

Date: November 24, 2014

To: All LCLB staff
National Golf Course Owners Association
Canada West Ski Areas Association
All Local Governments, First Nations, and Police Agencies

Re: Temporary Use Area (TUA) Endorsements for licensees (Food Primary (FP) and Liquor Primary (LP) Licences) who operate a golf course or ski hill

Introduction

Licensees who operate ski hills or golf courses may apply for an endorsement to extend their licensed activities to outdoor areas on their property up to 26 times a year. The new [Liquor Control and Licensing Regulation](#) sections 13.001-13.004 outline the criteria for eligibility and use of the Temporary Use Area (TUA) Endorsement.

First a licensee must apply for a TUA Endorsement. Once a licensee has a TUA Endorsement, they may submit online requests for Authorization to activate their TUA Location(s) up to 26 times a year.

Eligibility and Application

The TUA Endorsement requires application to the Branch and is available to qualifying FP and LP licensees who operate golf courses or ski hills. Applications require public input and are subject to Local Government / First Nation comments.

Golf Courses

Only one licence on the property can be endorsed. TUA Locations must be outdoors on the same property as the golf course, and owned or leased by the licensee. TUAs can overlap the licensed playing area at a golf course.

Ski Hills

Only one licence per ski hill can be endorsed (Whistler-Blackcomb will be considered two separate hills). The licensee must have an ownership interest in the downhill ski business, and its licence must be located in the vicinity of the same ski hill. TUA Locations must be outdoors on the ski hill property. The legal entity that owns the ski hill business is required to sign the licensee application to confirm they support the specific licence applying for the TUA Endorsement.

All Properties

The applicant must identify proposed TUA Location(s) on a property map submitted with the application and state the maximum number of people that would occupy each area (official 'occupant load' is not required). A TUA Location cannot overlap an area eligible for permanent licensing such as a patio adjacent to the licensed interior of the

establishment. The applicant may seek multiple TUA Locations on the property but the Branch will determine which will be endorsed.

The Local Government / First Nation will be asked to gather public input and provide LCLB with a resolution, commenting on the proposed TUA Endorsement. Under section 53 of the [Liquor Control and Licensing Regulation](#), these comments must speak to (4)(a) *the potential for noise...* and (4)(b) *the impact on the community...*

When issuing a TUA Endorsement on a FP or LP licence, the Branch may impose specific terms and conditions, such as:

- Hours of operation,
- Limitations on the type of events and activities,
- Conditions regarding noise, such as no amplified music.

And these may be imposed for certain TUA Locations, on certain days, at certain times, or under certain circumstances.

The licensee may use the form “Application for a Temporary Use Area Endorsement” (LCLB051) to apply at <http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB051.pdf>. This form may also be used to request a change to an existing TUA Endorsement.

The Branch will begin accepting applications on **December 9, 2014**.

Operating with a TUA Endorsement

Once a licence has a TUA Endorsement, the licensee may submit online requests to activate their TUA Location(s) via Branch Authorization – using OneStop – up to 26 days per calendar year. These can be taken all in a row, or spread across the year, but each day that a TUA activation is in effect counts against the annual total of 26. A TUA Authorization may serve to activate multiple TUA Locations for use at different points (and for different groups) throughout the day; this counts as only one activation day, but all groups’ attendance counts must be included in the total capacity number and security plans handled accordingly. A single online request may generate a single TUA Authorization that provides, for example, 3 consecutive activation days.

The terms and conditions of the TUA are in effect during the times indicated on the Authorization. Unless otherwise specified, TUA Authorizations are subject to the same terms and conditions as the primary licence (e.g. Hours; FPs must have a food-focus; Family Food Service Endorsement for LPs; Patron Participation Endorsement for FPs); however, TUA Authorizations may also have specific terms and conditions, including specific rules or restrictions for each endorsed TUA Location. All TUAs are outdoors and may operate no later than 10pm (or earlier if required by community bylaws).

Activated TUA Locations must be appropriately bounded and staffed so that the liquor service and consumption area is clearly visible to ensure that liquor stays within the licensed boundaries and unauthorized individuals cannot enter the area.

TUA Authorization uses an existing LCLB online notification system called “OneStop” (<http://onestop.gov.bc.ca/lclb.htm>). Starting December 9, 2014, endorsed licensees are

required to set up their LCLB profile to use this system. This requires attaining and controlling the appropriate digital credentials, such as a “BN9”, “BCeID”, “PIN code”, etc.

There are two scenarios for submitting “TUA event” activation requests in OneStop, depending on the total daily number of people expected to attend the event(s):

Notification (“small” <500 persons): In order to receive Authorization for TUA activation, the licensee must submit an online request to the Branch – by using OneStop – at least 7 days in advance and provide details, including:

- Date and Hours of TUA activation
- Type, Description (e.g. public/ticketed/invite-only, wedding/concert/etc.)
- Capacity (proposed maximum attendance number, within prescribed limits)
- TUA Locations (identify which areas will be activated if there is more than one)

Authorizations for these events are automatically sent to the licensee for posting at the activated site(s). The inspector receives a copy of the request for review, which allows him/her to confirm approval and determine whether the event(s) should be inspected. The inspector may decide to intervene and contact the licensee, either to impose any additional terms and conditions and re-issue a new Authorization, or – working with their Regional Manager – cancel the activation altogether.

Approval (“large” 500+ persons): For TUA activation Authorizations where the licensee will host 500 or more people, the licensee must submit their online request to the Branch – by using OneStop – AT LEAST 21 days in advance. This request must include all the same information items listed above (for small “notification events”). In addition, the licensee must email their inspector an event specific security plan. Finally, copies of all these materials need to be submitted to their local police.

It is recommended that licensees planning large events submit their online requests to the branch – using OneStop – even earlier than 21 days in advance, in order to ensure additional time for any extra permissions required for major events (e.g. police/fire/etc.). A larger event may also require a risk assessment by the inspector in the same way as other large licensed events in B.C.

All events: Depending on the nature of the TUA activation, an inspector may impose additional terms and conditions to the Authorization, including, but not limited to:

- Dictating how the TUA Location(s) must be bounded and staffed during activation (e.g. based on public access, temporary bars, stages, geography, landscaping...)
- Restricting the types of entertainment or activities that can take place, or restricting minors, at certain times or locations during the activation.
- Limiting the attendance in an area if there is a risk that use of the area will have a negative impact on the surrounding community or public safety.
- Further limit the hours for which activated areas may be used in order to mitigate the impact on the surrounding community. (Most communities will also have existing noise bylaws, etc., which a licensee must comply with as well).

Cancellation or alteration of a TUA activation: If the licensee wishes to cancel an activation (e.g. for inclement weather), the licensee must advise their inspector at least

24 hours before the start time listed on the Authorization.
A cancelled activation does not count against the total of 26 days per year.

If a licensee wants to amend an issued Authorization, the licensee must contact the inspector to obtain approval for the changes and to be reissued a new Authorization. This should be done with the same lead time as making original requests: 7 days for small activations; 21 days for large activations. This CANNOT be done online using OneStop.

Fees

There is an application fee of \$330 for a TUA Endorsement. An annual renewal fee is currently being considered.

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 from the Victoria area.

Original signed by:

Douglas Scott
Assistant Deputy Minister and General Manager