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Date: June 25, 2014

To: All LCLB Staff  
All Industry Associations  
All Local Government, First Nations, and Police Agencies

Re: **Temporary licence extensions**

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### **Introduction**

On April 28, 2014, a policy directive was announced to implement new policy regarding whole-site licensing of special occasion licenses (SOL). The new policy generally allows whole-site licensing, but allows the Branch discretion to impose beverage gardens if it is in the public interest to do so. New policy was also announced to allow spirits, but not shooters at these SOL events.

A temporary licence extension (TLE) involves similar considerations to those of SOL events. This policy directive harmonizes TLE policy with new policy regarding SOLs to allow whole-site TLEs except where in the public interest to impose beverage gardens. This policy also outlines the service and sale of spirits, and restricts shooters from service or consumption in the TLE area.

### **Present policy**

Existing Branch policy regarding TLEs does not specifically define the circumstances in which a beverage garden may be imposed. Applicants for TLEs are asked to describe the perimeter of the TLE area and how they intend to constrain it. However, the Branch generally does not request details that may necessitate a beverage garden and there is no specific policy requirement for inspector involvement.

Existing Branch policy allows for alterations to the terms and conditions of a TLE on a case-by-case basis, although generally spirit drinks are permitted in extended areas. Shooters are generally not expressly prohibited from extended areas.

### **New policy**

- Whole site licensing is generally permitted for TLEs. For TLE events of 499 people or less (defined as “routine events”), licences will be granted without liquor inspector involvement and beverage gardens will generally not be required.
- Whole site TLE licensing is permitted for events of 500 persons or more (defined as “major events”). Beverage gardens may be imposed if deemed necessary from a public safety perspective.
- TLEs will be allowed on property which is owned or leased by a third party, with permission from that party and, for liquor primary applications, comment from the local government/First Nations as to the public safety of the event.

- Unlicensed physical separations between the primary licensed area and the TLE will be allowed, but patrons will not be allowed to carry liquor between licensed areas across unlicensed areas. There is an expectation that any separation between licensed areas be limited to a short walking distance, as determined to be reasonable by licensing staff.
- Only one licensee will be allowed if there are multiple licensees seeking a TLE over common areas. Priority will be granted on a first-come-first-served basis. Multiple kiosks for food and liquor service may be permitted under that TLE.
- Changes to terms and conditions for the purposes of the TLE will be made on a case-by-case basis.
- For routine and major events, local government/First Nations may impose restrictions on a TLE.
- The licensed area must be appropriately bounded during an event.
- TLE events may sell all liquor products within the same serving size limitations as under the existing primary licence. The one exception is that licensees will not be permitted to serve shooters in TLE areas, as these are designed for rapid consumption and tend to promote over-consumption and intoxication.

### **Approval process for Major TLE events**

- For routine events, the applicant should identify the proposed area for the TLE on a site map and/or floor plan submitted with the Temporary Change to a Liquor Licence application.
- For major events of 500 or more persons, in addition to the site/floor plan, the licensee must include a security plan, and:
  - Whole site licensing is the default position.
  - Liquor inspectors will evaluate overall TLE risk by reference to a site assessment tool (SAT) and worksheet, publicly accessible for review: <http://www.pssq.gov.bc.ca/lclb/docs-forms/sol-site-assessment.pdf><sup>1</sup>
  - Application of the (SAT) may result in the requirement for a fenced or cordoned-off service area.
  - The liquor inspector applies the SAT and makes a recommendation based on the outcome and other considerations as appropriate.
  - If the liquor inspector concludes that it is necessary in the public interest to disallow whole-site licensing and to impose a beverage garden, the inspector will write a recommendation to the Regional Manager for approval.
  - Where a fenced service area (beverage garden) is required the liquor inspector should engage with the licensee to
    - demonstrate the tool,
    - discuss the values entered,
    - print out a copy for the licensee's records, and
 discuss with the licensee what may be changed to reduce risk to an acceptable level so a fenced service area may not be necessary.
  - A licensee is free to have a beverage garden on its own regardless of the SAT outcome.
  - Compliance and Enforcement staff will provide the decision to the Licensing Division who will be responsible for issuing the temporary change approval

<sup>1</sup>Revised on September 4th, 2015 to reflect the replacement of the Risk Assessment Tool (RAT) with the Site Assessment Tool (SAT) as a result of policy directive 15-09.

letter, incorporating the necessary terms and conditions including whether the TLE requires a beverage garden.

- The application process for routine events and for major events will be: licensee obtains land owner/lessee permission first; licensee submits application to Branch with proof of permission to use; licensees must obtain comment from local government on the public safety of the event (comment required only for LPs), which, in order to expedite Branch approval, should be obtained before licensees submit their application to the Branch; inspectors review and obtain RM approval.
- The difference in process between routine events and major events is in the degree of inspector involvement: for routine events, approval will be granted without directly involving liquor inspectors, and beverage gardens will generally not be required.
- For routine events, inspectors will continue to provide comments to Licensing staff and may impose specific security measures if it is in the public interest to do so. Upon receipt of a TLE application, licensing staff notate Posse to notify appropriate inspectors for comment. Generally, licensing staff will add the requirement as a term and condition of the TLE without approval of the DGM, Licensing. If the recommended requirement is unique or extraordinary, the DGM must approve the term and condition.
- For major events, inspectors are required to make a recommendation based on a review of the licensee's security plan.

### **Further Information**

Further information regarding liquor control and licensing in British Columbia is available on the Liquor Control and Licensing Branch website at <http://www.pssg.gov.bc.ca/lclb/>. If you have any questions regarding these changes, please contact the Liquor Control and Licensing Branch toll free in Canada at 1-866-209-2111 or 250 952-5787 if calling outside the Victoria area.

*Original signed by:*

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