

Date: November 27, 2012

To: All LCLB staff
All Industry Associations
All Local Government, First Nations, and Police Agencies

Re: Amendments to the policy for temporary changes to all licence types and amendments to alternate use policy for liquor primaries (LP) and LP clubs

The purpose of this policy directive is to announce amendments to policy:

- Limiting the frequency of events for which temporary changes to a licence may be issued;
- Clarifying the types of events for which a temporary suspension to an LP or LP club license may be issued to permit alternate use of the establishment during licensed hours, and
- decreasing the amount of time required as a separation between licensed hours and an SOL event or unlicensed alternate use.

These policies come into effect on January 15, 2013, and apply to all events scheduled on or after that date.

TEMPORARY CHANGE APPLICATIONS

Background

LCLB policy permits temporary changes to a licence (e.g. to extend hours or expand the licensed area). The intent of the policy is to provide flexibility for licensees to accommodate occasional events on an exceptional basis.

Temporary change policy was originally intended to be used only for a very limited number of events. Over time the number of applications for temporary de-licensing have increased significantly and the increased workload has negatively affected branch processing times for all application types. There were 511 temporary change applications received in 2007, 710 in 2011, and 740 in 2012 year-to-date, despite active efforts by the LCLB to encourage repeat applicants to apply for a permanent change. Each application may include multiple dates and events, which have to be considered individually, further increasing branch workload.

Frequent temporary change applications have the cumulative effect of changing the establishment's operating terms without local government or community input (e.g. extended hours on a regular basis, such as every long weekend).

Policy

In keeping with the original intent of the licence category and considering branch resources, temporary de-licensing for licensed establishments is now restricted to in the range of 4-6 events per year. In determining approval, consideration will be given to the cumulative effect of the requested changes and their impact on the operation of the licence. Temporary changes may not be used to change the operating terms of the licence or to circumvent local government and community input, where required.

If a licensee wishes to operate with the extended licence conditions on a more frequent basis, an application for a permanent change to the licence should be submitted. This policy applies to all types of temporary change applications, including temporary de-licensing for alternate use.

The general manager may make exceptions to the limitation on the number of temporary change applications, depending on the type of business, nature of the proposed event, and other extenuating circumstances, such as where the regulations would not allow for the applicant to apply for a permanent change to the licence.

ALTERNATE USE FOR LIQUOR PRIMARIES

Background

Licensed establishments may apply for a temporary change to permit alternate use. Alternate use policy was established to allow the establishment to be used for unlicensed events which are not reflective of the primary business of the licensed establishment (e.g. allows the use of a nightclub or bar for a community meeting or an exercise class).

Liquor primary (LP) and LP club licensees may hold unlicensed events in their establishments by applying for a temporary suspension (de-licensing) for alternate use during licensed hours. Temporary de-licensing is not required for alternate use of the licensed establishment prior to the start of licensed hours.

Police, LCLB and communities have identified public safety and enforcement problems in LP establishments which have been temporarily de-licensed for alternate use where the establishment is essentially carrying on the same business as they are licensed for (e.g. operating as a nightclub) but with all-ages present. Minors attending these events have been found to be consuming liquor either prior to entering or outside the establishment during the course of the event.

A review of other Canadian jurisdictions shows that most do not permit alternate use of a licensed establishment, while others have a limit on the number of temporary change applications permitted on an annual basis (e.g. Ontario limits the maximum number of temporary licence extensions to 4 per year).

Policy

Alternate use for LPs and LP clubs is permitted as long as the event is not reflective of the primary business of the establishment. Alternate use events for LPs and LP clubs must not be the same or similar to the licence held by the licensed establishment (e.g. nightclubs may not hold an all-ages nightclub or dance). De-licensing for these types of events is no longer permitted.

Since alternate use during licensed hours requires a temporary change application, and in keeping with the new policy limiting the number of temporary change applications, the total number of temporary change applications, including temporary de-licensing for alternate use, are subject to the above policy restricting them to in the range of 4-6 per year.

REQUIRED SEPARATION PERIOD FOR ALL LICENCE TYPES

Background

All licensees are currently required to provide at least one hour in which no patrons are permitted in an establishment between the licensed hours and the SOL event or unlicensed alternate use. Experience over time with this policy has shown that the full one hour may be more time than is necessary to clear patrons.

Policy

Effective January 15, 2013, the requirement to provide an hour separation period between licensed hours and an unlicensed or SOL event will be reduced to one-half (1/2) hour. The new one-half (1/2) hour separation period applies to FPs, LPs, LP clubs, manufacturer endorsement areas and SOL events.

FURTHER INFORMATION

Further information regarding liquor control and licensing in British Columbia is available on the Liquor Control and Licensing Branch website at www.pssg.gov.bc.ca/lclb. If you have any questions regarding these changes, please contact the Liquor Control and Licensing Branch toll free in Canada at 1-866-209-2111 or 250-952-5787 if calling from the Victoria area.

Original signed by:

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