



WHISTLER

MINUTES

REGULAR MEETING OF LIQUOR LICENCE ADVISORY COMMITTEE

THURSDAY, DECEMBER 13, 2018 STARTING AT 10:00 A.M.

**In the Flute Room at Municipal Hall
4325 Blackcomb Way, Whistler, BC V8E 0X5**

PRESENT:

Food & Beverage Sector Representative (Pubs), Chair, Mike Wilson
Food & Beverage Sector Representative (Nightclubs), Vice-Chair, Terry Clark
Food & Beverage Sector Representative (Restaurants), Kevin Wallace
Accommodation Sector Representative, Colin Hedderson
Whistler Community Services Society Representative, Jackie Dickinson
Public Safety Department Representative, RCMP, Rob Knapton
RMOW Resort Experience Staff Representative, Secretary, Frank Savage
Whistler Fire Rescue Service Representative, Chris Nelson
Recording Secretary, Shannon Perry

REGRETS:

Liquor and Cannabis Regulation Branch (LCRB) Inspector, Holly Glenn
Councillor, John Grills

Meeting called to order at 10:09 a.m.

ADOPTION OF AGENDA

Moved by K. Wallace
Seconded by T. Clark

That Liquor Licence Advisory Committee adopt the agenda of December 13, 2018 Liquor Licence Advisory Committee meeting.

CARRIED

ADOPTION OF MINUTES

Moved by T. Clark
Seconded by R. Knapton

That Liquor Licence Advisory Committee adopt the regular Liquor Licence Advisory Committee minutes of September 6, 2018.

CARRIED

COUNCIL UPDATE

No council update due to Council retreat. Staff advised that the new LLAC Council representative is Councillor Grills.

PRESENTATIONS/DELEGATIONS

Regulation of Liquor Licences for Non- Traditional Businesses

A presentation by Frank Savage of a report with a proposed municipal framework for the regulation of non-traditional businesses (businesses other than those primarily engaged in food, hospitality, entertainment or beverage service) applying for a liquor licence.

- The recent (January 2017) provincial LCRB policy for non-traditional businesses applying for a liquor licence:
 - Any business, even businesses without a primary focus on food service, can apply for a food primary licence.
 - Any business, except those that operate in a motor vehicle or are primarily directed at minors, can apply for a liquor primary licence.
- Municipal policy guidelines for non-traditional businesses (“Other Businesses”) applying for a liquor primary licence – from Section 7.0 of *Municipal Liquor Licensing Policy*:
 - Liquor service must be complementary and subordinate to primary business
 - Liquor service only when primary business operating
 - No liquor service past 10 p.m.
 - Access by minors must be considered
 - Impacts on community must be considered/mitigated
 - The level of community support must be considered
 - Serving It Right certification required
- Municipalities in B.C. that have granted liquor primary licences to non-traditional businesses include Prince George, Victoria, Kelowna, North Vancouver, Maple Ridge, Langford, West Kelowna: mostly for hair salons with a capacity of under 50. City of Vancouver policy will only consider such licences for arts and cultural organizations.
- Applicants would go through the full LCRB liquor primary application process, as well as the complying with RMOW policy guidelines.
- Application fee breakdown presented to the committee - total fees for liquor primary application RMOW and LCRB combined would be ~\$7000; total fee for food primary application RMOW and LCRB combined would be \$1250.

Colin Hedderson entered the meeting 10:29 a.m.

- Community open house on December 14, 2017 and a December 2017 online survey yielded the following feedback:
 - Generally supportive of innovative offerings
 - Concern about promoting liquor consumption
 - Potential negative impact on other businesses
 - Some businesses might not be appropriate for a liquor primary licence
 - What if the business becomes a problem for the community?
- LLAC Comments from January 11, 2018 meeting:
 - Applications should be considered case-by-case

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- LCRB liquor primary terms and conditions should be adequate
 - Concern about minors as customers and/or employees
 - Temporary Use Permit cost and renewal uncertainty may prevent businesses from applying
- Municipal staff are investigating use of the business licence to designate that the service of liquor is subordinate to the primary business.
 - RMOW staff are further proposing to use Temporary Use Permits (TUPs) to regulate liquor licences for non-traditional businesses. The staff report included draft amendments to *Zoning and Parking Bylaw No. 303*, with definitions, general considerations and permit conditions for the proposed TUP regulations.
 - The Temporary Use Permits would only be required for liquor primary licences, not food primary licences. Food primary licences, such as a licensed café in a museum, art gallery, bookstore or grocery store, would have a separate service area, always have food service available and would not likely be a problem for the community.
 - Proposed next steps:
 - Report to Council: January 8 or 22, 2019
 - Zoning bylaw amendment introduction: January 22 or February 12, 2019
 - Public hearing: February 12 or 26, 2019
 - Adoption of amended bylaws: February 26 or March 12, 2019
 - RMOW accepting application from businesses: Spring 2019

Discussion was held regarding the proposed municipal regulatory framework.

Q: TUP Permit Areas: Where would RMOW allow for these businesses?

A: It is suggested that non-traditional business in commercial and industrial zones only (not residential zones) be permitted to have a liquor primary licence.

Q: Why restricted to commercial and industrial locations? What about business owners within their homes such as; salons, bed and breakfast?

A: This suggestion will be considered in the next draft of the regulatory framework. Every application for a liquor licence would be considered on its own merits.

Q: Is there anything in place to say that the business owner needs to contact the property owner before applying for or being approved for a liquor licence?

A: It would be the responsibility of the lessee of a property to advise the property owner of lessee's intention to apply for a liquor licence.

Q: What if minors are employed by the businesses?

A: Minors can serve liquor in a food primary establishment but cannot open or pour liquor. If minors are employed by a liquor primary establishment, they may not sell or serve liquor. These LCRB terms and conditions would apply to a non-traditional business with a liquor primary licence.

Q: Can RMOW dictate liquor service hours for businesses such as hair salons? Suggest that they be restricted to hours that they normally operate without liquor.

A: RMOW policy restricts liquor service at non-traditional businesses to 9 a.m. to 10 p.m. If a business normally has shorter hours, then the RMOW could restrict liquor service hours to earlier than 10 p.m.

Q: Can the RMOW say businesses are only permitted to serve liquor in conjunction with the provision of a service, e.g. a haircut? This would help to prevent a hair salon from becoming a bar selling liquor to anyone.

A: The TUP and business licence should be able to include that in permit conditions. In addition, the TUP renewal process would allow the RMOW the opportunity to review the businesses operations and not renew the right to serve liquor, if the business had become a problem.

Q: Who will regulate?

A: The LCRB can regulate and enforce liquor licence terms and conditions including hours of service, capacity, service areas, minors, etc. The RMOW, through TUP conditions and business licensing, could impose further conditions. Municipal enforcement could be a challenge. The TUP renewal (or rejection of renewal) could be an effective deterrent to non-compliance.

Q: What happens when a business with a liquor licence wants to do after-hours events outside of their normal licence operating hours?

A: They would have to apply for a temporary extension of hours (LLAC comment/RMOW approval, maximum of six times/year) or temporarily de-licence and apply for a Special Event Permit (SEP). With an SEP an establishment can provide complimentary liquor – with a liquor primary licence liquor must be sold. There is a limit to the number of SEPs a business can have in a year.

Q: How would a liquor primary licence for other types of non-traditional businesses work? What about a bike shop offering beer during a tune-up?

A: The shop would have to sell the drink or include the drink in the cost of a tune-up. A Colorado bike shop has a bar in the same store, with a divider between – working in conjunction but separate.

Q: Would the business's insurance limit the service of alcohol? We don't need to protect the business from themselves.

A: The approval of a TUP is at the discretion of the RMOW. If the RMOW (with comment from the LLAC) does not find a liquor licence compatible with a certain business, then the RMOW does not have to approve it.

Q: Could the RMOW limit the number of permits. Such as a pilot project?

A: The RMOW will have discretion to do approve only those applications it sees fit. There are currently no interested applicants.

Q: Can a TUP be retracted during the initial 1 to 3 year period?

A: If a TUP holder was in contravention of the conditions of the permit, then the RMOW would have enforcement authority. The authority to revoke or suspend a TUP will be investigated.

Q: Will these businesses require BST (basic security training)?

A: No, though managers and those serving liquor will need a Serving It Right certificate, which qualifies a person to understand monitoring patrons, safe consumption of liquor, etc. LCRB Liquor primary guidelines say that it's the establishment's responsibility to control the behaviour of patrons. If businesses chooses to have a security person at the door, that person would have to be licenced.

Q: What are the occupant load requirements, e.g. square metres per person, washrooms?

A: Licensed capacity (occupant load) will be in accordance with *Municipal Liquor Licensing Policy*. RMOW will review washroom and other requirements for each individual application.

Moved by R. Knapton

Second by C. Hedderson

That the Liquor Licence Advisory Committee support the Municipal framework to regulate the issuance of temporary use permits (TUP) in accordance with Appendix B of LLAC report with the following changes:

- Removal of the limitation to commercial and industrial zones only – leave it up to the RMOW General Manager or Council to determine suitable locations. Make available for all zones.
- Require that the service of liquor in a non-traditional business be in conjunction with the purchase of a service or product.

LLAC discussion of motion:

LLAC members felt this second additional requirement should help to ensure that the sale of liquor would be complementary and subordinate to the primary business. The sale of liquor at a non-traditional business is intended as an additional service for customers of the primary business, not for members of the public to drop in for drinks.

CARRIED

OTHER BUSINESS

Completion of LLAC terms

Colin Hedderson and Terry Clark have both completed their second two-year terms and are not eligible by the LLAC Terms of Reference to be appointed to more than two consecutive terms. Both Colin and Terry were thanked for their service to the committee. Council will consider the appointment of new accommodation sector and nightclub sector representatives at the next closed council meeting.

LLAC Pub Sector representative

Pub sector representative and LLAC chair Mike Wilson, formerly General Manager of the Garibaldi Lift Company (GLC), has been promoted to another position with Whistler Blackcomb and will no longer be as directly connected with the pub sector. Mike's second two-year LLAC term will expire in August 2019, but a replacement LLAC pub sector representative should be appointed as soon as possible. Mike will remain on the committee until a replacement is appointed.

Next meeting: Thursday, January 10, 2019 starting at 10 a.m.

MOTION TO TERMINATE

Moved by J. Dickinson
Second by R. Knapton

That Liquor Licence Advisory Committee meeting of December 13, 2018 be terminated at 11:38

CARRIED

Chair: Mike Wilson

Recording Secretary: Shannon Perry