



COUNCIL REPORT

To: Paul Gipps, CAO

Date: June 9, 2020

From: Chris Oliver, Planner III

Subject: **Temporary Expanded Service Area Authorization, LCRB Blanket Approval**

RECOMMENDATION

THAT Council provide pre-approval for all liquor primary and manufacture establishments in West Kelowna who apply for an expanded service area in accordance with the LCRB Policy 20-13.

STRATEGIC AREA OF FOCUS

Economic Growth and Prosperity

We support initiatives that promote the community's livability, local business growth, agriculture, wineries, natural beauty, amenities, rich culture, and other attributes that position West Kelowna as a place to live, invest, work and play.

BACKGROUND

The Liquor Control and Regulation Branch (LCRB) is aware of the significant ramifications the pandemic has had on B.C.'s hospitality sector and we understand that with reopening efforts underway, it is critical that licensees are supported in their needs to adhere to Provincial Health Officer's (PHO) direction and recommendations as they aim to resume operations.

As such, the LCRB has announced Policy Directive 20-13 (Attachment 1) that permits food primary, liquor primary and manufacturing licensees to temporarily expand their service area footprint until October 31, 2020.

Helping licensees increase their service area will allow them to decrease the density of patrons in their establishments and to continue to serve patrons while complying with PHO orders and guidelines regarding physical distancing.

To support this directive, the LCRB has implemented an expedited process for the authorization of temporary expansions to service areas. These temporary authorizations will be focused on expanding licensee service areas only and will not increase currently approved person/patron capacities or occupant loads. This will allow the LCRB to expedite approvals while mitigating any public safety risks or local government requirements. Licensees will still be subject to any PHO orders requiring reduced occupancy loads and must also comply with all local bylaws and health and fire regulations.

Liquor Primary and Manufacturing Licenses Process

The LCRB has identified that local governments may want applications in their jurisdiction approved as soon as possible, while others may want an opportunity to review individual applications more extensively. Therefore, the LCRB is offering the following two options for local government input into the temporary authorization application process for liquor primary (bar, club, etc.) and manufacturer (brewery, winery, cidery, etc.) licensees:

1. Local governments may provide one pre-approval to cover all liquor primary and manufacturer establishments within their jurisdiction who may apply for an expanded service area (Recommended Motion).

Considerations:

- Enable the fastest processing of applications.
- Streamlines processes for operators facing numerous regulatory requirements from COVID.
- Applicants are required to meet all bylaw requirements and will be required to disclose that they have met all local government requirements when applying.
- The City would receive notice when the expanded service area is authorized by the LCRB.

The LCRB will not require evidence from licensees ensuring they have appropriate permissions (including the use of publicly owned spaces like parking lots, sidewalks, etc.) from local governments, if their local government has selected the blanket-approval approach. It is the responsibility of the licensee to ensure they abide by all local bylaws and acquire any necessary permits. As part of the blanket approval process all applicants will be required to affirm through an online disclosure that they have met all local government requirements. If an applicant was in contravention to a Bylaw requirement, the City would have the ability to work with the applicant to rectify the issue.

2. Local governments may choose to review and approve all individual requests for liquor primary and manufacturer expansions prior to licensees submitting their applications to the LCRB (Alternate Motion).

Considerations:

- Increase the time required for businesses to begin operating their expanded areas.
- The City would have the ability to determine what information is required from applicants seeking our approval, and we would have the ability to withhold approval there are concerns.
- If the City approves the application, we would provide written approval directly to the applicant. The applicant will be required to include this information with their application to the LCRB.
- The City would receive notice when an expanded service area is authorized by the LCRB.

Other Application Processes

Since food primary (restaurant) establishments are not required to obtain prior local government approval to expand their service areas, the LCRB will continue to process food primary requests for expanded service areas without requiring local government approval. Food primary licensees are also responsible for following all local bylaws and for obtaining any permits as required by their local government (e.g., encroachment agreement). The City will receive notice when an expanded food primary service area is approved by the LCRB.

CONCLUSION

By providing a blanket pre-approval we are streamlining processes for existing operators in our community to meet PHO requirements. Removing one additional hurdle amongst the numerous safety requirements that ensure residents and visitors are safe will allow business to reopen, hire staff, and continue to contribute to our communities economy.

Alternate Motion:

THAT Council require staff to review and approve all individual requests for liquor primary and manufacturer expansions prior to licensees submitting their applications to the LCRB.

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Tracey Batten, Deputy CAO/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. LCRB Policy 20-13 Temporary Expanded Service Area Authorization