

**Liquor Control and Licensing Branch
Stakeholder Consultation Paper
Food Primary Licence Names Policy**

The Liquor Control and Licensing Branch is reviewing its policies respecting naming and signage associated with food primary (FP) licences (i.e. restaurants) and is seeking your input.

Background:

The present policies as stated in the Food Primary Terms and Conditions handbook are as follows:

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.

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.

From 2002 – 2015 FPs were allowed to apply for and operate a lounge area endorsement. To reflect that, the policies respecting naming and signage were as follows:

Signs and advertising for food primary lounges

In signage or advertising for food primary establishments with lounge endorsements, the word lounge may be used in reference to the lounge. Comparable terms such as bar, cocktail lounge, or cocktail bar may also be used, provided the name does not suggest a class or category of licence not held in respect of the establishment.

Prior to 2002, restaurants could not use in their names and signs words such as “bar” or “lounge” unless the name clearly referred to food, e.g. Antonio’s Pasta Bar. After the repeal of the lounge endorsement regulation in 2015, FP licensees were permitted to continue using those words provided it did not mislead the public as to the primary purpose of the licence.

Issues and Options:

Regulating FP name and signage is often challenging and time consuming for both LCLB staff and applicants. While the majority of name and sign applications are handled routinely, a sizable minority reflect names that might suggest a liquor focus but could also be interpreted in ways that do not refer to liquor, e.g. use of the word “craft” might imply beer to some people but it can also have other meanings. Developing a definitive list of appropriate naming conventions is challenging due to evolving societal preferences and market trends.

It is understandable that applicants are often committed to their proposed name and/or signage as it is a key part of their establishment’s public identity. They may have contracted with a marketing company

to help develop the name or undertaken other research. Not surprisingly, when an applicant is informed that a name and/or sign cannot be approved the message is often not well received. In such cases, the applicant will often question why and respond that the branch's interpretation is wrong. This is time consuming for both the applicant and branch staff.

In B.C. the application process for FP licences is much different than for liquor primary (LP) establishments. The latter process requires a local government/First Nations council resolution and is based at least partially on community input. These steps are not required for FP's unless the establishment is proposing to have patron participation entertainment like dancing and/or have liquor sales after midnight. Permitting a FP to call itself a bar may be of concern to neighbouring residents and local governments, especially if the zoning is for a restaurant, and to LP competitors, who would have been required to undertake a more rigorous and costly application process.

Monitoring compliance with the policies is challenging and time consuming, especially regarding social media advertising. It would take considerable resources to adequately monitor social media advertising among the approximately 10,000 licensees, e.g. proactively checking the ongoing Twitter tweets and Facebook posts. Lack of compliance by individual licensees is often brought to the attention of the branch by other licensees.

At issue is whether the LCLB should continue to regulate licensee names beyond social responsibility concerns. Quebec is the only other province that regulates licensed establishment names and their policy is similar to BC.

Input Sought

We are seeking your input on LCLB's FP naming policy. If you support one of the options described below please provide your reasons for doing so. If you support an option not identified in this paper please describe it along with a rationale in your response.

The following 4 policy options are offered for consideration.

1. Retain current policy (see above)

Implications

- Can be challenging for applicants to understand what is acceptable
- Retains the distinction between LP's and FP's
- Requires more LCLB resources to monitor compliance than Option 2

2. Remove all restrictions, except to prohibit socially irresponsible names and signs

Implications

- Diminishes the separation between FP and LP licence classes
- Allows for quicker turnaround of licence applications
- Simpler for applicants
- Residents and local governments may be concerned that "bars" are opening in their community

3. *Implement new, more restrictive policy and grandparent existing named FP establishments (see Appendix on page 4 for possible language)*

Implications

- May result in more names being rejected.
- Applicants may not understand why existing restaurants are not required to follow the same rules
- Strengthens the distinction between LP and FP licensed establishments
- Applications may take longer to process than Option 2
- Will require more LCLB resources dedicated to monitoring compliance

4. *Permit FP's to use any name that isn't socially irresponsible but the name and signage must include wording such as "licensed restaurant." Existing FP's would not have to incorporate this wording into their name or signs unless they change the name of the establishment.*

Implications

- Likely simpler for LCLB staff to administer than current policy
- Fewer names will be rejected
- Somewhat supports the distinction between LP and FP licence classes
- Makes clear to the public and local governments that it is a restaurant
- Will require LCLB to monitor signage and may require considerable LCLB inspector resources to effectively regulate
- Applicants may not understand why existing restaurants are not required to follow the same rules

Please provide your comments by December 15, 2017 to:

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Thank you for your contribution to this consultation exercise.

Appendix
Possible FP Naming Criteria (i.e. Option 3)

- Names may not suggest a type of licence not held by the licensee.
- References to bar, lounge, pub, or similar wording may not be used unless those words are preceded by a reference to food e.g. Bob's Burger Bar would be permitted.
- May not imply that an establishment has a liquor primary licence by using words like bar, pub, or lounge in a way that is deemed separate from food, e.g. Bob's Grill and Bar would not be permitted.
- May not use words in the name that refer to a type of liquor, e.g. beer, brew, wine, champagne, cocktail, etc.