



The Corporation of the City of Courtenay

# Liquor Licence Application & Process Policy

<b>Subject:</b> Liquor Licence Application and Process Policy	<b>Policy Number:</b> DS-03
<b>Section:</b> Development Services Department – Planning Division	<b>Approved by:</b> Council
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## 1. PURPOSE

The purpose of this policy is to guide processing of all types of Liquor and Cannabis Regulation Branch (LCRB) liquor licences (“Liquor Licence application”). This policy provides information to assist applicants, staff members, and Council in the submission, review and response to related Liquor Licence applications.

## 2. OBJECTIVES

- 2.1 To acknowledge that the Liquor and Cannabis Regulation Branch (LCRB) has exclusive jurisdiction over the approval of liquor licensing in British Columbia.
- 2.2 To set out a clear, consistent process for processing liquor licence applications including:
  - a. establishing consistency in type of applications the City will opt-in; where Council resolution is required and where Staff may respond directly to the LCRB;
  - b. creating a process for efficient and fair community input aligned with provincial requirements; and
  - c. assisting staff and Council in making recommendations to the LCRB based on the prescribed criteria in the *Liquor Control and Licensing Regulation*.
- 2.3 To recover the costs for reviewing, evaluating and processing liquor licence applications.

## 3. JURISDICTION AND ROLES

### Liquor and Cannabis Regulation Branch

The Liquor and Cannabis Regulation Branch (LCRB) oversees provincial liquor and cannabis regulations. The liquor licensing system overseen by the LCRB is established by the *Liquor Control and Licensing Act* and its accompanying regulations. Issuance of liquor licences is at the sole discretion of the LCRB.

### Local Government

Depending on the liquor licence application, local governments may need to respond to the LCRB’s request for comment. If the legislation requires the applicant to notify the local government of an application, the local government has the option of providing input or opting out. The legislation provides local governments the ability to make these comments based on the knowledge they carry about their community’s unique needs. Ultimately, the role of local governments is to respond to the LCRB so they know the level of support the local government and in many cases its residents have for the application.



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## 4. APPLICATION REQUIREMENTS

- 4.1** Prior to submitting a Liquor Licence application, the Proponent should undertake pre-consultation with City Development Services staff, especially when other City approvals are involved, such as Sidewalk Patio Permit and/or Building Permit.
- 4.2** For any Liquor Licence applications submitted to the City of Courtenay, the application for Liquor Licence shall not be accepted as complete unless:
- a. A corresponding application has been made to the appropriate regulatory authority of the Province of British Columbia, Liquor Cannabis Regulation Branch (LCRB), at the same time that a liquor licence application has been submitted to the City; and,
  - b. That the application to the City includes the entire application package, except:
    - i. corporate documentation, and
    - ii. the information relating to applicant suitability (i.e., completed criminal record check and the Personal History Summary form).
- 4.3** The application requirements, as outlined in section 4.2, are the minimum standard. The City reserves the right to request additional information from the applicant at any time to ensure compliance with City's Bylaws. Any supplementary information will be considered part of the application submission.
- 4.4** The business engaging in the manufacture, sale, or service of liquor must have a valid City of Courtenay Business Licence to lawfully conduct its businesses.
- 4.5** The City does not establish or provide occupancy load calculations. The City requires the occupancy load be determined by a registered professional architect or engineer and that the professional stamp the floor plan showing the occupant load calculations.
- 4.6** The applicant must pay the appropriate Liquor Licence Application Fee as established by the City of Courtenay Fees and Charges Bylaw No. 3107, 2023 or as amended.
- 4.7** The application meets or will meet all other City requirements (e.g. zoning, building permit, development permit, business licensing). Applications can only be approved if compliant with the zoning in place. In the case of a concurrent zoning bylaw amendment application, the City may combine the liquor licence and rezoning public input processes as long as the input process provides sufficient detail about the proposed establishment or licence change.

## 5. PROCEDURE

- 5.1** Upon accepting a complete application, Development Service's staff will opt-in to all liquor licence applications.



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- 5.1.1** For applications that DO NOT require a public input process and Council resolution, Staff will respond to the LCRB through the online portal generally within 30 days of opting in.
- 5.1.2** For applications that require a public input process and Council resolution, Staff will opt-in initiating the provincial 90-day time frame during which the City must implement the public input process (Section 6), draft a Staff Report (Section 7) and receive and provide a Council resolution (Section 8) to the LCRB as set out in this policy.
- i. An extension to the 90-Day time frame can be requested through the LCRB at the discretion of the Director or Development Services.
- a. After opting in, Staff will prepare the required public input process materials and begin the process generally within 30 days of opting-in and in accordance with Section 6 of this policy.
  - b. After the public input process is finished, Staff will prepare a report to Council in accordance with Sections 7 and 8 of this policy.
  - c. Staff will encourage the applicant to attend the Council Meeting once a date for their application to be considered by Council has been selected.
  - d. Following the Council meeting, Staff will obtain a certified copy of the resolution made by Council from Courtenay's Legislative Services Department and provide a copy of the resolution and the Staff Report to the LCRB. If the Council resolution directs staff to do more work before responding to LCRB, Staff shall follow through on the requests in the resolution before responding to the LCRB.
  - e. Staff will communicate to the applicant the results of the Council meeting and the resolution passed by Council. The applicant will be reminded the decision to issue a licence and what, if any, conditions the licence contains, are the sole discretion of the LCRB.

## 6. PUBLIC INPUT PROCESS

Prior to the application and Staff Report being presented to Council for consideration, Development Service's Staff will implement the following:

- 6.1** Refer the application, providing a minimum response period of two weeks to the RCMP, K'ómoks First Nation, and Courtenay's Fire, Operations, Bylaw and Building Departments and any other City Departments or external organizations identified, to provide written response.
- 6.2** At least two consecutive weeks prior to the Council meeting, Staff will mail a notification to all owners and occupants within a 30-metre radius of the subject property. The notification will provide sufficient information for the recipient to understand the nature of the application including:
- the type of licence or licence change



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- the proposed person capacity and/or hours of liquor service, if applicable.

**6.3** Prior to the regularly scheduled Council meeting in which the application is to be presented, Staff will place a notification on the City's website for two consecutive weeks, in a location that is readily accessible by the public and provides sufficient information to understand the nature of the application including:

- the type of licence or licence change
- the proposed person capacity and/or hours of liquor service, if applicable.

## 7. REPORT TO COUNCIL

**7.1** Following the review and community input process, a Staff Report will be presented to Council for a liquor licence application, the report will include:

- a. the location of the proposed establishment, event site, or service area;
- b. the person capacity;
- c. the hours of liquor service;
- d. a summary of the public input process and its methods and the views expressed by respondents; and
- e. any applicable analysis describing:
  - i. the impact of noise on the community in the immediate vicinity of the establishment or event site (in the case of a temporary use area application) or service area (in the case of a manufacturer lounge or special event area);
  - ii. the general impact on the community if the application is approved; and
  - iii. in the case of a food primary, whether the application for hours after midnight or patron participation may result in the focus of the establishment shifting away from food service.

## 8. COUNCIL RECOMMENDATION

**8.1** Based on the review, referral responses and public input, a resolution of Council is required recommending to the LCRB the application either be approved or rejected and the reasons on which those recommendations are based. Staff should refer to the [LCRB Liquor Policy Manual](#) to ensure the resolution and comments in the Staff Report fully meet the LCRB's requirements.

**8.2** Following the Council resolution, the LCRB shall be provided a copy of the resolution and accompanying Staff Report.

## 9. POLICY ADMINISTRATION AND REVIEW

This policy is a guiding document. The *Liquor Control and Licensing Regulation* and the *Liquor Control and Licensing Act* provide the legislated requirements that inform this policy. Periodically this policy should be reviewed to ensure continuous alignment with provincial requirements and that the needs of the community are being served within the bounds of the legislation.