



City of Richmond

Report to Committee

To: General Purposes Committee
From: Anne Stevens
Manager, Customer Services
Re: **Wet Restaurant**
165 - 8460 Alexandra Rd

To General Purposes - Oct 18, 2004

Date: October 14, 2004
File: 12-8275-30-001/2004-Vol
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Staff Recommendation

1. That Council rescind resolution R04/18-6 that supports the Wet Restaurant extension of hours.
2. That Council not support the application to amend the liquor licence for the Wet Restaurant at 165- 8460 Alexandra Rd for reasons outlined in the staff report dated October 14, 2004.

Anne Stevens
Manager, Customer Services
(4273)

FOR ORIGINATING DIVISION USE ONLY		
CONCURRENCE OF GENERAL MANAGER		
REVIEWED BY TAG	YES <input type="checkbox"/>	NO <input type="checkbox"/>
REVIEWED BY CAO	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

Staff Report

Origin

At the October 12, 2004 Council meeting, council passed a resolution allowing Wet Restaurant to extend their hours of operation

Monday to Wednesday 11:00a.m. to 1:00a.m.

Thursday to Saturday 11:00a.m. to 2:00a.m. and

Sunday 11:00a.m. to midnight.

Staff have received information from the Liquor Control and Licensing Branch (LCLB) inspectors, which has caused staff to reconsider the extension of hours application for the above establishment.

Analysis

The Wet Restaurant is a Food Primary establishment with hours to sell liquor from 11:00a.m. to midnight seven days a week. Based on the information provided to staff from the police, fire, health and LCLB the recommendation of staff was to support the extension of hours.

On Wednesday October 13, staff received the following information from the LCLB inspector.

On Saturday October 9, 2004 at 5:00 a.m. the Liquor Licensing inspectors went to the Wet Restaurant and found that 10 people were still on the premises consuming alcohol. They also noted that the sale of alcohol far exceeded the food sales for the day. The Liquor Licensing inspector has issued a contravention notice, which amounts to a warning. The next offence could be a suspension of their liquor licence.

On Tuesday October 12, Eugene Ng, who is a co owner, came to City Hall to see the status of their application. Staff informed Mr Ng that the recommendation to extend the hours was going to Council that evening and if there were no infractions against the establishment there should not be a concern. Staff asked Mr Ng if there were any infractions that we should be aware of and his response was not forthcoming. On October 14 staff learned that Mr Ng should have known about the infraction, as he was also present when the Liquor Branch came to their establishment on October 12.

Staff realizes the issues with extension of hours and the impact it has on city resources.

Based on the above information, staff are recommending Council rescind resolution R04/18-6 and recommend not extending the hours for this establishment at this time.

The owners of Wet Restaurant have the ability to re-apply to the province at a later point in time. Should Wet Restaurant re-apply another report would come before Council with a recommendation for Council consideration.

Financial Impact

None

Conclusion

Wet Restaurant presently is a Food Primary licence which allows them to serve alcohol until midnight seven days week. In a Food Primary establishment the ratio of food to alcohol should be 60/40. With the information from the LCLB there are two points to consider:

1. the amount of alcohol served far exceeds the amount of food served.
2. the infraction occurred at 5 a.m. with the two owners taking part.

Staff feel that the restaurant was not operating in good faith during this process. Should they wish to reapply at a later date they do have that option.



Anne Stevens
Manager, Customer Services
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