



COUNCIL POLICY

Subject: Liquor Licencing

Policy No: 07-407
Previous Policy No: 07-615
Approved by Council: 2004-06-14
Revised by Council: 2016-05-30
Revised by Council: 2017-07-24
Revised by Council:

1. Purpose

1.1 To define the scope of the Township of Langley's (the "Township") involvement in applications before the Provincial Liquor Control and Licensing Branch ("LCLB"), of which the Township of Langley may receive notice pursuant to the *Liquor Control and Licensing Act* (the "Act") and the *Liquor Control and Licensing Regulation* (the "Regulation").

2. Background

2.1 In 2013, the Province initiated a comprehensive process to review legislation governing liquor. As a result of this process, new legislation was enacted by the Province in January 2017. This Policy is in response to applicable legislation.

3. Related Bylaws

3.1 Zoning Bylaw 1987 No. 2500 and Licencing Bylaw 2016 No. 5192.

4. Notice of Liquor Licence Applications

4.1 The Township wishes to receive notice of the following applications pursuant to Section 38(1) of the Act, unless the Township expressly states otherwise:

4.1.1 an application for a new Liquor Primary Licence;

4.1.2 an application for an amendment to an existing Liquor Primary Licence for:

4.1.2.1 converting a Liquor Primary Club Licence (a subclass of a Liquor Primary Licence) into a Liquor Primary Licence;

4.1.2.2 adding or amending a temporary use area endorsement;

- 4.1.2.3 a permanent extension of hours of liquor service beyond 1:00 A.M.;
- 4.1.2.4 a permanent increase in the person capacity of a service area;
- 4.1.2.5 the permanent addition of a patio;
- 4.1.2.6 the permanent relocation of an existing Liquor Primary Licence establishment to a new location, unless the LCLB is satisfied that the residents who will be affected by the new location are substantially the same residents who are affected by the existing Liquor Primary Licence establishment;
- 4.1.3 subject to Section 71(5) of the Regulation, an application for a new Manufacturer Licence (i.e. a brewery licence, a distillery licence or a winery licence), if the application requests a lounge endorsement and/or a special event area endorsement;
- 4.1.4 subject to Section 71(5) of the Regulation, an application to add a lounge endorsement and/or a special event area endorsement to an existing Manufacturer Licence;
- 4.1.5 subject to Section 71(5) of the Regulation, an application for any of the following amendments to a Manufacturer Licence endorsed with a lounge endorsement or a special event area endorsement:
 - 4.1.5.1 a permanent extension of hours of liquor service for the service area under the endorsement;
 - 4.1.5.2 a permanent increase in the person capacity of the service area under the endorsement; and
 - 4.1.5.3 the permanent addition of a patio;
- 4.1.6 an application for a new Food Primary Licence, if the applicant requests one or more of the following:
 - 4.1.6.1 a temporary use area endorsement;
 - 4.1.6.2 hours of liquor service that extend past 1:00 A.M., and
 - 4.1.6.3 dancing, karaoke or other types of entertainment that involve patron participation in the service area;
- 4.1.7 an application for any of the following amendments to an existing Food Primary Licence:

- 4.1.7.1 adding or amending a temporary use area endorsement;
 - 4.1.7.2 a permanent extension of hours of liquor service if the new hours extend past 1:00 A.M.; and
 - 4.1.7.3 permanently allowing, in a service area, dancing, karaoke or other types of entertainment that involve patron participation.
- 4.2 Notice of an application must be submitted to the Township's Director of Development Services and must include the information and records required pursuant to Section 71(6) of the Regulation, and the following, where applicable:
- 4.2.1 a complete Development Application Form (see Schedule "A" of the Development Application and Fee Bylaw 1987 No. 2470, as amended);
 - 4.2.2 a state of title certificate or title search which was requested from the Land Title Office within the last 30 days;
 - 4.2.3 application fees in accordance with Section 4 of the Development Application and Fee Bylaw 1987 No. 2470;
 - 4.2.4 a plan of existing and proposed building floor space including outside patio(s), existing and proposed number of seats and occupant load;
 - 4.2.5 a site plan indicating the location and size of all buildings on the lot, patio areas, parking spaces, landscaping, buffering, entrance doorways, loading space, garbage containers, driveway aisles and access points;
 - 4.2.6 existing and/or proposed entertainment type;
 - 4.2.7 existing and/or proposed hours of liquor service;
 - 4.2.8 a rationale or explanation by the proponent of the character of the proposed establishment and the market area and population it is intended to service; and
 - 4.2.9 other details of the proposed establishment as may be required by Council to facilitate its review.
- 4.3 Council hereby delegates to the Director of Development Services its power under Section 38(3) of the Act to provide comments and recommendations to the LCLB with respect to applications relating to new and existing Food Primary Licences.

5. Review and Consideration

- 5.1 Notice of a Liquor Licence application received pursuant to Section 4.2 above:

- 5.1.1 will first be referred to the Township's Fire, Engineering, and Permit, Licence and Inspection Services Departments, the R.C.M.P, and other relevant outside agencies, to obtain comments in respect of the application; and
 - 5.1.2 will subsequently be submitted to Council to obtain Council's comments and recommendations in respect of the application.
- 5.2 Notice of a Liquor Licence application received pursuant to Section 4.2 must include a "public consultation process", either in conjunction with an accompanying rezoning, development permit or development variance permit application, or, if a rezoning/development permit/development variance permit is not required, in accordance with the rezoning "public process" which includes individual hearing notice mail outs, newspaper notice and a "Liquor Licencing Hearing" where affected persons may express their views to Council.
- 5.3 Licencing Bylaw 2016 No. 5192 prohibits exotic performances in all Liquor Licence establishments, except in a hotel holding a valid and subsistent Class "A" Liquor Licence issued on or before December 16, 1991.
- 5.4 In considering whether to recommend the rejection or approval of an application for a new or relocated Liquor Primary Licence to the LCLB, Council will consider the following locational criteria:
 - 5.4.1 Generally, a new or relocated Liquor Primary establishment should not be located within 0.5 km of an existing or proposed elementary school, secondary school, church, neighbourhood park, or sub-neighbourhood park. This distance may be revised by Council if the establishment is located within a community centre or other facility owned or operated by or on behalf of the Township, or if Council otherwise considers that there are reasons which would merit a departure from this general rule.
 - 5.4.2 Generally, a new or relocated Liquor Primary establishment should not directly abut single or multi-family residential uses or zones, or existing or proposed park sites, unless adequate buffer mechanisms are incorporated into site development plans specifically approved by Council as part of a rezoning or development permit process, or if Council otherwise considers that there are reasons which would merit a departure from this general rule.
 - 5.4.3 A new or relocated Liquor Primary establishment may be located on the same site as a hotel or community recreational use (such as an arena or golf course) subject to adequate access and parking being provided in accordance with Township Bylaws and Policies.
- 5.5 Notice of Liquor Licence applications received pursuant to Section 4.2 must comply with:

- 5.5.1 all applicable Township bylaws including, but not limited to the following bylaws as amended from time to time:
 - 5.5.1.1 Fire Prevention Bylaw 2013 No. 4956;
 - 5.5.1.2 Langley Building Bylaw 2008 No. 4642;
 - 5.5.1.3 Licencing Bylaw 2016 No. 5192;
 - 5.5.1.4 Noise Control Bylaw 2015 No. 5172;
 - 5.5.1.5 Subdivision and Development Servicing Bylaw 2011 No. 4861;
 - 5.5.1.6 Highway and Traffic Bylaw 2010 No. 4758; and
 - 5.5.1.7 Zoning Bylaw 1987 No. 2500;
- 5.5.2 all applicable Township policies including, but not limited to, Exterior Lighting Impact Policy No. 07-156;
- 5.5.3 Crime Prevention Through Environmental Design (CPTED) criteria;
- 5.5.4 requirements and conditions imposed by Council in connection with:
 - 5.5.4.1 the approval of a zoning or official community plan amendment bylaw;
 - 5.5.4.2 the issuance of a development permit, development variance permit, or building permit; or
 - 5.5.4.3 the application review process outlined in this Section 5; and
- 5.5.5 requirements and conditions imposed by the LCLB pursuant to the Act or the Regulation.

6. Comments and Recommendations Provided to the LCLB

- 6.1 Comments provided to the LCLB in respect of a Liquor Licence application must be in writing and must include:
 - 6.1.1 the Township's views on all of the following matters:
 - 6.1.1.1 the impact of noise on the community in the immediate vicinity of the establishment, unless Section 6.1.1.2 or Section 6.1.1.3 applies;

- 6.1.1.2 in the case of an application that involves a temporary use area endorsement, the impact of noise on the community in the immediate vicinity of the proposed locations of event sites under corresponding temporary use area authorizations;
 - 6.1.1.3 in the case of an application that involves a lounge or special event area endorsement, the impact of noise on the community in the immediate vicinity of the location of the service area under the endorsement;
 - 6.1.1.4 the general impact on the community;
 - 6.1.1.5 if the application is to amend a Food Primary Licence to extend the hours of liquor service past 1:00 A.M., or to allow entertainment that involves patron participation in a service area, whether the amendment may result in the service area being operated in a manner that is contrary to section 18(1)(a) of the Regulation (which states that the primary purpose of the business carried on in the service area when liquor is being sold or served must be the service of food); and
- 6.1.2 the views of Township residents on the application and a description of the method used to gather those views.
- 6.2 Recommendations provided to the LCLB in respect of a Liquor Licence application must be in writing, must specify whether the application should be approved or rejected, and must include the reasons on which they are based.
- 6.3 The Township must give the LCLB its comments and recommendations in respect of a Liquor Licence application within 90 days after it receives notice of the application, or within any further period authorized by the LCLB.