

# Food Primary Terms and Conditions



August 2017

# Update Summary

Date	Update Description (Click on blue link to jump to section)	Updated Pages
August 2017	<p><b>Your Restaurant</b>  <a href="#">Unlawful or Private Liquor</a></p> <p><a href="#">Liquor Register</a></p> <p><a href="#">Where Customers May Consume Liquor</a></p> <p><b>Catering Endorsements</b>  <a href="#">Requesting a Catering Authorization</a></p>	<p>15</p> <p>15</p> <p>19</p> <p>28-29</p>
July 2017	<p><b>Providing Safe and Responsible Service</b>  <a href="#">Serving It Right™: B.C.'s Responsible Beverage Service Program</a></p> <p><b>Controlling Your Establishment</b>  <a href="#">Preventing Disturbances</a></p> <p><b>Selling Liquor</b>  <a href="#">Loyalty Programs</a></p> <p><a href="#">Golf Course Special Privileges</a></p> <p><b>Entertainment</b>  <a href="#">What You May Offer At Your Restaurant – Contests and Draws</a></p> <p><b>Relations with Liquor Manufacturers and Agents</b>  <a href="#">Stadium and Concert Hall Tied House Exemption</a></p> <p><a href="#">Joint Promotions/Brewmasters</a></p> <p><b>Catering Endorsements</b>  <a href="#">Terms and Conditions that Apply to Your Catering Endorsement</a></p>	<p>6</p> <p>7</p> <p>17</p> <p>19</p> <p>21</p> <p>24</p> <p>26</p> <p>29</p>

# Food Primary Licence Terms and Conditions

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# Introduction

A food primary licence allows you to sell liquor for onsite consumption when food is served to patrons.

This handbook outlines the requirements of the *Liquor Control and Licensing Act*, Regulations and terms and conditions that relate to owners of restaurants. It is your responsibility to be aware of and to operate in compliance with these rules.

Licenseses must follow B.C.'s liquor laws and these terms and conditions at all times (as well as any further terms and conditions that might be printed on your licence or in letters issued to you by the general manager of the Liquor Control and Licensing Branch.

Throughout this handbook the term "general manager" refers to the general manager of the Liquor Control and Licensing Branch, who has legislative authority to make decisions regarding liquor licensing in British Columbia.

Licence terms and conditions change from time to time. Stay up to date by referring to the online handbook and checking back on our policy directives page (<http://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing/liquor-law-policy/policy-directives>).

## Contact Information

If you have any concerns or questions, please contact your local liquor inspector or the Liquor Control and Licensing Branch at:

### Mailing address

PO Box 9292 Stn Prov Govt,  
Victoria, BC V8W 9J8

### Office address

4<sup>th</sup> Floor, 3350 Douglas St.  
Victoria, BC V8Z 3L1

### Email

[lclb.lclb@gov.bc.ca](mailto:lclb.lclb@gov.bc.ca)

### Phone

250-952-5787 in Victoria

### Toll-Free Phone

1 866 209 2111

A range of helpful information along with licensee handbooks, application forms and links to the *Liquor Control and Licensing Act* and Regulations are here: [www.gov.bc.ca/liquorregulationandlicensing](http://www.gov.bc.ca/liquorregulationandlicensing)

# Providing Safe and Responsible Service

## Serving It Right™: B.C.'s Responsible Beverage Service Program

Serving It Right is a self-study course that educates licensees, managers and servers about their legal responsibilities when serving liquor, and provides effective techniques to prevent problems related to overservice.

Serving It Right must be completed by all licensees, managers (staff who supervise the sale or service of liquor) and servers (staff who sell or serve liquor). In regard to licensees, the following table shows who is required to complete Serving It Right.

Type of Licensee	Who Needs Serving It Right
Private or public corporation	Authorized signing officer of the corporation
Local government or First Nation	A person you identify as your representative
General partnership	At least one partner
Limited partnership	The general partner
Sole proprietor	The sole proprietor
Trust	Trustee
Non-profit corporation ( e.g. a society)	Director or senior manager
Military mess	An officer in charge
Other (e.g. church, university, co-ops)	An officer, director, manager or other person satisfactory to the Liquor Control and Licensing Branch

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You are responsible for ensuring your employees take Serving It Right and you must keep records for at least six years that show the name of each employee, their Serving It Right certificate number and the expiry date, if applicable. You must produce this record to a liquor inspector or peace officer upon request.

Servers relocating to British Columbia with a valid certificate showing completion of a recognized responsible beverage service program in another Canadian jurisdiction are exempt from the Serving It Right requirement until the expiry of their certification. If you hire an employee with certification from another Canadian jurisdiction, you must keep the same information as for Serving It Right, along with the jurisdiction where the training occurred.

Effective September 15, 2020, servers holding certificates with no expiry date must obtain Serving It Right certification.

The course packages, exams and certificate numbers can be found online at [www.servingitright.com](http://www.servingitright.com), or by phoning 604-633-9798.

## Display of Social Responsibility Materials

You are required to display at least one social responsibility poster or tent card. The materials will be mailed to you and must be displayed in a prominent location in your service area.

Updated materials will be provided to you at regular intervals, free of charge. Additional copies are available from your local liquor inspector or on the Liquor Control and Licensing Branch's website.

## Controlling Your Establishment

### Your responsibilities

You and your employees are responsible for controlling the behaviour of patrons. You must ensure that no one is harmed as a result of liquor misuse or criminal activity in your restaurant or at an event site, and you are required to take steps to ensure your business does not disturb the surrounding community.

Anyone providing door security at a licensed establishment is required to be licensed under the Security Services Act. Please visit <http://www2.gov.bc.ca/gov/content/employment-business/business/security-services/security-industry-licensing> for more information.

An individual who has been asked to leave, or who has been barred from entering your restaurant, must not return for at least 24 hours. If a person does not comply, they are committing an offence and may be arrested.

If there is an imminent threat to people's safety, the general manager can suspend a liquor licence for 24 hours or suspend/cancel an authorization and order the immediate removal of patrons. In this situation, you are required to take all reasonable steps to ensure that customers vacate the premises immediately.

In extraordinary circumstances, the general manager may suspend a licence or authorization or impose terms and conditions for up to 14 days without a hearing.

## Preventing disturbances

You must take reasonable measures to ensure your business is not operating contrary to the public interest and does not disturb people near your establishment, or an event site (for example, noise). This means performing actions that are appropriate in the circumstances and within your capacity to do.

Examples of reasonable measures include:

- Installing adequate lighting outside your establishment and in the parking lot
- Supervising your parking areas
- Posting signs asking patrons not to disturb your neighbours
- Adding sound proofing
- Making approved structural changes to allow indoor line-up areas

## Minors

Minors (anyone under 19 years of age) are allowed to enter restaurants on their own and cannot be prohibited on the basis of age. Minors may be allowed at a catered event, unless restricted by the Branch or the host. Minors are not permitted at catered events with adult entertainment or gaming (except for ticket raffles and BC Lottery products).

It is against the law for you or your employees to provide liquor to a minor. You are expected to put in place effective systems to meet this obligation.

Minors who are 16 or older and employed at your restaurant may serve liquor, but they cannot open bottles, pour or mix liquor. Minors serving liquor must be under the supervision of adult staff who have Serving It Right certification. Minors may serve food or work as entertainers at events.

## Identification (ID) requirements

You are responsible for ensuring that minors are not served liquor. If there is any doubt whether a customer is 19 or over, you and your employees should verify age by asking for two pieces of ID, carefully examining both pieces and acting on the authenticity of the identification. If you can't demonstrate that you have done this, you could be held responsible for serving a minor, if the person is under 19.

### Primary ID

At least one of the ID must be a primary ID and it must:

- be issued by a government agency; and
- include the holder's name, date of birth and picture.

Examples of primary ID include:

- State or provincial driver's licence
- Passport
- The Photo BC Services Card
- Citizenship card
- First Nations status card
- The federal Firearms Possession and Acquisition licence

- National Defence ID

Note that the B.C. Driver's Licence and Services Card, which combines the B.C. Driver's Licence and Services cards (formerly CareCard), counts as only one piece of ID.

## Secondary ID

Used to verify the authenticity of the first piece, and:

- Must include the holder's name; and
- Must include either the holder's signature OR picture.

Any acceptable piece of primary ID can be used as secondary ID. Examples of other acceptable secondary ID include:

- BC CareCard (which will be replaced by 2018 with the Non-Photo BC Services Card)
- Interim driver's licence (issued by ICBC)
- BC Transit ProPASS
- University or college student card
- Credit card
- Canadian Blood Services donor card
- Transport Canada's Pleasure Craft Operator's Card
- Many bank cards and rewards cards

You can accept expired and foreign ID, as long as it is readable and you can recognize the customer from the picture.

You and your staff must decide on a case-by-case basis if the ID presented proves that the person is not a minor. If the person cannot produce two pieces of acceptable identification, you should refuse service. You must cooperate with a liquor inspector if asked to determine whether a person is a minor.

## Overcrowding

Your liquor licence tells you the maximum number of patrons or the maximum number of people, including staff, allowed in your establishment at one time. (See the definitions of "patron capacity" and "person capacity" in the glossary).

It is important for you to know the capacity of your establishment and to make sure you stay within this limit. You must have controls at each entry point to your establishment and you must be able to count the number of people entering and leaving.

Local building/fire authorities also establish a maximum capacity or occupant load that may differ from your liquor licence maximum capacity. If fire and building officials have each calculated an occupant load for your establishment (or if an engineer or architect has) and the numbers are not the same, you must use the lowest number.

## Overservice and Intoxicated Patrons

It is your responsibility to ensure patrons do not become intoxicated while in your establishment or at an event site. You must not let a person who appears to be intoxicated enter or remain in your service area. You must refuse the person service, have the person removed and ensure they depart safely.

You must write down all incidents of intoxicated patrons and the action you took in an incident log, and have the information available for the liquor inspector or police officers.

## Disorderly or Riotous Conduct

You must not allow disorderly conduct or unlawful activities to take place in your establishment or at an event site. This includes behaviour that might cause a reasonable person to believe his or her safety is threatened.

If you know or suspect that this kind of behaviour has taken place, is currently taking place or may take place, you must notify the police immediately.



## Weapons

A weapon is defined as anything used or intended for use:

- In causing death or injury to persons (whether designed for that purpose or not)
- In threatening or intimidating any person

You are responsible for making sure a person with a weapon does not enter or remain in your establishment or at an event site.

If you know or suspect that one of your patrons has a weapon, you should notify the police immediately.

## Employee Conduct

### Liquor consumption

You and your employees, including your employees who provide entertainment, cannot consume liquor in your establishment or at an event site during working hours. This includes breaks, meal periods and between shifts on the same day.

After work, you and your employees may consume liquor in your service area, as long as:

- You do not offer liquor to employees in lieu of wages or as a bonus
- Your employees are of legal drinking age
- You are serving and consuming the liquor during the hours of sale indicated on your licence
- You, as the licensee, are not treated differently than a regular patron

### Staff parties

You may hold a staff party in your establishment, as long as you are able to comply with the Regulations and the terms and conditions of your licence for the duration of the party. Staff, for example, cannot consume liquor while on duty. If you cannot meet these conditions, you must apply to the Branch for permission to hold a Special Event Permit at your establishment.

### Dress

Servers must wear clothes. Servers must not wear prominent liquor brand-identified clothing, except as permitted during a promotion held by a manufacturer or agent when that person is in your establishment (See the "Relations with Manufactures, Agents and Sales Representatives" section).

# Your Liquor Licence

## Availability of Your Licence and Floor Plans

You must post your liquor licence in a prominent location in the service area of your restaurant. Ensure it is immediately available for review by liquor inspectors and police. Your establishment's floor plans must also be immediately accessible, but they do not need to be posted.

## Renewing Your Licence

You must renew your liquor licence before the licence expiry date each year and pay an annual licence fee. The fee is calculated based on the amount of liquor you purchased from the Liquor Distribution Branch during the 12-month period ending six months before your licence expiry date. For more information, please visit <http://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing/licences-permits/renewing-a-licence>.

**Note:** The licence renewal fee must be paid each year, regardless of any other applications that may be in progress at the time (for example, transfer of ownership).

## Transferring Your Licence

If you are selling your business and transferring your liquor licence to a new owner, the new owner must apply to transfer your licence to their name using the [Transfer of Liquor Licence Application form](#) available on our website.

## Changes to Your Licence

The details of your liquor licence application were the basis for granting you the licence. You must advise the Branch of any changes that alter the original information you provided, or of a change in circumstance related to your licence. Some changes require the Branch's prior approval, while others require you to report the change within 10 days. This is important because failure to do so is a licensing contravention and subject to penalty.

Below is a table of changes that require prior approval and those that require reporting. These are in addition to any items that are addressed elsewhere in this handbook.

Type of Change	How to Report	When Approval Required
Transfer of Location	Application	Before relocation occurs
Structural Change*	Application	Before structural change occurs
Permanent Change to Liquor Licence: <ul style="list-style-type: none"><li>• Establishment/business or licence name change</li><li>• Food primary entertainment endorsement</li><li>• Request for change in terms and conditions</li><li>• Change of hours of sale</li><li>• Catering endorsement</li><li>• Temporary Use Area (golf courses and ski hills only)</li></ul>	Application	Before permanent change to liquor licence occurs
Permanent Change to Licensee: <ul style="list-style-type: none"><li>• Change of directors or officers (corporation, society)</li><li>• Name change of licensee</li><li>• Addition of receiver or trustee</li><li>• Addition of executor or administrator</li></ul>	Application	Within 10 days of permanent change to licensee occurring

Type of Change	How to Report	When Approval Required
Temporary Change <ul style="list-style-type: none"> <li>Hours</li> <li>Patron participation endorsement</li> <li>Extension of service area</li> <li>Temporary delicensing</li> </ul>	Application	Before temporary change occurs
Third-Party Operator (add, change)	Application	Before third-party operator begins operating
Third-Party Operator (remove)	Letter	Before third-party operator is removed
Transfer of Ownership (including sale of liquor business and its assets)	Application	Within 10 days of the sale
Share Transfers or Changes <ul style="list-style-type: none"> <li>Internal transfer of shares**</li> <li>External transfer of shares</li> <li>Amalgamation of corporate licensee, holding company or subsidiary</li> </ul>	Application	Within 10 days of share transfers or changes
Loss of Valid Interest <ul style="list-style-type: none"> <li>Licensee no longer owns and runs establishment</li> <li>Licensee does not have certificate of title or lease for establishment location</li> </ul>	Letter	Within 10 days of loss of interest
Tied House Association <ul style="list-style-type: none"> <li>Licensee, an immediate family member or a third-party operator have any amount of ownership interest in a manufacturer/agent licence</li> <li>Licensed manufacturer or an immediate family member has any amount of ownership interest in another licensee</li> </ul>	Application	Within 10 days of ownership
Court Action Involving Disposition of Liquor Licence	Letter	Within 10 days of notice received
Convictions (applicable to any individual licensee, or partner, shareholder, director, or officer of the licensee) <ul style="list-style-type: none"> <li>Criminal Code offence</li> <li>Alcohol-related offence under Motor Vehicle Act or similar legislation elsewhere (in or outside of Canada)</li> </ul>	Letter	Within 10 days of conviction and confirmation at renewal
Offsite Storage of Liquor (begin storing liquor offsite, change location of storage, or stop storing liquor offsite)	Form	Within 10 days
Dormancy***	Form	Within 10 days of dormancy occurring

**Note:** If there is enforcement action pending on your licence, change applications in progress will not be considered until it is concluded.

### \*Structural Change

You must receive branch approval before you make any changes to your establishment's service area. Some examples are:

- A change in the position of a wall or partial height divider (pony wall) or fixed planters used as separation between/within a service area
- A change in the position of access and exit points leading to or from a service area

You do not need approval for cosmetic changes such as flooring, countertops, painting, or for re-configuring table and chairs, or changing the type of material used in the perimeter bounding of an outdoor patio.

## \*\*Internal Transfer of Shares

A licensee must report an internal transfer of shares respecting the licence or the licensee, other than:

- the removal of shareholders or
- the redemption or dissolution of shares

Unless:

- the licence has been identified as having an association with another licence (a tied house), OR
- the removal of the shareholder or redemption or dissolution of shares results in any of the remaining shareholders moving from owning less than 10% of voting shares to owning 10% or more of voting shares in the licensee.

## \*\*\*Dormancy

If you are planning to close your establishment for an extended period of time, for example for extensive renovations, you must report this closure to the Branch and you must also notify the Branch when you plan to resume regular operations (this notification requirement does not apply to seasonal closures). All licences are permitted to be dormant for a period of two years. If your establishment is dormant because of extensive renovations caused by a fire, flood or other event beyond your control, you may apply for an extension to dormancy status. If you cannot provide evidence of the incident or your efforts to rebuild, your licence will be cancelled after two years.

**Note:** If an establishment has multiple service areas, the licence is only considered dormant if all areas are not operating.

## Providing Information to the Branch

You must be forthright in providing information to the Branch. Making a misleading statement or failing to disclose a material fact (such as the fact that a third party is using your licence, that shares have been transferred or that the lease on your property is about to run out, etc.) are contraventions.

A licensee must keep the following records, as applicable, for a period of at least six years from the date the records were created:

- a. liquor purchase records;
- b. liquor sales records, including quantity of liquor sold and prices charged;
- c. liquor disposal records;
- d. food sales records;
- e. sales records respecting other goods sold or services provided by the licensee in the establishment;
- f. contracts with other licensees;
- g. invoices and purchase receipts for all equipment and other inventory that is used in the operation of the establishment;
- h. management contracts and leases that are related to the establishment;
- i. records of incidents, such as fights or other disturbances and accidents, that adversely affect patrons or staff, people who live or work in buildings adjacent to the establishment or event site and the operation of the establishment or event site;
- j. records of court orders and judgments against a licensee respecting the sale, service or manufacture of liquor; and
- k. employee records including names, addresses, salaries, primary job responsibilities, shift schedules and dates of employment.

A licensee must prepare and maintain a register of liquor purchased and received and must keep the register for a period of at least six years from the date each entry was made.

# Your Restaurant

## Food Primary Licence

The Liquor Control and Licensing Branch issues food primary licences to businesses where the primary purpose is the service of food when liquor is being served in the service area.

You may use your service area for activities or events that are not food focused, as long as liquor service is not offered.

**Applying for a food primary licence and then operating any area of your business as a bar or nightclub circumvents this approval process and is a serious contravention.**

## Keeping the Focus on Food

You are responsible for operating all areas of your service area as a restaurant whenever you serve liquor. That means you must meet the following requirements:

- **Kitchen equipment:** The kitchen must be fully equipped to produce food on your full menu and must be open and staffed whenever liquor is served.
- **Menu:** The menu must include a reasonable variety of appetizers and main courses, which must be available whenever liquor is available. Serving salsa, chips, peanuts and other types of "finger food" is not enough to meet this requirement.
- **Furnishings and lighting:** The décor must be suitable for dining and table service. You must have enough tables, chairs and food service equipment (glasses, plates, etc.) to serve full meals to patrons.
- **Entertainment and games:** Any entertainment and games offered must not distract from the service of food (see "Entertainment" section for more detail).
- **Name:** The name of your restaurant must not mislead the public regarding your primary purpose. For example, you cannot call yourself "Joe's Bar" but "Joe's Bar and Grill" is acceptable as food service is also represented in the name.
- **Operating hours:** You must operate as a restaurant whenever you serve liquor. Restaurants cannot shift their operation to become a bar during certain hours of the day, unless you have obtained a liquor primary licence, which enables you to operate your establishment as a bar when it is not operating as a restaurant
- **Financial records:** You must make all financial records and receipts available for review upon request. Your financial records must demonstrate that your restaurant is involved primarily in food service.
- **Advertising:** Your advertising may not primarily focus on liquor service or entertainment in your establishment. This includes, but is not limited to, online advertising, social media, signage, menu and any associated material.

## Using Your Establishment for Liquor-free Events

You must notify the Branch at least 14 days in advance if you intend to hold a liquor-free event that will end between 8 p.m. and close, regardless of the event start time. Notifications must be submitted online via the OneStop Business Registry ([www.bcbusinessregistry.ca](http://www.bcbusinessregistry.ca)). There is no restriction on the number of liquor-free events. This requirement also applies to public events at liquor primary clubs. You may hold events earlier in the day without notifying the Branch, as long as the event ends before 8 p.m. and you follow the same terms and conditions. These rules do not apply to event-

driven facilities, such as community halls and convention centres, which only serve liquor during events and are otherwise used for non-liquor purposes.

The following terms and conditions apply:

- Minors are permitted unaccompanied by adults
- The event must not extend past the establishment's normal closing time

You must:

- Post signage outside the establishment to advertise a liquor-free event, the hours of the event and that the service area is closed to liquor service
- Ensure liquor is secured and inaccessible during the event
- Ensure there is half an hour between the end of liquor service and the opening of the liquor-free event
- Ensure there is half an hour to clear minors from the service area if you will re-open for liquor service before the end of the hours of liquor service, if your licence restricts the entry of minors
- Take measures to ensure the operation of the event does not disturb people in the vicinity of the establishment or jeopardize the safety of those attending the event
- Keep a log of all liquor-free events whether they require notice or not, and the log must be available upon request by a liquor inspector or local police

The general manager may, in the public interest, add terms and conditions to a licence that limit liquor-free events.

## Holding an Event using a Special Event Permit at your Establishment

You must apply to the Branch if you want to hold an event at your establishment using a Special Event Permit.

You are limited to a maximum of six events per year. You may not sell or serve liquor purchased under your licence at the event.

## Buying Liquor

You must purchase your liquor from a Liquor Distribution Branch (LDB) liquor store or other outlet designated (in writing) by the general manager of the LDB. The LDB also authorizes many liquor manufacturers to make direct sales and deliveries to licensees on behalf of the LDB.

It is a serious contravention to buy liquor from an unauthorized source or to purchase liquor that is not recorded against your licence number.

There are two exceptions to this requirement:

- If your establishment is located in a business that contains more than one licence held by the same person (for example, a hotel with a bar and restaurant), you may purchase under only one of these licences and sell the liquor in all of the establishments you own at that site. This is restricted to liquor primary, food primary and catering licences.
- You may occasionally transfer a small amount of liquor to another bar or restaurant to balance stock if products run out unexpectedly. You cannot transfer or receive more than \$10,000 worth of liquor each year in this manner. Both parties must keep records within the liquor register indicating the quantity, brand and type (sku #) of liquor transferred, its value, date of transfer and the licence numbers of both parties.

## Storing Liquor

You may store your liquor at your establishment or at an offsite storage area, if you have notified the Branch of the offsite storage location. Offsite storage areas must be in British Columbia and cannot be in a residence. You must advise the Branch if an offsite storage area is no longer being used by submitting an [Offsite Storage Notification form](#).

If you store liquor for more than one licence in a common liquor storage area, the liquor that was purchased or manufactured under each licence must be clearly identifiable.

You must keep a list of storage areas with the liquor licence and produce it upon request by a liquor inspector or police.

## Unlawful or Private Liquor

You cannot buy, keep, sell or give unlawful liquor to anyone. Please note, bottles of wine brought to your restaurant by customers under "Bring Your Own Wine" are not considered unlawful liquor. Unlawful liquor is defined as:

- Liquor obtained from an unauthorized source
- Liquor not purchased under your licence
- Stolen liquor or smuggled liquor
- Liquor intended for export
- Homemade or UBrew/UVin (Ferment-on-Premises) liquor (you may serve it at a residential event if you have a caterer endorsement)
- Liquor purchased as a medicinal, confectionery or culinary product that is being used as beverage alcohol
- Liquor that has been adulterated, unless otherwise permitted below
- Samples that may have been left by a manufacturer or agent

You are accountable for any unlawful liquor found anywhere on your premises. It is not acceptable to say that unlawful liquor made its way into your stock by accident, that it was a gift for personal use, or that an employee left it there. Liquor intended for your personal consumption cannot be kept or served at your restaurant.

Take the following steps to prevent unlawful liquor on your premises:

- If you recently purchased your establishment, conduct a thorough audit of all liquor on the premises to ensure none is unlawful
- Put safeguards in place to make sure no one waters down or otherwise unlawfully adulterates your liquor supply (the extent of the safeguards required will vary depending on the circumstances)
- Keep cooking alcohol (and culinary products containing alcohol) in the kitchen and separate from liquor kept for sale

## Liquor Register

A liquor register is a record of all your purchases (i.e. receipts and invoices) for your liquor inventory, including any liquor transfers. You must keep a liquor register and it must be available for inspection at all times. Liquor registers may be hardcopy or digital.

A liquor inspector or police officer may look at your register and compare it to your stock to make sure you have purchased your liquor lawfully.

If an inspector is unable to verify that the liquor on your premises was purchased legitimately, the liquor may be seized. It is therefore in your best interest to ensure your records are kept in a legible, orderly fashion so that an inspector can easily match your stock to your records.

You must also be able to account for any liquor that was lost due to spoilage and breakage. This can be done by either keeping a written record in a log book or by making a notation on the original receipt or invoice.

Best practices for keeping a liquor register:

- Keep all your receipts and invoices for liquor purchases in chronological order and separate from receipts and invoices for non-liquor purchases.
- Photocopy or scan receipts printed on thermal paper to protect the record from fading over time.
- Maintain a separate log book to record any liquor lost due to spoilage and breakage.

## Selling Liquor

### Hours of sale

You may only sell or serve liquor at your restaurant during the hours indicated on your licence. If you wish to serve liquor past midnight, you will need to apply to the Branch for a permanent change to your licence.

All liquor must be removed from patrons within half an hour of liquor service ending. Consumption of liquor is not permitted after this point.

On New Year's Eve, you may serve liquor until 4 a.m. regardless of your normal closing hour (as long as food is available to customers) unless local bylaws prohibit it.

On the night of a time change, you must operate according to the hours in effect at the start of the Saturday business day and wait until after your liquor service hours have ended for that business day before you change your clocks.

### Drink Prices

You may vary the price of liquor at any time during the day (for example, hold happy hours) as long as prices do not fall below the minimum pricing specified in the following table:

#### Minimum Drink Price Table

Product Category	Minimum Price per ounce (not including sales tax)	Price per drink: Examples of some common sizes (not including sales tax)
Draught cider/beer <i>(if serving is less than 50 oz or 1.42 litres)</i>	\$0.25 per oz (28.4 ml)	\$3 per 12 oz sleeve (341 ml) \$5 per 20 oz pint (568 ml)
Draught cider/beer <i>(if serving size is 50 oz or 1.42 litres or greater)</i>	\$0.20 per oz (28.4 ml)	\$12 per 60 oz jug (1.7 L)
Packaged beer, cider and coolers	\$0.25 per oz (28.4 ml)	\$3 per 12 oz bottle (341 ml) or 355 ml can
Wine/fortified wine <i>(including sake)</i>	\$0.60 per oz (28.4 ml)	\$3 per 5 oz glass (142 ml) \$3.60 per 6 oz glass (170 ml) \$5.40 per 9 oz glass (255 ml) \$15.85 per 750 ml bottle (26.4 oz)
Liqueurs/spirits	\$3 per oz (28.4 ml)	\$3 per oz (28 ml)

Minimum pricing applies to all liquor sold and served in your restaurant.

You may vary the price of liquor for certain groups (for example, a “team night” price reduction for players).

You may occasionally treat your customers to a free alcoholic drink; however, you cannot give away multiple drinks that could lead to overconsumption. You may not provide free drinks as part of an ongoing business practice or offer complimentary free drinks if a patron reserves a VIP table or similar reservation.

If you do offer VIP table reservations, they can be tied to an all-inclusive package that includes liquor in the purchase price, as long as:

- The amount of liquor provided is specified and not unlimited and separately itemized in the patron’s bill (including the different sales tax for liquor); and
- It is compliant with the maximum serving size restrictions per patron and all other liquor sales terms and



conditions in this document.

You may offer an all-inclusive package that includes liquor in the price (for example, a "champagne brunch," Mother's Day special, New Year's Eve special) if you follow these same rules.

You must not provide unlimited or unspecified quantities of liquor for a single price or use a sales strategy that is likely to promote or encourage overconsumption. For example, you cannot:

- Sell drinks "two for one"
- Allow staff to circulate with trays of pre-mixed drinks, such as shooters that are not pre-ordered

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You may offer reward, loyalty or other incentive programs to regular customers. These programs may be structured as points systems, a progressive scale of discounts, the awarding of gifts at predetermined purchasing thresholds, etc. You must ensure that the value of any loyalty points earned from liquor purchases do not amount to a discount that would reduce the price of the liquor below the minimum price.

## Price Lists

You must have a list available showing:

- The types of liquor you sell
- The size of each drink (in fluid ounces or millilitres)
- The price, specifying whether or not taxes are included and what the applicable taxes are, including any drink specials you are currently offering

You do not have to include a complete list of all available mixed drinks, as long as you clearly list the price and the amount of liquor (for example, "mixed drinks contain 1 oz of liquor, and cost 'x' for bar brands and 'y' for premium").

You may post the price list or have a copy at all tables. At a minimum, it must be available on request.

## Serving Liquor

### Drink sizes

You must encourage moderate consumption at all times and not provide a customer with a single serving larger than the maximum sizes specified below.

### Distilled liquor:

- Single servings of no more than 3 fl oz (85 ml) per person at a time
- Drinks that two or more patrons intend to share may be served in pitchers or similar, but the maximum of 3 fl oz (85 ml) per person must be maintained.
- You cannot sell or serve whole bottles of distilled liquor ("bottle service")

### Draught beer and cider:

- Single servings of no more than 24 oz (682 ml)
- Smaller servings of multiple brands, as long as the total served at one time is no more than 24 oz (672 ml)
- Pitchers or other multiple serving containers, as long as it is shared by two or more patrons and contains no more than 60 oz (1.7 litres)

### Bottled beer:

Maximum two standard-sized or one large-sized (up to 24 oz or 682 ml) bottle of beer per patron at one time.

### Wine:

- Single servings of 10 oz (284 ml) or smaller servings of multiple brands, as long as the total served at one time is no more than 10 oz (284 ml)

- The standard 750 ml bottle, as long as it is consumed by at least two people and with food
- Non-refillable containers of 0.75 litres to 1.5 litres, or in refillable containers of no more than 1.5 litres

The maximum single serving size can be divided into two or more different types of drinks, as long as the total does not exceed two standard drinks. For example, you may serve a patron a 12 oz sleeve of beer and 5 oz glass of wine (or alternately 1.5 oz spirits) at the same time. You may not serve a patron more than this amount, even if the patron claims to be ordering for the entire table. For example, the order is made at the service bar.

### Dispensing liquor and mixing drinks

You are permitted to pre-mix drinks by hand or by using devices, such as a Bellini machine, in anticipation of patrons ordering drinks, as long as the liquor comes from the original containers purchased from the Liquor Distribution Branch. You cannot refill original containers purchased from the Liquor Distribution Branch with anything. Doing so would make monitoring unlawful liquor difficult.

You are permitted to infuse liquor and age cocktails on the licensed premises, as long as it is done in a container other than the original container the liquor was in when it was legally purchased. In the case of infusion, you may infuse liquor with spices, herbs, fruits, vegetables, candy or other substances intended for human consumption. In the case of aging cocktails, you may prepare a cocktail with any substance intended for human consumption.

You must clearly label each container used for infusing or aging a cocktail with the following information:

- The date the infusion was prepared or the date the cocktail was placed in the container for aging;
- The type, brand and quantity of liquor used;
- The non-liquor ingredients used; and
- The name of the person who infused the liquor or prepared the cocktail for aging

You must infuse liquor and age cocktails on the licensed premises and you must not remove the liquor from the premises.

Additionally, you are not permitted to:

- Circulate trays of pre-mixed or pre-poured drinks that have not been ordered
- Allow self-service of liquor by patrons
- Pour drinks into the mouths of customers

### “Bring Your Own Wine”

If you choose, you may permit customers to bring their own bottle of wine into your restaurant to drink with food. The wine must be unopened and commercially produced. You may set a corkage fee for this service.

The wine should be served in the same manner as wine selected from the menu and you are still bound by responsible service requirements.

Other than wine, customers cannot bring liquor into your establishment.

### Where Customers May Consume Liquor

You can only sell and serve liquor in the service area of your restaurant (the red-lined area on your floor plans).

Patrons may stand or walk around with their drinks in the service area, but you cannot permit them to take liquor outside this area, except:

- Patrons may take liquor into the washroom as long as they are not walking through an unlicensed area and the washrooms are supervised.
- Professional entertainers may consume liquor on stage as long as they do not become intoxicated; however,

patrons are prohibited from consuming liquor on an unlicensed stage even when they are providing entertainment, such as during an amateur or karaoke night.

- A patron may purchase a drink in one licensed establishment and take it into an adjoining establishment, as long as the two establishments have the same licensee and the patron does not have to pass through an unlicensed area. This includes situations where a food primary is located at a manufacturing site and there is an adjoining manufacturer endorsement area, such as a lounge.
- Customers may take away unfinished bottles of wine. Your staff must re-seal the bottle before permitting the patron to remove the wine.

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It is recommended that you post signage informing your patrons of areas where they may not take their liquor.

## Hotel Special Privileges

Establishments owned by and located in hotels or motels or similar types of facilities providing overnight accommodation to registered guests may, without application:

- Permit a patron who is a registered guest to take an unfinished drink from the food primary service area back to their private room, as long as it is a direct route, and the guest may consume the beverage while walking to their room. This privilege may also be extended to people who are not registered guests but who accompany a registered guest to their room. You may not permit a person to remove the liquor from the service area if the person is intoxicated.

In situations where the guest rooms are located in a building separate from the lobby, bar or restaurant but on the same property, patrons are permitted to carry their liquor back to their room, as long as they take a direct route that does not involve leaving the hotel's property.

Establishments located in hotels or motels or similar types of facilities providing overnight accommodation to registered guests may also, without application:

- Provide a minibar service in the guest rooms, as long as the minibars are locked and a key is given only to guests who are at least 19 years of age; and
- Provide liquor room service to registered guests in their rooms at all hours regardless of the liquor service hours on the liquor primary or food primary licence. Room service meals must also be available to guests at any time liquor room service is provided.

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## Golf Course Special Privileges

Golf courses with a liquor primary or food primary licence may permit a patron to take an unfinished drink from the service area if the patron takes the drink, using a direct route, to another service area on the golf course.

## Gift Cards

You may sell gift cards to be redeemed at your establishment or at another establishment (any of your licensed outlets or at places where you have an agreement to accept each other's gift cards).

You may use a gift certificate business to administer your card/certificate program.

# Advertising Your Restaurant

Advertising means any public notice, announcement or display including liquor packaging through any means of communication that is intended to promote:

- Liquor products,
- The brand name of liquor,
- The name of a premises where liquor is available or the opportunity to make liquor is available, or
- The name under which the holder of the licence or permit carries on business.

References to liquor products, manufacturers, licensed establishments, etc. in journalism articles or in scientific or academic research reports not paid for by the licensee is not considered advertising.

All of your advertising must comply with the [Canadian Radio-television and Telecommunications Commission's Code for Broadcast Advertising of Alcoholic Beverages](#) and *Liquor Control and Licensing Regulation*. Please see the Appendix for the Code.

## What You May Advertise

You may advertise:

- What kind of liquor you offer
- How much you charge for liquor (your liquor prices, including happy hour or daily specials)
- Your hours of sale
- Any entertainment or food featured at your establishment

## Signs

The name of your business and exterior signage must be approved by the Branch. All business names and signage must comply with the advertising terms and conditions and not mislead the public as to the class of liquor licence you hold. Your signs must also comply with local government bylaws.

## Internet Group Discounts

Third-party companies cannot legally include liquor as part of a joint promotion with your establishment. You may not participate in internet discount promotions that include liquor.

## Advertising Catering Services

If you have a catering endorsement, you may advertise in the same way as with your food primary establishment with one limitation. You may not advertise the availability, sale or service of liquor in relation to an ongoing or upcoming event you are catering.

# Entertainment

## What You May Offer at Your Restaurant

Any entertainment you offer must comply with local bylaws and be suitable for minors. It must also conform to any restrictions imposed regarding hours or type of entertainment allowed (these restrictions, if any, will be specified on your licence).

Permitted entertainment includes the following, as long as they do not alter the primary focus on the service of food and can be played while customers are seated:

- Television and appropriately rated movies, as long as movies are shown in accordance with the Motion Picture Act and its regulations
- Recorded music
- Live radio/television broadcasts
- Computers with internet access
- Video games
- Card games and board games

You may offer contests and draws, as long as:

- You do not charge an entry fee (except if the draw is a licensed ticket raffle)
- Anyone in your restaurant is entitled to enter the contest, without having to order something to eat or drink (minors may not purchase licensed raffle tickets)
- You do not offer or give liquor as a prize
- Winners are not required to be present to collect their prize
- Your event does not involve the consumption of liquor
- Your event does not alter the primary focus of your business in the service area from the service of food if liquor is being served

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You may offer patron non-participation entertainment (such as musicians or comedians) until 1 a.m., but you must apply to the general manager and your local government/First Nation before you can offer patron-participation entertainment (such as dine and dance or karaoke), which is usually permitted until midnight.

If you are approved for patron-participation entertainment, the entertainment may continue until 1 a.m. on January 1, as long as it is not prohibited by local bylaws.

## Gaming

Gaming (also called gambling) is defined as playing or gaming, for money or other stakes, on an uncertain event; it involves chance and the hope of gaining something more than the amount paid to participate.

You cannot allow gaming in your restaurant (with the exception of ticket raffles licensed by the Gaming Enforcement and Policy Branch). You are responsible for exercising care and vigilance so gaming does not take place without your knowledge.

## What You May Not Offer at Your Restaurant

Games that require the patron to get up from the food service area (such as darts, billiards, video arcade style games) and are likely to shift the primary focus away from the service of food are not permitted in the service area of the restaurant (you may, however, offer these games in an unlicensed area).

Games of chance, including card games, are permitted for amusement only – payoffs or prizes of any kind are not permitted.

Also not permitted in the service area are:

- Any form of gaming (except licensed raffle tickets)
- Tournaments
- Live, on-premises prize fighting, kickboxing and all other similar contact sports
- Adult entertainment

Adult entertainment includes:

- *Exotic dancers* – entertainers who remove clothing during a performance and/or perform in a sexually suggestive manner
- *Adult-oriented performers* – entertainers who present performances not suitable for minors (nudity, sexual content, violence, obscene language)
- *Adult-oriented activities* – activities not suitable for viewing by minors (full or partial nudity, sexual content, violence, degradation or abuse)

Belly dancing, unless performed completely or partially nude, is not adult entertainment. However, burlesque performers are adult-oriented performers who may remove clothing as part of a routine without exposing genitalia or nipples and may not perform in a restaurant.

## Entertainer Conduct

While professional entertainers may consume liquor in the establishment, employees who provide entertainment cannot do so during working hours.

As with patrons, it is your responsibility to ensure that professional entertainers do not become intoxicated. If an entertainer becomes intoxicated, they must be refused service, removed from the service area and you must ensure they leave the establishment safely. An intoxicated entertainer must not be allowed into the establishment.

# Relations with Liquor Manufacturers and Agents

There are strict rules regarding how you can work with liquor manufacturers and agents to promote liquor products. For more information regarding agents and their role, read the definition in the Glossary section of this handbook or refer to the Agent Terms and Conditions handbook.

Agents and manufacturers may hire employees to promote and market the products they represent. Agents and manufacturers are responsible for ensuring their employees follow B.C.'s liquor laws and the terms and conditions of their licence. The agents and manufacturers must also provide their employees with identification establishing them as their marketing representative.

## Activities Not Permitted: Inducements

The Act prohibits you from asking for or receiving benefits for selling a particular liquor product. You cannot, for example, demand that a manufacturer or agent supply additional product at either no cost or at a reduced cost in return for purchasing their product.

You may accept information and ideas to help you improve your business, but this information must come directly from the manufacturer or agent and not through an outside consultant. You cannot accept advice about borrowing money or locating financing.

You are also prohibited from accepting any items, products or services from a manufacturer or agent that are necessary for the operation of your business. This includes financial assistance, as well as fixtures and furnishings or permanent display structures.

In addition:

- Manufacturers cannot offer volume discounts, or offer discounted product in exchange for marketing benefits.
- You must always pay for your own advertising. A liquor manufacturer or agent cannot pay any of your advertising costs (or vice versa), and you cannot have a joint marketing plan. With permission from a manufacturer or agent, you can include the manufacturer's logo in your ads, but you cannot demand or receive any kind of compensation in return.
- You must carry and make available to consumers a representative selection of brands of liquor products from a variety of suppliers that are not associated with or connected with each other.

## Activities Permitted With Approval: Tied Houses

A tied house is a business that has an association (financial or otherwise) with a liquor manufacturer or its agent that is likely to lead to its products being favoured. A tied house relationship exists where:

- You have any amount of ownership interest in a manufacturer/agent licence (for example, a shareholder in your company also holds shares in a business that holds a winery licence), OR
- Your proposed third-party operator has any amount of ownership interest in a manufacturer/agent licence, OR
- You have an immediate family member with any amount of ownership interest in a manufacturer/agent licence. Immediate family members include spouses, parents, siblings and children only.

If any of these circumstances exist, you are considered to be in a tied house relationship with a manufacturer and you are prohibited from carrying or selling that manufacturer's product.

There are two circumstances under which this prohibition does not apply (commonly known as tied house exemptions):

1. If you are owned by a manufacturer and located at that manufacturer's site, you may carry and sell that manufacturer's product with no restrictions. In this case, you aren't required to carry the products of any other

manufacturer, but may do so if you choose.

2. If you are in a tied house relationship with a small or medium-volume manufacturer but are located elsewhere, you may apply to the branch to allow you to carry and sell that manufacturer's products. The number of exemptions you may apply for is not restricted, but the manufacturer may only have ties with up to three offsite licensed establishments, and must agree to this arrangement during the application process. If approved, you may sell that manufacturer's products but must also sell products from other manufacturers in that product category.

The inducement restrictions do not apply to a licensee and manufacturer in an approved tied house exemption.

## Stadium and Concert Hall Tied House Exemption

A liquor supplier and a food primary licensee with an establishment located at an eligible stadium or concert hall may enter into a financial arrangement that will result in the licensee favouring the purchase of that liquor supplier's product.

Eligible stadiums or concert halls must have the necessary facilities and be large enough to host provincial, national or international events (involving adults or professionals), be used primarily for these types of events, and:

- in the case of a stadium, have a minimum of 5,000 permanent fixed seats; and
- in the case of a concert hall, have a minimum of 1,500 permanent fixed seats.

The exemption permits an arrangement in which up to 90% of liquor sales in a designated liquor category (for example, draught beer) come from product/s supplied by one supplier. The supplier may pay the licensee for this privilege. The following designated liquor categories are recognized for the purposes of this exemption:

- draught beer;
- draught cider;
- beer served in bottle or cans;
- cider or coolers made with wine or spirits, served in bottles or cans;
- wine, other than wine coolers; and
- spirits, other than spirit coolers.

In such arrangements, the remaining minimum 10% of sales in a designated liquor category must come from product/s supplied by a different supplier/s not associated with the exempted supplier, and may not be subject to this type of financial arrangement. The availability of the liquor products that make up the remaining minimum 10% of sales must be made known to patrons at liquor sales locations within the stadium or concert hall. These products must also be:

- reasonably priced; and
- available from a reasonable number of sales locations throughout the stadium or concert hall.

Licensees at the stadium may have multiple arrangements, for example one for draught beer and one for wine, with the same or different liquor suppliers.

## Activities Permitted

### Promotional items

You may accept promotional items of nominal value (such as coasters, tent cards, signs and posters) from liquor manufacturers and agents, as long as:

- Your menu already lists the brand of liquor identified in the promotional materials
- It does not appear that you are promoting a particular liquor product or the products of a particular manufacturer (brand-identified or corporately identified items of a particular liquor manufacturer must not predominate).

You may use brand-identified glassware, as long as you purchase it at fair market value and you retain proof of purchase



for two years. You may buy clothing and novelties (such as shirts, caps, key chains, etc.) with the name or brand of a particular liquor or liquor manufacturer and re-sell them to clients or employees. These items may display the name of your business.

You may accept promotional clothing items with a manufacturer's name or brand on them to give away to patrons. You cannot take any promotional items for personal use or future promotions and you cannot sell them (you may only sell items you have purchased).

A liquor manufacturer or agent may loan you more expensive promotional items (signs, patio umbrellas, menu boards, etc.) or temporary display structures. These items will remain the property of the manufacturer.

You cannot place bottles of liquor on tables as a promotional or point-of-sale device.

### Product samples

A manufacturer or agent may give you samples to introduce you to their product. The amount you receive must not be more than one bottle of the smallest available size per product in any one year, and must not exceed these size limits:

- Distilled spirits: One bottle of the smallest available size per product (750 ml)
- Wine: The smallest available size per product, per vintage (not exceeding two litres)
- Beer, cider, coolers: One dozen of the smallest available size bottles or cans (total not exceeding four litres)

You must keep a record in your liquor register of all samples received, including the date, name of the manufacturer or agent, name of the product and product volume. Only you and your staff may consume samples, and you must do so in a private place outside the service area.

### Promotions at Establishments

With your permission, manufacturers and agents may visit your establishment to promote their products, but there are strict requirements concerning what they must do while they are there.

If they visit your premises to conduct tastings, theme nights or joint promotions they must:

- Be present the entire time
- Pay a price for the liquor served that is no less than the price you normally pay for the product at the Liquor Distribution Branch or approved vendor, and no more than the price you normally charge your customers
- They cannot subsidize the price of the products in any way, such as paying the difference between the normal selling price of a product and a special price
- If the manufacturer or agent is pouring, ensure that sample sizes do not exceed the maximum quantity per person, per day, which is half a standard drink (75ml wine, 175 ml beer, 20 ml spirits), divided as you choose
- Ensure open containers of liquor are not left unattended at any time

As the licensee you must:

- Ensure food is available for patrons and that the primary focus of your service area remains food service
- Ensure that if they are sold, pricing for samples is not below the required minimum price for that category of liquor in the minimum drink price table
- Ensure that free sample sizes do not exceed the maximum quantity per person, per day as above
- Issue the manufacturer or agent a countersigned receipt for the dollar value of the total amount of liquor and/or food purchased
- Refund the manufacturer or agent for the cost of any unopened liquor, which you must return to stock

## Other conditions

You cannot charge or accept a fee from the manufacturer or agent for conducting the event. You may accept a gratuity, as long as it does not exceed 15% of the total amount of liquor and/or food purchases noted on the countersigned receipt you issued at the end of the event.

You and/or the manufacturer/agent may advertise the event outside the establishment if you wish.

If the manufacturer/agent is providing samples, they must serve them. If the promotional event involves other sizes or types of liquor sales, they must be served by your staff.

Mass treating or "buying drinks for the house" is not allowed and the manufacturer/agent cannot leave money for this purpose. The manufacturer/agent may, however, join customers at a table and buy a drink for everyone at that table, as long as the manufacturer/agent:

- Buys the drinks from you
- Pays for each order when it is served (it may be put on a tab as long as the bill is settled before they leave the establishment), and drink prices are the same as the establishment would charge regular patrons at the time of purchase
- Does not treat more than one table at a time, except where the treat involves a bona fide organization, such as a sporting team, arts or cultural club
- Receives a countersigned receipt for the dollar value of the product purchased from you

A manufacturer/agent supporting a promotional event at your establishment may also do the following:

- Provide clothing to be worn by your staff, such as T-shirts or other novelty items identifying the company's liquor brand(s) or company
- Provide inexpensive forms of entertainment during the theme night, such as games and contests that may include prizes, as long as:
  - The manufacturer/agent records the name of anyone who wins a prize valued at over \$100
  - Prizes are not liquor
  - Patrons are not required to buy or drink an alcoholic beverage to participate
  - You and your employees and your immediate family members are not eligible to enter or win a contest

## Joint promotions/brewmaster's or winemaker's dinners

You may enter into a joint promotion with a liquor manufacturer or agent to feature a manufacturer's products during an event, such as a brewmaster's or winemaker's dinner, as long as the event includes a full meal and you purchase the liquor served at the event from the Liquor Distribution Branch (liquor cannot be provided by the manufacturer or agent).

You and the manufacturer or agent may advertise the event. There are no limits to the number of joint promotions you may hold.

## Sponsorships

You may sponsor events, activities or organizations using your corporate name or the name of your establishment. The sponsored event may be held at your establishment or offsite at an unlicensed venue or catered event.

You may jointly sponsor an event with a manufacturer in an establishment, as long as the event is time-limited and you do not have an ongoing relationship with the manufacturer/agent. Both you and the manufacturer may advertise the sponsored event.

If you have a catering endorsement, a manufacturer or agent may sponsor activities at a catered event. The activity must be time limited and you must not have an ongoing relationship with the manufacturer/agent.

### Educational events and activities

You may attend educational events or activities, such as an all-day "wine school," put on by a liquor manufacturer or agent.

You may accept payment from the liquor manufacturer or agent for legitimate travel, meal, accommodation and entertainment expenses associated with the educational event, up to \$1,500 per year, per licensee location. If you have multiple establishments (for example, a chain of restaurants) you may also accept expenses of \$1,500 per person to a maximum of \$4,500 per head office per year.

### Hospitality

A liquor manufacturer or agent may pay for your hospitality expenses not associated with an educational event, at a rate of up to \$1,500 per licensee location, per year.

# Catering Endorsements

## What does a Catering Endorsement Allow You to Do?

A catering endorsement enables you to provide food and beverage service at events hosted by your clients. You must apply for this licence endorsement.

Terms and conditions at an event may differ from the terms and conditions at your restaurant regarding hours, food service, minors or entertainment. For example, the event host may offer entertainment at a catered event even if your restaurant does not have an entertainment endorsement.

## Keeping the Focus on Food

You are responsible for ensuring that the primary focus of your catering service is the preparation and service of food. You must ensure you have the personnel and equipment necessary to prepare and serve food at events.

In addition to the requirements outlined in the “Keeping the Focus on Food” section on page 11, you must meet the following requirements for your catering endorsement:

- **Kitchen Equipment:** Equipment needed to transport and serve food at events should also be available.
- **Staffing:** Your business must have a cook and adequate servers to cater events.

## Types of Events you May Cater

For the purposes of a catering endorsement, events are either residential events or catered events.

**Residential events** are invitation-only events held at a private residence.

**Catered events** include:

- **Personal events:** invitation-only events for family and friends
- **Corporate events:** business-related events that are typically invitation-only, no admission and a host bar
- **Community events** such as a festival, sports tournament or concert
- **Other events** such as a political party fundraiser, gallery event or theatre show

With a catering endorsement, you can also serve liquor at events where the host provides the liquor (an event licensed under a special event permit or in a private location). In these circumstances, the caterer cannot purchase, transport or sell the liquor; they may only serve it.

You may cater events on the same property as your restaurant, as long as the event is held outside the licensed area and events are primarily held offsite.

## Requesting a Catering Authorization

Anytime you are selling and serving liquor purchased under your licence at a catered event, you must submit a request for a catering authorization. You will be asked to provide key facts about the event. Requests must be submitted online via the OneStop Business Registry ([www.bcbusinessregistry.ca](http://www.bcbusinessregistry.ca)). All requests must be submitted prior to the event.

Certain catered events are considered low risk and the requests will be approved automatically. Events considered higher risk require review by the local liquor inspector for approval.

Catered events will be considered low risk if the following circumstances apply:

- Events under 500 people
- Indoor events (other than community events) under 500 people
- Any event (other than a community event) where the duration of liquor service does not exceed two hours

All other events, as well as catered events with extended hours, will require the liquor inspector's approval. For these higher risk events, the request must be submitted 21 calendar days prior to the event.

In some circumstances, the Branch may require that all catered events from a certain caterer be approved by a liquor inspector. For example, cases where the caterer or business location is deemed high risk or the caterer has a poor compliance history.

The Branch may cancel an event authorization if the information for an event was inaccurate or has changed. The Branch may amend an event authorization upon request. The general manager may limit the frequency of catered events at specific locations. You must notify police, via fax or email, of all catered events.

## Local Government/First Nation Approvals

You must keep copies of local government/First Nation approval on file for all community events and for events with extended hours (outdoor events after 10 p.m., or indoor events after 2 a.m. on New Year's Eve). In addition, you must keep copies of approvals from the Tsawwassen First Nation or Nisga'a Nation for all events on their land.

If a local government or First Nation issued their approval subject to conditions, you must provide a copy of the conditions to the liquor inspector.

## Security Plans

For certain events, the liquor inspector will ask you to submit a security plan. The security plan must describe the event in some detail, including staffing levels and security, if required, liquor service areas and venue capacity. It must describe how key safety and security risks will be addressed, such as service to minors, overcrowding, intoxication and control and safety of guests, including entering and exiting the venue.

Go to [http://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/forms/lclb099\\_catered\\_event\\_safety\\_and\\_security\\_plan.pdf](http://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/forms/lclb099_catered_event_safety_and_security_plan.pdf) for a template of the Security Plan. Someone other than you may prepare the plan, but you are responsible for submitting it to the inspector.

## Terms and Conditions that Apply to Your Catering Endorsement

- All staff that are serving or managing events must have Serving It Right certification.
- Catered events must be primarily held offsite.
- Minors may serve food or work as entertainers at events, but they cannot serve liquor.
- Only you or your employees may sell liquor at an event, and you or your employees must be at the event at all times liquor is being sold or served.
- You must remove any unused liquor at the end of the event and return it to the inventory at your establishment. With the exception of re-sealed bottles of wine, you can't leave unfinished bottles of spirits or unopened bottles of liquor at the event.
- There are no restrictions on liquor pricing at catered events. Minimum drink pricing requirements do not apply.
- The price list and the quantity of liquor in each drink must be made available to guests upon request. For events with a hosted bar, you only need to state that the liquor is provided complimentary of the host.
- You cannot promote or invite guests to events you are catering. Exceptions to this are infrequent client appreciation and staff appreciation events where you provide the liquor at no cost to your invited guests.
- You must not cater a series of events for the same person if it appears that you are operating an ongoing business with that person. Universities and colleges with a catering endorsement may cater a series of events hosted by the university or college (or events hosted by groups associated with the university or college) as long as the events are held on-campus.
- You must retain all revenue from liquor sales at an event. You must not give any portion of the revenue from liquor sales to the event host.

## Terms and Conditions that Apply to Catered Events

The term “catered event” refers to any event that is not held in a residence and where liquor is sold by a licensed caterer.

**Authorization:** You must obtain a catering authorization prior to each catered event.

**Licence:** You must post a copy of your liquor licence and catering authorization and have available any local government/First Nation approvals or security plans at a catered event.

**Venue:**

- The site of a catered event must be adequately separated from adjacent areas and supervised. Outdoor events must be surrounded by a barrier. The type of barrier required will vary – stanchions may be sufficient for a small corporate event, whereas a community event requires more substantial fencing.
- You must ensure that all catered events comply with local bylaws and health and fire regulations. Catered events on land within the Agricultural Land Reserve must comply with Agricultural Land Commission requirements.
- The number of guests at a catered event must not exceed the venue’s occupant load or the number of guests specified in the catering authorization. You must have controls at each entry point to the venue and you must be able to count the number of people entering and leaving.

**Minors:** Minors are permitted at catered events unless restricted by the Branch or the host. Minors are not permitted at events with adult entertainment or gambling, except for ticket raffles and BC Lottery products.

**Hours:** Liquor may be served at indoor events between 9 a.m. and 2 a.m. and at outdoor events between 9 a.m. and 10 p.m. With local government and branch approval, liquor service for outdoor events may be extended until 2 a.m. on New Year’s Eve. You may serve liquor until 4 a.m. on January 1, as long as local government has given approval and food is available to customers.

**Food:** Food and non-alcoholic beverages must be provided at all catered events. While food does not need to be served at all times during events, liquor service must be secondary to food service over the course of the event. At a minimum, appetizers must be served and more food may be required depending on the length and type of event. Packaged snacks do not meet the minimum food requirement.

**Liquor Service:**

- Patrons may only consume liquor in the areas noted on the catering authorization.
- The host or guests are not allowed to bring their own wine or other liquor to a catered event. All liquor purchased from you must be consumed at the event, with the exception of unfinished bottles of wine, which may be re-sealed for guests to take home.
- You may sell or serve liquor only during the hours indicated on the catering authorization for a particular catered event. You must ensure that liquor is taken from guests within half an hour after the time stated on the catering authorization for liquor service.

**Gaming:** In most cases, all types of gaming licensed by the Gaming Policy and Enforcement Branch are permitted at catered events. However, if minors are allowed at a catered event, you must not permit any gaming, except for ticket raffles and BC Lottery products.

**Entertainment:**

- The entertainment offered at a catered event must be compatible with the nature of the event and must not interfere with your ability to maintain effective care and control. For example, if the entertainment uses part of an event area, you must ensure that guests will not be so crowded together that staff will be unable to observe and control their conduct.
- Entertainment must conform to local bylaws, and must not create excessive noise or otherwise negatively impact nearby residents and businesses.
- Entertainment, games and activities that may jeopardize patron or public safety are not permitted.
- You cannot hold a contest or tournament at a catered event, but the host may do so.
- If a catered event features adult entertainment, you must post a sign at the entrance and not allow minors at the event.

## Terms and Conditions that Apply to Residential Events

A residential event is an event for the client and their invited guests held at a residence.

- Catering authorizations are not required.
- Minors may be permitted at residential events.
- You may only sell liquor to the host; you cannot sell drinks directly to the patrons at a residential event.
- You may only sell liquor that has been purchased from the Liquor Distribution Branch. However, you may serve liquor provided by the host or the host's guests. This includes commercially made and UBrew/UVin (Ferment-on-Premises) product.
- All liquor you sell to the host must be consumed at the event. At the end of the event, all unused liquor purchased under your licence must be returned to your establishment, with the exception of unfinished bottles of wine, which the host may keep or guests may take home, as long as staff have re-sealed the bottle.

# Temporary Use Area Endorsements

A Temporary Use Area Endorsement enables a licensee at a golf course or ski hill to hold up to 26 events per year at outdoor areas on the property. Licensees must apply for a Temporary Use Area Endorsement. Go to [http://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/forms/lclb051\\_temporary\\_use\\_area\\_endorsement\\_lp\\_fp\\_at\\_a\\_ski\\_hill\\_or\\_golf\\_course\\_only\\_application\\_for\\_permanent\\_change.pdf](http://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/forms/lclb051_temporary_use_area_endorsement_lp_fp_at_a_ski_hill_or_golf_course_only_application_for_permanent_change.pdf) to complete an application form.

## Temporary Use Area Terms and Conditions

To hold an event in your Temporary Use Area, you must have a Temporary Use Area authorization.

The terms and conditions of the authorization are only in effect during the times indicated on the authorization. Authorizations are generally subject to the same terms and conditions as your primary licence; however, they may also have specific rules or restrictions for each event site.

Terms and conditions that apply to a TUA authorization:

- You must post the authorization and a copy of your licence onsite during the event
- Patrons are not required to leave the event site within 30 minutes of the end of liquor service; however, you must ensure that all liquor is removed from patrons within this time period
- Events must end no later than 10 p.m.
- The number of people in attendance at the event site must not exceed the attendance listed on the authorization, and must not exceed the occupant load, if one exists
- The event site must be appropriately bounded and staffed (as set out in the terms and conditions of your endorsement, authorization and/or security plan), so that the liquor service and consumption area is clearly visible

## Requesting a Temporary Use Area Authorization

Requests for a Temporary Use Area authorization are submitted to the Branch online via OneStop. Go to <http://onestop.gov.bc.ca/lclb.htm> for more information.

You may request an authorization to hold multi-day events. Multi-day events must be for consecutive days, on the same event sites and have the same maximum attendance, but they may have different hours for each day. Each day of a multi-day event counts towards the 26 day annual maximum.

Authorizations may permit liquor service at different event sites at different times during the day. This counts as only one day towards the 26-day total, but attendance numbers for all locations are calculated in the total daily attendance for the authorization.

Certain authorization requests are considered low risk and are approved automatically; others will require the liquor inspector's approval. The distinction is based on the total daily attendance or capacity of all the activated locations.

**Small event requests (under 500 people)** require submission at least **seven days in advance**. When the total attendance for all event sites exceeds 500 people per day, an event is considered large and the authorization will require approval.

**Large event requests** must be submitted at least **21 days in advance** and you must submit a security plan to your liquor inspector by email, and send copies of your authorization request notification and security plan to your local police.

The Branch may cancel a Temporary Use Area authorization if the information provided for an event was inaccurate or has changed. The Branch may also amend an authorization upon request, as long as the same advance notice is given i.e.



seven days for small events and 21 days for large events.

If you wish to cancel your own event, you may do so by contacting your liquor inspector at least 24 hours before the start time listed on the authorization. Doing so will ensure the event will not count against your annual limit of 26.

More details about the online notification process, information about how to submit requests, and the rules regarding how events are considered and counted, is available via the help pages within the OneStop EVENTS area online.

## Security Plans

For Temporary Use Area events with 500 or more people, the liquor inspector will require you to submit a security plan. The security plan must describe the event in detail, including staffing levels and security, liquor service areas, and the capacity at each activated Temporary Use Area location. It must describe how key safety and security risks will be addressed, such as service to minors, overcrowding, intoxication and control and safety of guests, including entering and exiting licensed areas.

Go to [http://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/forms/lclb052\\_security\\_plan\\_for\\_temporary\\_use\\_area\\_activations.pdf](http://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/forms/lclb052_security_plan_for_temporary_use_area_activations.pdf) for a template of the Security Plan.

# Compliance and Enforcement

As a licensee, you are required to:

1. Follow all of the terms and conditions.
2. Always allow liquor inspectors and/or police officers to enter your establishment. Never impede their entry in any way.
3. Never draw attention to liquor inspectors inside your establishment. This can affect the inspectors' safety.

For more information on Compliance and Enforcement, please visit our website. If your licence is suspended, you are not permitted to sell, serve or permit consumption of liquor in your establishment.

## Posting Signs Relating to Suspensions or Monetary Penalties

If a suspension or monetary penalty is imposed on your licence, the Branch may post a sign in a prominent location in the interior or on the exterior of your establishment.

You must ensure the signs are posted for the entire period of the suspension or for monetary penalties, the period specified on the sign. During the period that the signs must be posted, you must ensure the signs are not defaced, obstructed or moved.

Other ministries also have requirements that you must follow. Please visit

<http://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing/liquor-law-policy/other-relevant-laws> for more information.

# Glossary

**“The Act”** means *The Liquor Control and Licensing Act*, the provincial legislation that guides the licensing of establishments that manufacture or sell liquor in B.C.

**“The Branch”** means the Liquor Control and Licensing Branch, the government agency that administers the Act.

**“Licensee”** refers to any individual, individuals or corporate body that holds a British Columbia liquor licence. The term covers both the licensee and any person acting in the place of the licensee, such as a manager or person in charge of an establishment in the licensee’s absence.

**“Licensee retail store”** or **“liquor store”** means an establishment that is permitted to sell all types of packaged liquor.

**“Manufacturer”** refers to a person who manufactures liquor (beer, wine, spirits, cider, coolers).

**“Agent”** refers to a holder of an agent licence who represents products manufactured outside British Columbia. An agent may advertise and promote liquor to licensees, liquor stores and the public, but can only sell liquor from any manufacturer they represent to the Liquor Distribution Branch in a manner authorized by the Liquor Distribution Branch.

**“Catered event”** means any event that is not held in a residence and where liquor is sold by a licensed caterer.

**“Caterer”** refers to a licensee with a catering licence or a catering endorsement.

**“Catering Authorization”** means the approval granted by the Branch for a catered event.

**“Catering Endorsement”** means an endorsement that may be added to a food primary or liquor primary licence to allow the licensee to sell liquor at residential and catered events.

**“Event”** includes Temporary Use Area events, catered and residential events, as the case may be.

**“Event site”** means the place referred to in the Temporary Use Area or catering authorization.

**“Host”** refers to the client that hired you (if you have a catering endorsement) to cater food and liquor at an event.

**“Food primary”** means an establishment where the service of food is the primary focus in the service area during hours of liquor service.

**“Liquor primary”** means an establishment where the service of liquor is for on-premises consumption.

**“Marketing representative”** refers to a person hired by a licensed agent to promote their products.

**“Occupant load”** means the number of people permitted in an establishment or event site at one time. The number is calculated by designated professionals.

**“Patron capacity”** means the maximum number of customers permitted in an establishment at one time.

**“Patron-participation entertainment”** means entertainment that patrons may participate in, such as “dine and dance” or karaoke.

**“Patron non-participation entertainment”** means entertainment that patrons may watch, such as musicians or comedians.

**“Person capacity”** means the maximum number of people (customers and staff) permitted in a service area or event site

at one time.

**“Residence”** means a private dwelling (where someone lives) and the land surrounding it.

**“Residential event”** means an invitation-only event held at a residence where liquor is sold by a licensed caterer, such as a dinner party or wedding.

**“Service area”** means the area within an establishment or event site where liquor may be sold, served and consumed.

**“Temporary Use Area Authorization”** means the approval granted by the Branch to hold an event at a Temporary Use Area.

**“Temporary Use Area Endorsement”** means a licence endorsement available to licensees who operate a ski hill or golf course, which allows them to hold events at outdoor locations on their property using a Temporary Use Area authorization.

# APPENDIX

## CRTC CODE FOR ADVERTISING ALCOHOLIC BEVERAGES

Commercial messages for alcoholic beverages shall not:

- Attempt to influence non-drinkers of any age to drink or purchase alcoholic beverages;
- Be directed at persons under the legal drinking age, associate any such product with youth or youth symbols, or portray persons under the legal drinking age or person who could reasonably be mistaken for such persons in a context where any such product is being shown or promoted;
- Portray the product in the context of, or in relation to, an activity attractive primarily to people under the legal drinking age;
- Contain an endorsement of the product, personally or by implication, either directly or indirectly, by any person, character, or group who is or is likely to be a role model for minors because of a past or present position of public trust, special achievement in any field of endeavour, association with charities and/or advocacy activities benefiting children, reputation or exposure in the mass media;
- Attempt to establish the product as a status symbol, a necessity for the enjoyment of life or an escape from life's problems, or attempt to establish that consumption of the product should take precedence over other activities;
- Imply directly or indirectly that social acceptance, social status, personal success, or business or athletic achievement may be acquired, enhanced or reinforced through consumption of this product;
- Imply directly or indirectly that the presence or consumption of alcohol is, in any way, essential to the enjoyment of an activity or an event;
- Portray any such product, or its consumption, in an immoderate way;
- Exaggerate the importance or effect of any aspect of the product or its packaging;
- Show or use language that suggests, in any way, product misuse or product dependency, compulsive behaviour, urgency of need or urgency of use;
- Use imperative language to urge people to purchase or consume the product;
- Introduce the product in such a way or at such a time that it may be associated with the operation of any vehicle or conveyance requiring skill;
- Introduce the product in such a way or at such a time as may associate the product with any activity requiring a significant degree of skill, care or mental alertness or involving an obvious element of danger;
- Contain inducements to prefer an alcoholic beverage because of its higher alcoholic content;
- Refer to the feeling and effect caused by alcohol consumption or show or convey the impression, by behaviour or comportment, that the people depicted in the message are under the influence of alcohol;
- Portray persons with any such product in situations in which the consumption of alcohol is prohibited; or
- Contain scenes in which any such product is consumed, or that give the impression, visually or in sound, that it is being or has been consumed.

