) Relevant socio-economic information:

The contravention rates for surrounding establishments is less than the provincial average and does not indicate a problem with over-proliferation of licensed establishments in the community. The community has an unemployment and income assistance rate that is lower than the provincial average and a growing tourism industry based on expanding hunting and skiing lodges in the area and an increase in scheduled bus tours through the mountain passes.

(h) The impact on the community if the application is approved:

If the application is approved, the impact is expected to be positive in that it will support the growth in tourism and offer a new social venue for residents.

**The Council's comments on the views of residents are as follows:**

The views of residents within **(state distance ie: one half mile)** of the proposed establishment were gathered by way of **(state how)** that were received in response to a public notice posted at the site and newspaper advertisements placed in two consecutive editions of the local newspaper. Residents were given **30 days** from the date of the first newspaper advertisement to their written views. Residents were also given an opportunity to provide comments at the public meeting of Council held on **(Date)**.

A total of **(#)** responses were received from businesses and residents. Of the responses received, **(#)** were in support of the application citing the creation of additional jobs and a new entertainment venue for the area as their primary reasons. A total of **(#)** letters were received in opposition to the application. The primary reason cited by those in opposition was the proposed closing hours of 4 a.m. A number of business residents in the area also cited the lack of parking as an area of concern.

The following three examples illustrate ways Council may complete their comments on the views of residents based upon the preceding fact pattern.

1. Council agrees that a 4 a.m. closing time for this establishment would not be appropriate and therefore recommends that the establishment have a closing time of 2 a.m. to be consistent with the other licensed establishments in the area. Council does not agree with the parking concerns raised by some of the local businesses as the proposed establishment's peak operating hours will be after the surrounding businesses have closed.

Council recommends that a liquor license be issued with hours of operation ceasing at 2 a.m. Council believes that the majority of residents in the area support the issuance of the license provided the closing hours are no later than 2 a.m. The establishment will create new jobs and provide a new entertainment venue that is needed in this area.

- or -

2. There are ( # ) residents within the half mile radius of the proposed establishment. Notwithstanding that there is a two to one ratio of opposed residents to residents that support the application Council is of the view that the (#) residents who are in opposition represent a small proportion of the overall population that may be affected by this establishment. Council also notes that frequently only residents who oppose a proposal are the ones that respond; consequently Council is of the view that the rest of the residents are not opposed to issuance of a liquor license for this establishment.

Council recommends that a liquor license be issued with hours of operation ceasing at 4 a.m. Council believes that the majority of residents in the area support the issuance of the license. The establishment will create new jobs and provide a new entertainment venue that is needed in this area.

- or -

3. Based upon the input received by residents within a half mile of the proposed establishment there is a two to one ratio of opposed residents to residents that support the application. The opposition to this establishment comes from both homeowners and businesses. Council is of the view that with both the residential and business communities' opposition to this proposed establishment that the issuance of a license for this establishment would be contrary to the community standard for this area.

Despite the potential creation of additional jobs and a new entertainment venue for the area Council is unable to support the issuance of a liquor license for this establishment. Council recommends that a license not be issued.

\* Council of the District of 100 Mile House determines the appropriate area to be included and the method for gathering those views