



WHISTLER

MINUTES

**REGULAR MEETING OF LIQUOR LICENCE ADVISORY
COMMITTEE
THURSDAY, JANUARY 11, 2018 STARTING AT 8:45 A.M.**

**In the Flute Room at Municipal Hall
4325 Blackcomb Way, Whistler, BC V0N 1B4**

PRESENT:

Food & Beverage Sector Representative – Pubs, Mike Wilson
Food & Beverage Sector Representative – Nightclubs, Terry Clark
Food & Beverage Representative – Restaurants, Vice-Chair, Kevin Wallace
Accommodation Sector Representative, Chair, Colin Hedderson
RMOW Staff Representative, Secretary, Frank Savage
Liquor Control and Licensing Branch (LCLB) Inspector, Holly Glenn
Whistler Community Services Society Representative, Cheryl Skribe
Recording Secretary, Donna Savage

REGRETS:

Councillor, Steve Anderson
Whistler Fire Rescue Service Representative, Geoff Playfair
Public Safety Department Representative, RCMP, Rob Knapton

Vice-Chair Kevin Wallace called the meeting to order at 8:46 a.m.

ADOPTION OF AGENDA

Moved by Kevin Wallace
Seconded by Terry Clark

That Liquor Licence Advisory Committee adopt the amended Agenda of January 11, 2018 LLAC meeting to defer to a future meeting the presentation on the proposed amendments to the Terms of Reference of the Liquor Licence Advisory Committee.

CARRIED

ADOPTION OF MINUTES

Moved by Mike Wilson
Seconded by Kevin Wallace

That Liquor Licence Advisory Committee adopt the Regular Liquor Licence Advisory Committee minutes of August 10, 2017.

CARRIED

COUNCIL UPDATE

As the Council representative was not present, there was no Council update.

PRESENTATIONS/DELEGATIONS

Liquor Licences for
Non-Traditional
Businesses -
Community Feedback
File 8292.03

A presentation by Frank Savage was given regarding the new provincial policy to permit non-traditional businesses to apply for a liquor licence and the results of community engagement on the potential impacts of these licences.

- Provincial Liquor Control and Licensing Branch (LCLB) liquor policy on non-traditional businesses
 - Any business, except those that operate in a motor vehicle or are primarily directed at minors, can apply for a liquor primary licence.
 - Any business, even businesses without a primary focus on food service, can apply for a food primary licence
- Current high level RMOW liquor policy on non-traditional businesses
 - Liquor service complementary and subordinate to primary business
 - Liquor service only when primary business operating
 - Maximum liquor service hours 9 a.m. to 10 p.m.
 - Access by minors must be considered
 - Impacts on community must be considered/mitigated
 - Community support for liquor primary licences is necessary
 - Serving It Right certification required
- City of Vancouver liquor policy on non-traditional businesses
 - Only applications from arts and cultural organizations will be considered on a case by case basis for a liquor licence
- Liquor licence application fees
 - Liquor primary: \$7,000 combined LCLB and RMOW application fees, including first year LCLB licence fee
 - Food primary: \$1,250 combined LCLB and RMOW application fees, including first year LCLB licence fee
- Proposed RMOW policy framework – Temporary Use Permits
 - Considered on case-by-case basis
 - Provide flexibility
 - Valid for limited period of time, but can be renewed
 - Do not establish permanent uses – unlike zoning
 - Could satisfy policy objectives for regulation of liquor licences for non-traditional businesses
 - Temporary Use Permit application would be part of the RMOW liquor licence application process
- Open house and online survey questions
 1. What potential positive and/or negative impacts might liquor licences for non-traditional businesses have on resident and visitor experience, existing liquor licensed establishments, public health and safety, resort reputation?
 2. Suggest licence conditions to manage the negative impacts
 3. What types/locations of businesses should or should not be considered for a liquor licence?
 4. What other comments do you have?
 5. What comments do you have about Temporary Use Permits?
- Feedback received

A total of 30 community members attended the December 14, 2017 open house at the Whistler Conference Centre. An online survey was

available from December 15 through January 2, and 15 people provided comments. The following are the most frequent comments received from the open house and the online survey.

1.a. Potential positive impacts on resort

- Expands and enhances visitor experience
- Closer to the "European model"
- Expected by international visitors
- Industry leader, innovative
- Less restrictive, more appealing
- Added value for businesses
- Reduce line-ups during busy après
- Legitimize current unlicensed serving

1.b. Potential negative impacts on resort

- Increased consumption/over consumption
- Impacts on surrounding businesses
- Insurance will go up
- Negatively impact family experience
- Businesses push the boundaries
- Party town reputation and behaviours
- Could lead to saturation of market
- Take business from existing establishments
- Inexperienced, poorly trained servers

2. Suggested licence conditions to manage negative impacts

- All staff must have Serving It Right; Business management policies to support
- Ensure businesses remain focused on primary business, not liquor service
- Limit quantity of liquor sold to a customer
- Limit sales to beer and wine, not spirits
- To protect other businesses require a minimum price
- Limit consumption to post-activity for motorized events/businesses
- Minimum of two staff always present

3.a. Businesses that should be considered for a licence

- "Experience providers", not pure retail
- Spas
- Everyone should be able to apply
- Salons, barber shops
- Assess on case by case
- Those that are safe and appropriate

3.b. Businesses that should not be considered for a licence

- Any child focused business
- Businesses with many under-age staff
- Assess case by case
- Those without appropriate space
- Purchase-based, not service-based
- Any motorized activity

4. Other comments received

- Have “liquor primary lite” licence, with limit on number of drinks sold, restricted hours, beer and wine only
 - Allow businesses operating 10 a.m. to 6 p.m. to serve liquor after business hours
 - Consider models in Europe and other ski resorts
 - Ensure Village Stroll remains family friendly
 - I do not feel that non-traditional business should be able to sell liquor. However, allow businesses to offer a small sample quantity, similar to how hotels are able to do
5. Comments regarding Temporary Use Permits
- Limited length of permit, cost, other regulations make it prohibitive to small businesses
 - Offer a hybrid, retail based liquor licence
 - When does liquor licence become permanent?
 - Ensure we keep the uniqueness of the Village
 - Set regulations to prevent businesses from turning into a pub
- A discussion was then held regarding municipal policies and potential restrictions or conditions for liquor licences for non-traditional businesses.
 1. Types of licences: food primary and/or liquor primary
 - The LCLB terms and conditions manuals for both food primary and liquor primary licences are comprehensive in defining the responsibilities of licence holders and their employees.
 - If these requirements are followed, it may be adequate to address the concerns expressed by the community about the management of liquor service.
 2. Types and locations of businesses
 - There was general agreement that the application costs and the LCLB requirements for either type liquor licence would preclude most businesses from applying for a licence.
 - Staff were informed by a liquor licensing consultant that as of December there are only three liquor primary licences issued to non-traditional business in all of BC
 - The new provincial policy would provide an opportunity for those businesses currently serving liquor illegally (without a licence) to legitimize their current business practices.
 - It was suggested that each application for a liquor licence should be evaluated on its own merit.
 - Once a liquor licence is issued then provincial and municipal regulations should ensure that licence holders continue to focus on their main business, not liquor sales.
 3. Hours of liquor service
 - Restrict liquor service to the normal hours of business, but not beyond the current RMOW policy hours of 9 a.m. to 10 p.m.
 - Restrict to a 10 p.m. end to liquor service, even if the business is open later.
 - Consider further restrictions on a case by case basis.
 - If business hours change they must apply to liquor branch for permanent change in hours of liquor service.

- For a special event the business could de-licence and apply for a Special Event Permit (SEP) with later hours. Some retail businesses hold SEP licensed events on a periodic basis, also giving them the flexibility to provide complimentary liquor.
- 4. Area in business where liquor may be consumed
 - Seating should not be mandatory because this might encourage people to stay longer and therefore consume more liquor, taking the focus away from the main business.
 - Licencing of patios could be problematic, as it may encourage others who are not customers to join friends for a drink.
 - Deal with the patios on a case by case basis.
- 5. Person capacity of liquor service area
 - The calculation of the maximum occupant load for non-traditional businesses when liquor is being served is the same for a licensed establishment and is specified in existing municipal policy (*Council Policy G-17 Municipal Liquor Licensing Policy*, Section 7.0 A-D).
 - Retail businesses use every square inch of space. Therefore, the existing regulations will likely result in a relatively small occupant load when liquor is being served.
- 6. Types of liquor served/amount of liquor per customer
 - Restrictions on quantity are not enforceable. Existing regulations and penalties on over-service are sufficient.
 - Restrictions on liquor type are not necessary and would not be practical to enforce.
- 7. Access by minors/employment of minors
 - Current LCLB regulations state the conditions under which minors who are employed by a licensed business can deliver liquor but cannot open or pour it.
 - Licensing of businesses which employ minors or where the customer base includes minors is a major issue to be concerned about. Minors learn from visualization and perceived societal norms.
 - If a business is licensed to serve liquor, what happens when only under age staff are on site? Businesses should consider the implications on youth employment opportunities in situations when only one staff member is present.
 - Restrictions could be built into a Temporary Use Permit.
- 8. Types of entertainment offered
 - The LCLB has some restrictions on types of entertainment, especially if minors are present.
 - Certain types of entertainment could shift the focus away from the primary business, which would contravene LCLB regulations.
 - If there are further concerns, then restrictions could be included in the Temporary Use Permit.
- 9. Number of licences issued in Whistler
 - Restrictions are likely not necessary due to the cost and conditions of applying for and managing a liquor licence.
 - A large uptake of liquor licence applications is not anticipated.

- If there are a large number of applications, then a restriction in numbers might be considered in future.
10. Temporary extension of hours/area for events
- These should not be considered if it shifts away from primary business. Licence extensions for events should only be considered if they complement the primary business.
 - All applications for temporary extensions of licensed hours or area are referred to LLAC members in accordance with municipal policy, so this will give LLAC members an opportunity to provide their comments on specific applications.
11. Temporary Use Permit (TUP)
- Duration of initial permit
 - Follow the Vancouver policy for restaurant hours. One year trial period and then renew.
 - The possibility of the TUP not being renewed may prevent businesses from applying for a liquor licence.
 - Renewal criteria
 - Use LLAC review criteria as a starting point.
 - Consider additional restrictions, if merited by the application.
 - Renewal period
 - Current liquor licences must be renewed annually by the LCLB.
 - The TUP could be renewed annually or it could be considered for a longer time.
12. Other conditions or restrictions
- The LCLB is not responsible for telling businesses how they manage their business.
 - Temporary Use permit would be used to give RMOW some control over the process. This would be built into bylaw and therefore could be enforced by the RMOW.
 - Current LCLB regulations state that if the business is sold the licence is inherited (if the new owner meets the LCLB suitability criteria), and the business cannot be changed to some other business. They can change the name, etc. but it will still be the same type of business. If it changes they must notify the LCLB.
 - If sales of liquor become out of line with main business this could this be flagged and dealt with by the LCLB.

Accommodation Sector Representative, Chair, Colin Hedderson, entered the meeting at 9:45 a.m.

Food & Beverage Representative – Restaurants, Vice-Chair, Kevin Wallace, left the meeting at 9:50 a.m.

OTHER BUSINESS

1. ELECTION OF CHAIR AND VICE-CHAIR

The LLAC Terms of Reference state that the Chairperson shall be elected to a term of one-year. Both a chair and a vice-chair should be elected.

Moved by Terry Clark

Seconded by Kevin Wallace

That Mike Wilson be elected chair and Terry Clark be elected vice-chair of the LLAC.

CARRIED

2. LLAC MEETING TIME

- Early morning (8:45 a.m.) meeting start times are difficult for the food and beverage sector representatives.
- Fire and RCMP representatives are sometimes not available; how can we accommodate them?
- Perhaps a community police person could be invited.
- Frank will survey the committee to determine optimal day of the week and time for the next and future meetings.

3. SPECIAL EVENT PERMITS (SEP) POLICY CHANGE

- The LCLB issued Policy Directive 18-01 on January 10, 2018, which allows the general manager of the LCLB to exempt SEP holders from donating event profits to charity if the event is of municipal, provincial, national or international significance. The LCLB policy change was made to support the music industry in BC.
- Previous LCLB Policy
 - The LCLB established maximum (“cost-recovery) prices for liquor (\$5.25 for beer) at an SEP event. If an event charged more than these prices, all profits from the entire event must go to a charitable cause.
 - Non-profit organizations often obtained the SEP licence for large events and assumed the risks in the hope of receiving a financial benefit from the event organizer.
 - The charity assessed the risks and potential benefits of holding the liquor licence.
 - Any SEP for more than 500 require Council approval.
- New LCLB Policy
 - For events determined to be of municipal, provincial, national or international significance, the event producer can hold the SEP, make a profit by charging more than the cost-recovery price and no link with a non-profit is required.
 - This takes the liquor licence risk away from the non-profit but also takes away a potential source of funding.
 - The Whistler Community Services Society (WCSS) representative noted that it is a fine line for WCCS benefits versus risk. There has to be the spirit of community rather than mandating a donation to a non-profit.
 - WCSS experiences a higher demand for its services during large festivals/events without any substantial benefit, even though the Whistler resort community as a whole benefits from the festival/event.
 - The LCLB will determine if an event is of provincial, national or international significance. The RMOW will need to decide how to deal with applications from an event producer to make a profit for events they identify as being of “municipal significance.”

4. Legalization of Recreational Cannabis

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- The LCLB Liquor Inspector noted that the LCLB is actively reviewing the implications and uncertainties around the introduction of legalized recreational cannabis.
- It is unknown if the distribution of recreational cannabis will occur in conjunction with liquor distribution.
- The RMOW is updating its bylaws in anticipation of the legalization of recreational cannabis.

MOTION TO TERMINATE

Moved by Colin Hedderson

That Liquor Licence Advisory Committee meeting of January 11, 2018 be terminated at 10:02 a.m.

CARRIED

Vice-Chair: Kevin Wallace

Recording Secretary: Donna Savage