

NEW LIQUOR POLICY CHANGES

The provincial government has approved new liquor regulations which will allow the following:

- ▶ Existing liquor establishments to expand their licensed capacity to the building/fire code, with local government approval;
- ▶ Restaurants to have a limited area where patrons can be served liquor without having to consume food, with local government approval;
- ▶ Enforcement measures to be changed to ensure that there is an ongoing record of liquor infractions, such that problem establishments can be clearly identified and measures taken to address these issues, and an independent hearing process has been created to deal with alleged liquor licencing violations in a timely manner.

This is part of an ongoing process by the provincial government to modernize the liquor laws in the province. To date this has seen the regulation of U-brew operations, the reduction of regulations over winery operations, the expansion of the hours of operation on Sunday for liquor establishments, use of credit cards in liquor stores, and the Sunday opening of a limited number of liquor stores in "high tourist" areas. The next stage in the process is to reduce the number of classes of licences from 10 types of licences to 5 types of licences, with the majority of establishments falling into two licence classes: A – service by-the-glass (hotels, pubs, cabarets etc.) or B – service-by-the-glass primarily food (restaurants).

LOCAL GOVERNMENT INVOLVEMENT

Under the new regulations, local government will be asked to review and comment on requests by local liquor establishments for capacity increases and by restaurants for serving liquor without food. The local government will be asked to pass a resolution taking into consideration the "public interest" from the community's perspective and may include such issues as the traffic, noise, road access, availability of parking, the general impact on the community of an increase in person capacity (i.e., number of liquor seats

in the area, alcohol problems in the community, policing concerns etc.) and any other matters it considers relevant.

The final decision on whether or not to issue a license will be made by the Liquor Control and Licensing Branch (LCLB), however, it is very unlikely that a local government recommendation will be overridden unless there are issues of fairness or due process in how the local government has dealt with the applicant. The LCLB, if it chooses to alter the local government recommendation is required to undertake public hearings in the community.

Local government will have the ability to recover the costs of reviewing requests for changes in liquor licences in the community under this new process. Each local government will need to determine what fee, if any, is appropriate to charge for undertaking these reviews, and whether or not it will need to amend its current bylaws in order to recover the costs of these reviews.

The latest changes to the liquor licensing regulations will require the following local government actions:

Licensed Capacity Increases

Existing licensed establishments have been given until December 15, 2000 to notify the Liquor Control and Licensing Branch as to whether or not they are interested in increasing the licensed capacity of their establishment to the building/fire code. This is part of an agreement reached between the liquor industry and the provincial government on the expansion of the number of liquor seats in the province.

The Liquor Control and Licensing Branch will then notify the local government as to which liquor establishments are interested in increasing the licensed capacity and forward a package of information to them on each of the establishments.

The local government staff will be asked to work with their local licensed establishments

which have requested an increase in capacity to set the building occupancy load and ensure that the building meets all of the bylaw requirements related to the capacity increase (i.e., number of washrooms, parking, fire exits, zoning etc.). A pilot project was undertaken with a local government working group to test the implementation of these provisions. The review suggested that the capacity increases could be dealt with effectively provided there was full cooperation amongst all of the parties involved.

Local governments will be required to provide a resolution indicating whether the local government supports the request for a capacity increase. The local government will be requested to deal with this initial request for a capacity increase on a batch basis and it may choose to deal with all of the requests in the community as a single batch or it may choose to deal with the requests on a specified area basis within the community (i.e., downtown core, specific regions in the municipality etc.).

Restaurants

Under the new regulations restaurant licensees will be able to apply to operate Designated Food Optional (DFO) areas. A Designated Food Optional Area is a limited area in a restaurant where patrons can be served liquor without having to consume food.

Restaurants will be able to apply to change ten per cent of their current licensed capacity (excluding patios and banquet room capacities) for use as DFO seats, up to a maximum of 20 seats. Minors may enter the area if accompanied by an adult, but staff may not serve liquor to them.

Each restaurant will be required to obtain a resolution from the affected local government that it supports the operation of liquor drinking seats in that establishment. This is a new provision and it is not known how many restaurants will be interested in obtaining these liquor only seats, as there are additional licence fees that the restaurant will be charged.