



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall
1229 Esquimalt Road
Esquimalt, B.C. V9A 3P1

Legislation Text

File #: 20-076, Version: 1

REQUEST FOR DECISION

DATE: February 11, 2020

Report No. ADM-20-004

TO: Laurie Hurst, Chief Administrative Officer

FROM: Rachel Dumas, Manager of Corporate Services

SUBJECT:

Amendment to Existing Liquor Licence - 1005 Craigflower Road

RECOMMENDATION:

That the Township of Esquimalt does not wish to provide comments or recommendations to the Liquor and Cannabis Regulation Branch [LCLB] with regard to the application for a Permanent Change to a Liquor Licence by Gorge Vale Golf Club, to change the hours of liquor service outside the hours currently approved by the LCLB.

RELEVANT POLICY:

Council Policy No. ADMIN-53 - Amendment to Existing Liquor Licence
Fees and Charges (Miscellaneous) Bylaw, 2019, No. 2961
Local Government Act
Community Charter
Liquor Control and Licensing Act

STRATEGIC RELEVANCE:

This Request for Decision does not relate directly to any of Council's Strategic Priorities.

BACKGROUND:

The Township acknowledged receipt of an Amendment to Existing Liquor Licence Application on October 25, 2019, from the Gorge Vale Golf Club to the Liquor Control and Licensing Branch [LCLB] for a permanent change to amend the hours of liquor service to their existing licence. The proposed daily hours would commence at 9 am, [currently 11 am] and cease at midnight [currently 1am]. The applicant has not provided written rationale for the request to change the hours; however, it has been indicated that they would like to provide a liquor service during breakfast service hours. No other changes are requested. A copy of the Application is attached [See Attachment No. 1 - Application].

The Province issued new Guidelines in 2012 titled "*Local Government and First Nations Roles and Responsibilities in the Provincial Liquor Licensing Process: A Guide for local governments and First Nations*" and a further amendment on January 23, 2017 regarding changes to the processing of

applications. In accordance with the Guidelines, Local Governments may pass one of two Resolutions [See Attachment No. 2 - LCLB Guidelines]:

1. Choose to not provide input into the application - The Local Government must provide the LCLB with a Resolution according to the appropriate template. In this case, The LCLB will gather the views of residents if it is of the opinion that the application may affect them, and will consider the regulatory criteria by requesting additional information from the Local Government.
2. Choose to provide input into the application - The Local Government must gather the views of residents that may be affected and provide the LCLB with the appropriate Resolution within 90 days of receipt of the application.

The Guidelines state that if the Local Government wishes to provide input, it may use one or more of the following methods to gather public input:

- Receiving written comments in response to a public notice posted at the site and/or advertised in local newspapers;
- Conducting a public hearing; or,
- Any other similar process.

Attached is a copy of Council Policy ADMIN-53 “Amendment to Existing Liquor Licence” [Attachment No. 3] for reference. The sample Resolution was not included in the Policy since the revised guidelines by LCLB set out the required form of Resolutions. Staff requested an extension to the 90 day timeline for response due to process miscommunication [Attachment No. 4]. In accordance with the Policy, staff from both the Development Services Department and Fire Department has reviewed the application. Staff has no concerns regarding potential impacts on the community arising from this application, and recommends that Council pass a Resolution to advise the LCLB that it does not wish to provide input into this Application.

ISSUES:

1. Rationale for Selected Option

Due to the location of the Gorge Vale Golf Club and the distance from the residential areas, staff is of the opinion that there will be minimal impact on the community arising from this Application. There are no other changes proposed, and the size of the licenced facility will remain as it currently is under the existing Licence. A public Notice was placed on the Township Notice Board at Municipal Hall and on the Municipal website on February 7, 2020, advising the public that this application will be presented to Council on February 24, 2020 at no cost to the applicant. There have been no public comments received to date.

2. Organizational Implications

There are no organizational implications.

3. Financial Implications

There are no financial implications arising from the Staff Recommendation. However, if Council were to determine that it wishes to provide input into this Application, staff would proceed with the public process to gather the views of residents and the community that may be impacted. Pursuant to the *Fees and Charges (Miscellaneous) Bylaw, 2019, No. 2961*, the applicant would be

charged the following fees:

- Application for revisions to existing licences - \$300.00
- Applications that require public consultation - \$175.00 additional plus cost of advertising, notices and postage

4. Sustainability & Environmental Implications

There are no sustainable or environmental implications.

5. Communication & Engagement

If Council passes the Resolution indicating it does not wish to provide input into this Application, staff will provide a certified copy of the Resolution to LCLB in accordance with the Guidelines and a copy of this Staff Report.

If Council determines that it wishes to provide input into this Application, staff will proceed with the public process, in accordance with Council Policy No. ADMIN-53, including notification on our website, and will bring this matter back to Council for further consideration, summarizing the public comments received. A certified copy of the subsequent Resolution will be provided to LCLB.

ALTERNATIVES:

1. That the Township of Esquimalt does not wish to provide comments or recommendations to the Liquor and Cannabis Regulation Branch [LCLB] with regard to the application for a Permanent Change to a Liquor Licence by Gorge Vale Golf Club, to change the hours of liquor service outside the hours currently approved by the LCLB.

2. That Council direct staff to proceed with a public process to gather the views of residents and consider regulatory criteria, and provide a Report to Council summarizing the public comments received.