



City of Richmond

Report to Committee

To: General Purposes Committee
From: Anne Stevens
 Manager, Customer Services
Re: **Liquor Licence Applications at YVR**

To General Purposes - Feb 20, 2006
Date: January 24, 2006
File: 12-8275-00

Staff Recommendation

1. That Council decline comment on all current and future liquor-related applications received from establishments that are located in the **post-security areas** of passenger terminals on airport lands.
2. That Council comment on all current and future liquor-related applications received from establishments that are located in the **pre-security areas** of passenger terminals and elsewhere on airport lands, and that relevant city policies and bylaws be adhered to.

Anne Stevens
 Manager, Customer Services
 (4273)

Att. 2

FOR ORIGINATING DIVISION USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER (Acting)	
Business Licences	Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>	<i>A. Stevens</i>
Law	Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>	
Development Applications	Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>	
Zoning	Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>	
RCMP	Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>	
REVIEWED BY TAG		YES	NO	REVIEWED BY CAO	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	YES	NO
		<i>AS</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
				<i>AS</i>	

Staff Report

Origin

The provincial Liquor Control and Licensing Branch (LCLB) issues licences in accordance with the Liquor Control & Licensing Act and Regulations.

The LCLB notifies local government to give them the opportunity to provide comments and recommendations to the LCLB for certain liquor licence applications and amendments. For a new licence or an amendment to an existing licence, the process requires local government to provide a Council resolution that either:

- comments on the legislative review criteria (i.e. views of residents, potential for noise, impact on the community etc.), or,
- declines comment on the application.

This report discusses options for dealing with liquor-related applications that are received from businesses on airport lands.

Analysis

In 2005 a written request from the Vancouver Airport Authority (YVR) was received requesting that Council consider declining comment on **all** liquor-related applications received from businesses on airport lands (Attachment 1). For the purposes of this report “airport lands” refer to all those lands leased to YVR by the Federal Government, e.g. main terminal, south terminal, the Fairmont Vancouver Airport Hotel etc. (Attachment 2).

There are two areas in the passenger terminals:

- pre-security
- post-security.

The post-security areas are for ticket holders only who have cleared customs or who have gone through pre-board screening.

The pre-security areas are open to the general public, ticket holders or anyone visiting the terminals.

In 2005, there were two establishments located at YVR that applied for amendments to their liquor licences. Council passed a resolution on September 6, 2005, declining comment on both applications as the establishments were located in the post-security area of the main terminal and did not directly affect the general public in Richmond.

The provincial legislation requires local government and residents in the area to comment on each application. City Bylaw 7276 outlines a process for seeking public comment. Following the public comment period, a report is presented to Council.

Over the past year, staff have discussed liquor-related applications on airport lands with both YVR and the LCLB. Some of the concerns for both parties are the inconsistencies of one jurisdiction over another, the expediency of each application, the access to the secured area, and the confusion of YVR tenants on who is to make comment on their application.

In order to deal with the liquor-related applications on airport lands staff see a few options for Council consideration:

Option 1

That Council decline comment on **ALL** liquor-related applications from establishments on airport lands and in the pre/post-security areas of the passenger terminals (although the City would still wish to receive notification of these applications by the LCLB).

By declining comment on all liquor-related applications the LCLB would then assume responsibility for the review process.

If this option is selected, the LCLB would then only seek comment from YVR as the relevant "resident" for the purposes of the legislation, which would allow YVR to have more of a say in the requirements of their tenants. The general public would not be consulted in this case. It would be understood, however, that establishments on airport lands would be permitted to operate only during the same hours as those that the City allows for other establishments in Richmond.

Option 2

That Council only decline comment on liquor-related applications from establishments in the **post-security areas** of the passenger terminals on airport lands. (although the City would still wish to receive notification of these applications by the LCLB).

The LCLB would then only assume responsibility for the review process and seek comment from YVR in such cases.

This option allows the City to maintain authority in the review process for all applications received from establishments located in the **pre-security areas** of the passenger terminals and from establishments located elsewhere on airport lands. In these cases, the City would follow the existing process outlined in Bylaw 7276 requiring that public comment be obtained from the community of Richmond at large.

This option allows a consistent approach for all liquor-related establishments open to the general public in Richmond.

Option 3

Definition: *Passenger Terminal Buildings* means those buildings known as the International Terminal Building, Domestic Terminal Building and the South Airport Terminal Building.

That Council decline comment on liquor related applications from all establishments located in the Passenger Terminal Buildings on the airport lands . This would allow Council and the community to provide comment on liquor related applications from all establishments outside of the Passenger Terminal Buildings located on the airport lands.

By declining comment on the liquor related applications in the Passenger Terminal Buildings, the LCLB would then only assume responsibility for the review process and seek comment from YVR in those cases.

This option allows the City to maintain authority in the review process for all applications received from establishments located on the lands outside of the Passenger Terminal Buildings. In these cases, the City and YVR would follow the existing process outlined in Bylaw 7276 requiring that public comment be obtained from the Richmond Community at large.

This option is the preferred option of YVR and would provide a consistent approach for all liquor related establishments and tenants of YVR located within the Passenger Terminal.

Financial Impact

None

Conclusion

YVR occasionally receives applications for new liquor licences or for amendments to existing liquor licences on airport lands. The LCLB cannot turn authority of local government over to YVR without a resolution from City Council.

Staff recommend that Council decline comment on all liquor-related applications in the **post-security areas** of the passenger terminals. The LCLB would consider YVR as the relevant "resident" for such applications and utilize their comments in the evaluation process.

For applications in the **pre-security areas** of the passenger terminals and elsewhere on airport lands, applicants would have to follow the existing process set out by the City, and the LCLB would continue to receive comment from the City. These applications would be treated in the same way as other applications in the City of Richmond.



Anne Stevens
Manager, Customer Services
(4273)

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ATTACHMENT 1



Vancouver International Airport Authority
Administration de l'aéroport international de Vancouver
 P O Box 23750
 Airport Postal Outlet
 Richmond, BC Canada
 V7B 1Y7

July 27, 2005

City of Richmond
 6911 No. 3 Road
 Richmond, B.C.
 V6Y 2C1

Attention: Anne Stevens
 Manager, Customer Services

Dear Anne,

Re: Roles of General Manager of the Liquor Control and Licensing Branch ("LCLB"), City of Richmond ("City") and Vancouver International Airport Authority (the "Authority") in the Issuance, Renewal and Amendment of Liquor Licences

Further to my discussions and correspondence with you and Lisa Cowan, Senior Solicitor at the Department of Justice, and my review of the *Liquor Control and Licensing Act* (the "Act"), the *Liquor Control and Licensing Regulation*, (the "Regulation") and the Booklet "Role of Local Government and First Nations in the Provincial Liquor Licensing Process" (the "Booklet"), I understand the following to be the respective roles of the City (as Local Government) and the LCLB with respect to the issuance, renewal and amendment of liquor licences.

At present, the process for applications for liquor-primary, liquor-primary club or for certain applications to amend a licence is as follows:

1. The applicant submits an application to the LCLB.
2. The LCLB assesses whether the proposed establishment meets the definition of a "liquor-primary establishment" (if applicable).
3. The LCLB verifies information contained in the application and requests that the Local Government assess the application.
4. The Local Government chooses to either (i) review the regulatory criteria, gather the views of residents and provide a resolution to the LCLB containing its recommendations, or (ii) decline to comment on the application.
5. If the Local Government provides a resolution, the LCLB reviews it. If the Local Government does not provide a resolution, the LCLB reviews the regulatory criteria and gathers the views of residents.
6. The LCLB makes a determination with respect to the application.

BY FACSIMILE

Legal Services

Courier Address: ITB Level 3 East Concourse, Room C3980
 3211 Grant McConachie Way
 Richmond, BC Canada V7B 1Y2

Jody Aldcorn

Direct Line: 604-276-6033
Facsimile: 604-276-6344
Email Facsimile: 604-232-6206
E-mail: jody_aldcorn@yvr.ca

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As stated in point four, above, the legislation would allow the City of Richmond to decline to comment on any application received from an applicant located on those lands leased to the Authority by the Federal Government (the "Airport Lands"). This could be done by the City providing a resolution to the LCLB indicating that it does not wish to receive notice of, or provide comment on, any liquor-primary, liquor-primary club or amendment to licence applications on the Airport Lands. The Booklet contains a sample resolution to be used in this instance which I have enclosed for your ease of reference.

The resulting process would be as follows:

1. The applicant submits an application to the LCLB.
2. The LCLB assesses whether the proposed establishment meets the definition of a "liquor-primary establishment" (if applicable).
3. The LCLB verifies information contained in the application, reviews the regulatory criteria, and gathers the views of residents (namely, the Authority).
4. The LCLB makes a determination with respect to the application.

Adopting such a process would benefit both the Authority and the City, as it would ensure that any new applications are reviewed quickly and efficiently, without requiring the City to become familiar with the Authority's unique business environment.

I have discussed the above with Ms. Cowan and she has indicated that, in principle, the LCLB is amendable to such a process, and that it would consider the Authority to be the relevant "resident" for the purposes of the legislation.

As such, on June 9, 2005, the Board of Directors of the Authority passed a resolution authorizing any member of Senior Management to sign any and all documents and to do all such things required to assist the LCLB in determining the advisability of approving any applications related to liquor licences made by establishments on Airport Lands. I attach an excerpt from said resolution for your records and will forward an certified copy if you so require.

We now request that the City pass a "blanket" resolution, in the form attached, stating that it will decline to comment on any applications for new or amended liquor licences that arise on Airport Lands, and inform the LCLB when this action has been taken.

I look forward to receiving any comments or questions that you may have.

Please feel free to contact me if I can do anything else to expedite this process.

Yours truly,



Jody Aldcorn
Manager, Legal Services
and Legal Counsel

Sample resolution template for opting out of comment in advance of applications

General Manager,
Liquor Control and Licensing Branch

RE: Provision of notice by the Liquor Control and Licensing Branch with respect to (liquor-primary licence applications and/or liquor-primary club licence applications and/or winery licence endorsement applications)

At the (council/board) meeting held on (date), the (council/board) passed the following resolution with respect to the provision of notice of liquor licence applications by the Liquor Control and Licensing Branch:

That it resolved that:

1. The (council/board) does not wish to receive notice of (liquor-primary licence applications and/or winery licence endorsement applications) pursuant to (section 10 and/or section 18) of the Liquor Control and Licensing Regulation
2. This resolution is in effect until (date)
3. This resolution is in effect for the following geographic areas: (describe the areas for which the resolution is in effect).

The undersigned hereby certifies the above resolution to be a true copy of the resolution passed by the (council/board) of (local government/First Nation) on (date).

Sincerely,

(signature)
(name and title of official)
(local government/First Nation)

Excerpt from the draft minutes of the
9 June 2005 Board of Directors meeting

11. LIQUOR LICENSING

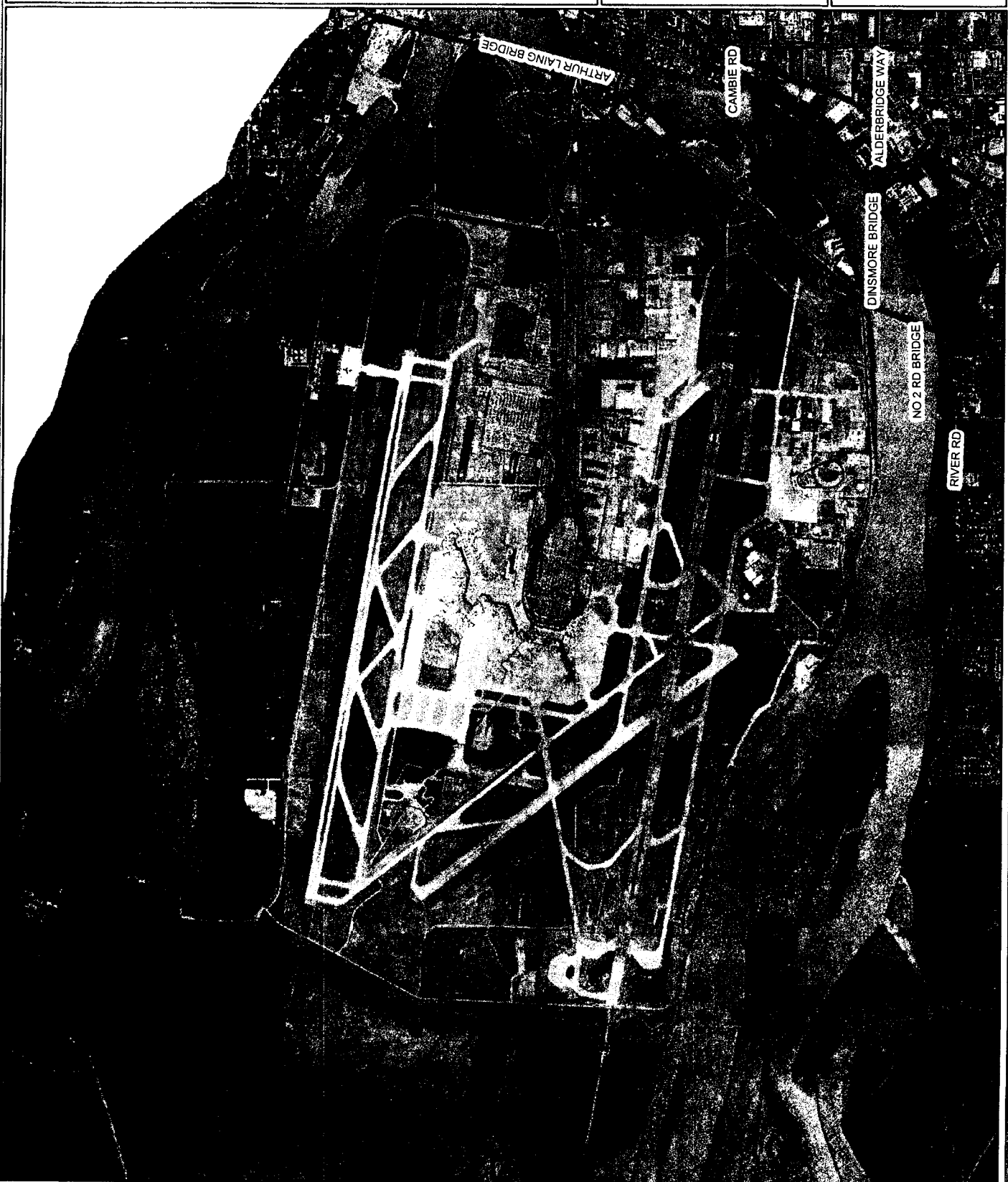
WHEREAS the Liquor Control and Licensing Branch of the Province, the City of Richmond and the Airport Authority concur it would be efficacious to revise procedures for the granting of liquor licenses to establishments located on Authority lands by eliminating the current requirement of City approval for each application;

AND WHEREAS the Council of the City of Richmond will be passing a resolution to affirm this arrangement, and, upon the mutual understanding of the Branch, the City and the Authority that any establishment that is not beyond the primary security line of the Airport will be permitted to operate only during the same hours as the City of Richmond directs for other such establishments in the City;

WHEREAS The Board of Directors has heard a presentation by Ms. Aldcorn and received the recommendation of the Planning and Development Committee and discussed the matter;

UPON MOTION DULY MADE, SECONDED AND CARRIED IT WAS RESOLVED THAT any one member of Senior Management, signing alone, be and hereby is authorized to execute, for and on behalf of and in the name of the Authority, all documents and instruments and to do all acts and things necessary, to assist the Liquor Control and Licensing Branch of the Province of British Columbia in determining the advisability of approving any applications made by establishments on airport lands for new liquor licenses or amended liquor licenses.

Mr. Huffer and Mr. Segat left the meeting



Legend

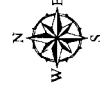
Government Owned Land

- <all other values>
- Fed
- GVRD
- Prov
- Rmd

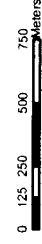
ATTACHMENT 2

Map Creation Date: January 25, 2006
 Map Created By: Randy Hall

Note:
 The information shown on this map is compiled from various sources and the City makes no warranties, expressed or implied, as to the accuracy or completeness of the information.
 Users are advised that the information is not intended to be used as a legal description must be confirmed at the Land Title office in New Westminster.
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City of Richmond

