

Corporate Policy

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Section:	Legislative and Regulatory Affairs	09
Sub-Section:	Building, Bylaw, and Licensing	4300
Title:	City Review of Liquor Licence Applications	2016-01

Related Policies

Number	Title

Approvals

Approval Date: November 15, 2016	Resolution #: <u>CW16/148 (RC16/398)</u>
Amended: September 19, 2017	Resolution #: <u>RC(CW)17/031 (CW17/117)</u>
Amended:	Resolution #:
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Policy

1. The Manager of Building, Bylaw, and Licensing shall have primary responsibility for coordinating the review of liquor licence applications and shall seek the input of the Port Moody Police Department and other City Departments as deemed appropriate.
2. Under section 40 of the *Liquor Control and Licensing Act*, Council delegates the authority to City staff to respond to applications referred to the City for review from the Liquor Control and Licensing Branch (LCLB) for:
 - a. temporary changes in hours of operation;
 - b. increases in person capacity for an existing liquor licence, other than for a liquor-primary; and
 - c. food-primary establishments applying to add patron participation entertainment or extend hours for serving liquor beyond 12:00am.
3. City staff will advise Council of all applications referred to the City for review from the LCLB for:
 - a. a new liquor-primary or new liquor-primary club;
 - b. liquor-primary establishments applying to extend hours of operation, increase in person capacity, or to add a patio;
 - c. new breweries and wineries; and
 - d. breweries and wineries applying for a lounge endorsement.
4. Each application in section 3 shall be subject to a public consultation process except that Council may, if it so wishes, opt out of the review of an application by notifying the LCLB in writing.
5. Council may also determine that the public consultation portion of the review process for applications set out in section 3 not be undertaken upon an applicant's written request, where Council considers that nearby residents will not be affected. In such cases, Council shall deliberate the matter as set out below and provide a resolution to the LCLB in writing either supporting or not supporting the application along with the criteria that were used as a guide in reaching a resolution.
6. Unless otherwise determined by Council, per sections 4 and 5 above, public consultation by the applicant will be required as part of the City's consideration of an application starting with a public open house held by the applicant at a time and location considered appropriate by the City. The purpose of the public open house will be for attendees to ask questions of the applicant and for the applicant to receive feedback. At least one member of City staff shall attend a public open house as an observer.
7. The City shall deliver written notice of the application and public open house by mail or hand to all property owners and tenants within a 60-metre radius of the subject property. Notice of the public open house shall also be advertised twice in the local newspaper.

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8. Following the public open house, the application will be discussed by Council at a Regular or Special meeting of Council, the location and time of which shall be advertised at least once in the local newspaper. For that Council meeting, a staff report will be prepared summarizing and responding to the public input received addressing the regulatory criteria established by the LCLB. The staff report will also provide comments and recommendations.
9. Council shall discuss the application at the advertised meeting, at which time both the applicant and any member of the public who wishes to speak to Council on the matter may do so. Written submissions prior to or at the meeting shall also be accepted by Council.
10. Upon considering the application and input received, Council shall at the meeting provide a resolution to the LCLB in writing either supporting or not supporting the application along with the criteria that were used as a guide in reaching the resolution. Alternatively, Council may return the application to staff for further work or to seek additional information.
11. The criteria established by the LCLB that Council shall use as a guide in its consideration of applications by establishments to amend their licences include:
 - a. the impact of noise on the community in the immediate vicinity of the establishment unless subparagraph (b) or (c) apply;
 - b. in the case of an application that involves a temporary use area endorsement, the impact of noise on the community in the immediate vicinity of the proposed locations of event sites under corresponding temporary use area authorizations;
 - c. in the case of an application that involves a lounge or special event area endorsement, the impact of noise on the community in the immediate vicinity of the location of the service area under the endorsement;
 - d. general impact on the community; and
 - e. if the application is to amend a food primary licence in relation to patron participation, extending their hours past 12:00am or adding or amending a temporary use endorsement.
12. If in processing an application, it appears that the 90-day referral deadline established by the LCLB will be exceeded, staff are authorized to request an extension from the LCLB.

Monitoring/Authority

Delegated to the Manager of Building, Bylaw, and Licensing.