GOAL
The purpose of the City of Duncan’s Liquor and Cannabis Licensing Policy is to provide direction to the following parties:

1. Liquor and cannabis licence applicants on the process and fees associated with City of Duncan review of Applications;

2. Liquor and Cannabis Regulation Branch (LCRB) on the types of applications that the City will opt-out of providing comment on; and

3. City staff on application review and public notification criteria for those types of liquor and cannabis licence applications that require review by Council and opportunity for the public to comment.

Any reference to cannabis retail licenses is for the purpose of non-medical uses only. Only successful proponents of the 2019-02 Retail Sales of Cannabis and Cannabis Related Products Request for Proposals will be eligible to apply for a Cannabis Retail Licence in the City of Duncan.

POLICY:
This policy applies to liquor and cannabis licence applications in the City of Duncan.

The City will opt out of the review and comment requirements, indicating neither support nor opposition for the application to the LCRB, for:

- temporary extensions to hours of licensed service for all licence types up to 2:00 am on New Year’s Eve; and
- temporary extensions to service areas adjacent to an establishment for all licence types, where the applicant has received approval for an event street closure permit that included the serving of alcohol.
Liquor Primary Licence Application Procedure

A business engaging in the manufacture, sale or service of liquor must have a City of Duncan Business Licence to lawfully conduct its businesses.

The following provisions apply for any new or amendments to existing liquor primary licence applications:

1. The applicant applies directly to the City of Duncan.

2. The applicant must pay the fee as established by the City’s Fees and Charges Bylaw.

3. If the City is ready to consider the application (the applicant has met all other City requirements e.g. zoning, development permit, business licensing), City staff will sign for receipt of the application.

4. If rezoning is required, the City may want to address zoning prior to considering a liquor licence application. In these situations, the City would not sign the liquor licence application. When and if zoning is approved, the City would sign the application, initiating the 90-day timeframe.

5. If the City wants to consider zoning and liquor at the same time, the City would sign the LCRB application and ensure the LCRB is aware that rezoning would be required. The public input process can address both zoning and liquor as long as the input process provides sufficient detail about the proposed establishment (such as hours, capacity, location, etc.).

6. Once the City signs the LCRB application, the applicant immediately submits the signed application to the LCRB. The City and the LCRB process the application concurrently, and the City gathers public input and submits a resolution within 90 days. Applicants are encouraged to submit floor plans with occupant load as early as possible in the process.

7. The City will provide public notification of the opportunity to provide written comment through mailed notice to all residents and businesses within a 100 metre radius, the cost of which will be paid for by the applicant.

8. The City will provide notification to the Downtown Business Improvement Association, if applicable.

9. When providing comment on an application, the City will include comments on those aspects within the parameters set by LCRB, which currently include:

   - Noise impacts in the immediate vicinity of the establishment;
   - Impact on the community if approved (including the location of the establishment and person capacity and hour of liquor service of the establishment);
   - Confirm that the establishment is being operated in a manner that is consistent with its primary purpose (only for food primary).

10. Council deliberations will consider the criteria outlined by the LCRB and the Resolution from the City of Duncan will take the format of Sample Resolution Comments for a Liquor-Primary Licence Application, as attached.
11. In some circumstances, the Council may want to recommend approval with certain restrictions (e.g. hours of liquor service) placed on the licence/endorsement. In these situations, the comments should clearly explain the rationale for recommending restrictions. Consult with the LCRB first to ensure the LCRB has the authority to impose the recommended conditions. Consider imposing restrictions through the applicants business licence.

12. Resolution is forwarded to the LCRB.

**Food Primary Liquor Application Procedure**

(Restaurant whose primary purpose is the service of food during all hours of operation.)

A resolution of Local Government is not required with respect to new applications. The local government is involved only with determining appropriate zoning, building and fire inspections with respect to approving floor plans and determining occupant loads for licensed areas. The LCRB requests a resolution from a local government when a food-primary licensee applies for patron participation entertainment (dine and dance or karaoke) or hours of liquor service past midnight.

**Cannabis Retail Licence Application Procedure**

The following provisions apply for any cannabis retail licence applications:

1. The applicant applies directly to the City of Duncan.

2. The applicant must pay the fee as established by the City’s Fees and Charges Bylaw.

3. The City will provide public notification of the opportunity to provide written comment through mailed notice to all residents and businesses within a 100 metre radius, the cost of which will be paid by the applicant.

4. When providing comment on an application, City Council will include comments on those aspects within the parameters set by LCRB, which currently include:
   - Location of the proposed retail establishment;
   - Impact on the community if approved.

5. In some circumstances, the Council may want to recommend approval with certain restrictions (e.g. hours of service) placed on the licence/endorsement. In these situations, the comments should clearly explain the rationale for recommending restrictions.

6. Resolution is forwarded to the LCRB.
Sample Liquor Primary Licence Application Resolution

1. **That** Council considered the following:
   - The location of the establishment; and
   - The person capacity and hours of liquor service of the establishment.

2. **That** Council comments on the prescribed criteria are as follows:
   
   [comment on the following - Comments should be made in relation to potential impacts on the community in the vicinity of the establishment (or proposed establishment) if the new licence or licence change were to be approved.]
   
   - The impact of noise to the community in the vicinity of the establishment
   - The general impact on the community if the application is approved
   - (for a food primary only) whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose;

3. **That** Council comments on the views of the residents are as follows: [describe the views of the residents, and the method used to gather the views].

4. **That** Council [recommends/does not recommend] the [issuance of the licence/approval of the licence change] for the following reasons: [provide detail]