



POLICY: **LIQUOR & CANNABIS LICENSING**

SECTION: Development Services

POLICY #: DEV-015

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 Director of Corporate Services

PAGE: 1 of 6

EFFECTIVE DATE: April 12, 2022 (Motion R22.188)

SUPERSEDES: DEV-010 Liquor & Cannabis Licensing

AUTHORIZED:

Gladys Atrill
Mayor

Dianna Plouffe
Chief Administrative Officer

PURPOSE:

The purpose of this policy is to establish process and procedure for the Town of Smithers to follow when responding to provincial license referrals received from the Province of British Columbia's Liquor and Cannabis Regulation Branch (LCRB).

POLICY:

1. Applications

All applicants shall complete the Town's prescribed application forms and pay the associated application fee. The Town of Smithers will only accept completed applications that contain the following information:

- a) Name, address and signature of the applicant;
- b) Name, address and signature of consent of the property owner;
- c) Legal description and civic address of the subject property;
- d) Application type:
 - i. New Liquor Primary / Liquor Primary Club or Cannabis Retail License;
 - ii. License Amendment (Liquor Primary / Liquor Primary Club, Manufacturer, Food Primary or Cannabis Retail);
 - iii. Temporary Liquor License Amendment (Event).

- e) Receipt of a copy of a completed LCRB application form;
- f) For all liquor-related licenses:
 - i. Person capacity;
 - ii. Hours of liquor service of the establishment;
- g) For all cannabis retail licenses:
 - i. Proposed hours of service;
 - ii. Retail storefront location details;
 - iii. Copy of the proposed floor plan;
 - iv. Exterior modification plans that include signage and window treatment details.
- h) Application fee

Once a License application is received, the Town of Smithers will sign the applicant's LCRB application, this initiates a 90-day time frame to gather public input in accordance with Section 71 of the *Liquor Control and Licensing Regulations*.

2. New Liquor Primary / Liquor Primary Club / Cannabis Retail License Applications

(Application Fee per the Town's Fees and Charges Bylaw, as may be amended from time to time)

a) Public Notice & Hearing

The Town will provide written notification to owners, and, where possible, tenants in occupation of the parcels, which are the subject of the application, and all parcels within a distance of 60 metres from the land that is the subject of the application and at least 10 days prior to the date on which Council will consider the application. The notification shall advise the public of the nature of the application including the proposed seating capacity and hours of operation, and the public's opportunity to be heard by Council at a hearing.

The Town shall advertise electronically by posting on the Town of Smithers Official Facebook page and the Town of Smithers Website, the post to appear not less than 6 and not more than 10 days before the date of the hearing before Council on the application. The advertisement shall advise the public of the nature of the application, and their opportunity to be heard by Council at a hearing.

Where an application for a local government resolution is associated with an application for rezoning to permit the licensed establishment, the Public Hearing for the rezoning shall be used to obtain public input.

b) Staff Report (Liquor Primary & Liquor Primary Club only)

At the Council meeting where the resolution is to be considered, staff shall present a comprehensive report and draft resolution for Council's consideration. The report shall provide information relative to the following issues:

- Location of the establishment;
- The person capacity and hours of liquor service of the establishment.

In addition, the report must provide information relevant to the following issues, which the LCRB requires, to inform Council's resolution:

- Impact of noise on the community in the immediate vicinity of the establishment;
- Impact on the community (including traffic, noise, parking, and zoning) if the application is approved;
- Views of residents and a description of how they were gathered;
- Local government's recommendations (including whether the application should be approved) and associated rationale.

Staff shall refer all applications to the RCMP for comment prior to preparing the report for Council.

c) Staff Report (Cannabis Retail Licenses Only)

At the Council Meeting where the resolution is to be considered, staff shall present a comprehensive report and draft resolution for Council's consideration. The report shall provide information relevant to the following issues:

- Location of the establishment;
- Storefront exterior modifications, signage and floor plan for consistency with the Town's Official Community Plan policies and Form and Character Development Permit Area Guidelines;
- Proximity to sensitive sites (i.e. schools, parks, playgrounds, childcare facilities) and existing cannabis retail stores;

In addition, the report must provide information relevant to the following issues, which the LCRB requires, to inform Council's resolution:

- Views of residents and a description of how they were gathered;
- The impact on the community if the application is approved;
- Local government's recommendations (including whether the application should be approved) and associated rationale.

Staff shall refer all applications to the RCMP and School District 54 for comment prior to preparing the report for Council.

3. Amendment to Existing License Applications

(Application Fee per the Town's Fees and Charges Bylaw, as may be amended from time to time)

a) Public Notice and Hearing

The Town will provide written notification to owners, and, where possible, tenants in occupation of the parcels, which are the subject of the application, and all parcels within a distance of 60 metres from the land that is the subject of the application at least 10 days prior to the date on which Council will consider the application. The notification shall advise the public of the nature of the application and the existing operation, and their opportunity to be heard by Council at a hearing.

On the date identified in the public notice, Council will hear the applicant and any other person deemed to be affected or having an interest in the application.

b) Staff Report

At the Council meeting where the resolution is to be considered, staff shall present a comprehensive report and draft resolution for Council's consideration. Reports regarding amendments to liquor primary, manufacturer lounges, food primary and cannabis retail licenses shall provide information relevant to the following issues, which the LCRB requires Council to consider and comment on in their resolution:

- Impact of noise on the community in the immediate vicinity of the establishment;
- Impact on the community if the application is approved;
- For food primary licenses only, whether the application will result in the establishment operating in a manner contrary to the primary purpose of the establishment, which is the service of food;
- Views of residents and a description of how they were gathered;
- Local government's recommendations (including whether the application should be approved) and associated rationale.

Staff shall refer all liquor applications to the RCMP and cannabis applications to both RCMP and SD54 for comment prior to preparing the report to Council.

4. Temporary Amendment (Event) to Liquor Licenses

(Application Fee per the Town's Fees and Charges Bylaw, as may be amended from time to time)

An application for a temporary amendment (for an event) to expand hours or person size/ capacity for a liquor primary, manufacture lounge or special event area license, require local government comment in the form of objection/no objection.

a) Staff Report

At the Council Meeting where the resolution is to be considered, staff shall present a report and draft recommendation for Council's consideration. The report shall provide information relevant to the following issues, which the LCRB requires, Council to consider when responding with an objection/ no objection:

- Potential for noise on the community in the immediate vicinity of the establishment if the application is approved;
- Impact on the community if the application is approved.

Staff shall refer all applications to the RCMP for comment prior to preparing the report for Council.

5. Council Evaluation & Approval Guidelines

In order to provide direction to the community regarding liquor licensing in the Town of Smithers, the following general guidelines are provided. All aspects of each application shall be evaluated on a case-by-case basis with respect to the expected impact of the license on the immediate area and the community as a whole.

a) Hours of Liquor Service

- Council may consider supporting liquor service by Liquor Primary or Food Primary establishments up to 2:00 am (and no later) in the area designated Downtown Commercial in the Official Community Plan. Liquor service shall be limited to earlier times where there is an expected negative impact on residential, or other, properties.
- Council may consider supporting liquor service by Liquor Primary and Food Primary establishments until up to 1:00 am (and no later) outside of the area designated Downtown Commercial in the Official Community Plan. Liquor service shall be limited to earlier times where there is an expected negative impact on residential properties.
- Temporary changes to hours of operation for special occasions, such as New Years Eve, may be considered on a case-by-case basis. When time is of the essence and doesn't provide an opportunity for Council to approve per scheduled meetings, the Chief Administrative Officer or designate and Mayor or designate can approve temporary changes to hours of operation for special occasions, such as New Years Eve. When the Chief Administrative Officer or designate and the Mayor or designate approve requests for temporary changes to hours of operation, Council will be advised.

b) Liquor Licensed Seating Capacity

- Council may consider supporting Liquor Primary establishments with a seating capacity exceeding 100 persons only if located in the area designated Downtown Commercial in the Official Community Plan.

c) Patron Participation Entertainment

- Council may consider supporting patron participation entertainment in Food Primary licenses so long as it does not alter the primary purpose of the establishment, which is the service of food.

6. Council Resolutions

Resolutions passed by Council shall take the form required by the Province, as outlined by the LCRB under *Section 71 of the Liquor Control and Licensing Regulations* and *Division 3 of the Cannabis Control and Licensing Act*.

Council may pass a resolution based on a specific term or condition; however, prior to doing this Council shall ensure that the term or condition is within the legislative jurisdiction of the LCRB to impose or enforce.

Upon completion the resolution or comment shall be forwarded to the LCRB and the applicant.