



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

COUNCIL POLICY

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| TITLE: Amendment to Existing Liquor Licence | NO. ADMIN – 53 |
| <p><u>POLICY:</u></p> <p>The process will be consistent with the process outlined by the Liquor Control and Licensing Branch (LCLB) of the Ministry of Public Safety and Solicitor General in the <i>“Role of Local Government and First Nations in the Provincial Liquor Licensing Process”</i> and the <i>“LCLB Changes Affecting Local Governments and First Nation [January 23, 2017]”</i>.</p> <p>Local Government must consider the following applications for both permanent and temporary licence amendments:</p> <ul style="list-style-type: none">• An extension of hours of liquor service (either earlier or later) of a liquor-primary licence or winery licence endorsement;• An increase in the person capacity of a liquor-primary licence or winery licence endorsement (except where an applicant held, or had preliminary site and applicant approval for, a licence on December 2, 2002 and the size of the establishment is not being increased);• The addition of a patio to a liquor-primary licence or winery lounge endorsement; an extension of hours of liquor service past 12:00 a.m. of a food primary licence; and• The addition of patron participation entertainment to a food-primary licence. <p><u>PROCESS GUIDELINES:</u></p> <p>1. <u>Application for a Licence Amendment</u></p> <ul style="list-style-type: none">• The applicant submits to Corporate Services a completed “Application for Permanent Change to a Liquor Licence” obtained from the Liquor Control and Licensing Branch.• Corporate Services date stamps the application form.• The application fee is paid per the <i>Fees and Charges (Miscellaneous) Bylaw, 2019, No. 2961</i>.• A copy of the application is retained by Corporate Services which serves as notice from the LCLB of an amendment to a licence within the Township.• The applicant submits the original application to the LCLB. <p>2. <u>Processing of Application</u></p> <ul style="list-style-type: none">• Corporate Services refers the application for comments to<ul style="list-style-type: none">✓ Development Services (parking, zoning, business licence, bylaw enforcement)✓ Fire Department | |

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| EFFECTIVE DATE: February 6, 2020 | APPROVED BY: Council | REFERENCE: ** | AMENDS: July 13, 2009 | PAGE 1 OF 4 |
|--|--------------------------------|-------------------------|---------------------------------|--------------------|

**Updated to reflect current legislation and bylaw citations (February 6, 2020)

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| <ul style="list-style-type: none"> A staff report to Council is prepared outlining Council's options, with recommendation: <ul style="list-style-type: none"> ✓ Council passes a "no comment" resolution to LCLB; or ✓ Council directs staff to collect the views of residents and consider regulatory criteria. <p>3. <u>Site and Community Assessment</u></p> <ul style="list-style-type: none"> Corporate Services gathers the views of the residents if the amendment will affect them by: <ul style="list-style-type: none"> ➤ giving notice of a public hearing in the newspaper per section 466 of the <i>Local Government Act</i>; and/or ➤ receiving written comments in response to a public notice posted at the site and in local newspapers; <ul style="list-style-type: none"> • If the applicant is required to post a sign on the property, it shall be 6 ft high x 3 ft wide and state that an application for an amendment to a liquor licence has been made, and anyone with an interest in the matter may forward their comments to the Township within 30 days; and/or ➤ delivering notices to owners and occupiers of property located within a 45 metre radius of the applicant's property; and/or ➤ any other method that is fair to residents and applicant, provides a reasonable notice, avoids a perception of bias and is appropriate to local circumstances. Corporate Services refers the application for comments to the Victoria Police Department West Division and schools within the proximity radius: School District No. 61, School District No. 93 and private schools. Esquimalt Council considers the regulatory criteria <ul style="list-style-type: none"> ➤ The potential for noise; and ➤ The impact on the community; and ➤ Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose <p>4. <u>Recommendation to LCLB</u></p> <ul style="list-style-type: none"> Council must provide either <ul style="list-style-type: none"> ✓ a "no comment" resolution to LCLB, or ✓ a resolution, with reasons, recommending / not recommending the amendment to the licence within 90 days of receipt of application. ✓ The Township may request an extension from LCLB. <p>Attachment: Sample Council Resolution</p> | |

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| EFFECTIVE DATE: February 6, 2020 | APPROVED BY: Council | REFERENCE: ** | AMENDS: July 13, 2009 | PAGE 2 OF 4 |
|--|--------------------------------|-------------------------|---------------------------------|--------------------|

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SAMPLE RESOLUTION

General Manager,
Liquor Control and Licensing Branch

Re: Application for *(addition of a patio / increase in person capacity / extension of hours of liquor service / patron participation entertainment) as an amendment to (liquor-primary / liquor primary club / winery / food-primary) licence number: (licence number).*

At the Council meeting held on *(date)*, the Council of the Township of Esquimalt passed the following resolution with respect to the application for the above named amendment:

BE IT RESOLVED THAT:

1. The Council of the Township of Esquimalt (recommends / does not recommend) the issuance of the licence for the following reasons: *(detail and explain reasons for recommendation).*
2. Council's comments on the prescribed considerations are as follows: *(the Council may refer to the contents of any report attached to the resolution for further information with respect to any of the considerations).*
 - (a) The potential for noise if the application is approved *(provide comments)*
 - (b) The impact on the community if the application is approved *(provide comments)*
 - (c) Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose *(provide comments only if the application is from a food-primary licence for an extension of hours of service past midnight or the addition of patron participation entertainment)*
 - (d) The views of residents *(describe the views of residents, the method used to gather the views and provide comments and recommendations with respect to the views. If the views of residents were not gathered, provide reasons).*
3. Council recommends / does not recommend the amendment of the licence for the following reasons: *(detail and explain reasons for recommendation).*

The undersigned hereby certifies the above resolution to be a true copy of the resolution passed by the Council of the Township of Esquimalt on *(date)*.

Sincerely,

Corporate Administrator

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|--|--------------------------------|-------------------------|---------------------------------|--------------------|
| EFFECTIVE DATE: February 6, 2020 | APPROVED BY: Council | REFERENCE: ** | AMENDS: July 13, 2009 | PAGE 3 OF 4 |
|--|--------------------------------|-------------------------|---------------------------------|--------------------|

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| Note: <ul style="list-style-type: none"> • All of the items outlined above in points 1 and 2 (a) through (d) must be addressed in the resolution in order for the resolution to comply with section 38 of the Liquor Control and Licensing Regulation. • A separate resolution must be provided for each type of amendment if the applicant is applying for more than one of the prescribed types of amendments. • Any report presented by an advisory body or sub-committee to the Council may be attached to the resolution. | |

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|--|--------------------------------|-------------------------|---------------------------------|--------------------|
| EFFECTIVE DATE: February 6, 2020 | APPROVED BY: Council | REFERENCE: ** | AMENDS: July 13, 2009 | PAGE 4 OF 4 |
|--|--------------------------------|-------------------------|---------------------------------|--------------------|

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