

TO: CITY MANAGER

2003 September 03

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: LIQUOR LICENCE APPLICATION #02-07
CHAMPS SPORTS PUB
4331 DOMINION STREET (see attached sketch)
PROPOSED EXTENSION OF OPERATING HOURS

PURPOSE: To provide Council with the results of the public input process required by the Liquor Control and Licensing Branch (LCLB) and with a recommendation on the requested extension of operating hours for Champs Sports Pub in the Radisson Hotel.

RECOMMENDATIONS:

1. **THAT**, based on consideration of the factors of potential for noise, impact on the community and the results of the public input process, Council would recommend amendment of the subject liquor licence to permit an extension of operating hours of liquor sale for Champs Sports Pub from 11:00 a.m. to 2:00 a.m., 7 days per week, based on the reasons contained in Sections 2.1 and 2.2 of this report.
2. **THAT** a copy of this report and Council's resolution be sent to the applicant, Mr. Shiraz Haji, 3390 Maple Street, Vancouver, B.C. V6J 3V4 and to the General Manager, Liquor Control and Licensing Branch, (Attn: Ms. Helen Pedneault) PO Box 9292, Stn. Provincial Government, Victoria, B.C. V8W 9J8.

REPORT

1.0 BACKGROUND INFORMATION

1.1 On 2003 February 17 Council received a liquor licence report on a request for an extension of hours of sale for the subject liquor primary licence from 11:00 a.m. to 1:00 a.m. Monday through Saturday, from 11:00 a.m. to 12:00 midnight on Sundays to 10:00 a.m. to 2:00 a.m., 7 days per week. The staff report concluded that in light of the relatively isolated location of Champs Sports Bar in terms of its distance from any sensitive uses, such as residential, the lack of problems with this liquor licence establishment and the lack of any objections to the application, this Department supported the application for an extension of operating hours. The report also indicated that LCLB staff had advised that applications received prior to the 2002 December 2 change in regulations should be handled utilizing the pre-2002 December 2 processing system, which the report reflected. At that time, Council referred the matter back to staff for a review of the opening time and expressed an interest in some consistency in opening hours.

1.2 On 2003 March 10, Council received a further report on this liquor licence application, as well as an application for an extension of hours of liquor sale for the Shark Club (Liquor Licence Application #02-6). In response to the Council request to investigate consistency in opening times in connection with amendments to the operating hours of liquor licence establishments, the following two recommendations were put forth and adopted by Council at that time:

1. **THAT** Council adopt 11:00 a.m. as the standard earliest opening time for considering new requests to change the permitted hours of liquor sale for primary liquor licence establishments.
2. **THAT** Council resolve to support an extension of the hours of liquor sale for the Champs Pub from 11:00 a.m. to 2:00 a.m., 7 days per week.

1.3 On 2003 June 16, Council received another report regarding the subject liquor licence application, as well as the previous applications for extensions of hours of liquor sale for the Shark Club (Liquor Licence Application #02-06) and for the Firefighters Social and Athletic Club (Liquor Licence Application #03-03). The report advised Council that Burnaby had recently received three letters from the LCLB indicating that the recommendations to support the extension of hours of sale did not meet the regulatory requirements and that in order for the LCLB to consider input from the City, that Council is required to revisit the matter and provide a resolution in the prescribed format. This was notwithstanding the verbal advice given by LCLB staff that the pre-2002 December 02 processing system should be utilized. The requested approach involves two changes to the recommendation to Council, which becomes, if adopted, the "local government resolution." The first requirement is that the local government resolution must contain specific reference to all the elements required by the new liquor regulations. These elements are the potential for noise and impact on the community if the application is approved, as well as the views of residents, the methodology used to gather those views and local government comments and recommendation regarding these views. The second requirement is that a public input process be conducted on all applications for amendments to existing liquor licences involving hours of sale, regardless of their context. Our previous report discussed the unreasonableness of the LCLB requiring local government to conduct a public input process regardless of the local context and experience, especially in light of the lack of problems which have been associated with amendments to liquor licences in the past and the Provincial governments notion that their changes in liquor regulations would reduce bureaucracy and red tape. At that time, Council adopted the following recommendations:

1. **THAT** Council request the Liquor Control and Licensing Branch (LCLB) to review its processing requirements for local government consideration of applications to amend liquor licences in order to allow the process to better reflect specific circumstances for each application and that Burnaby be given the flexibility to determine which liquor licence applications require public input and that the Municipality be so advised.
 2. **THAT** Council authorize staff to require the applicant for the subject liquor licence applications to place a sign in front of the existing licensed establishment for 10 working days providing information on the requested amendment to the existing liquor licence and advising of the manner in which adjacent residents and businesses may express their opinion on the applications.
- 1.4 The public input process has been completed for the subject liquor licence application. This report provides Council with the results of the public input process and a recommendation to Council on the application.
- 2.0 GENERAL DISCUSSION**
- 2.1 As was previously noted, the 2003 February 17 report indicated that this Department supports the application for an extension of operating hours due to the relatively isolated location of Champs Sports Bar in terms of its distance from any sensitive uses, such as residential, the lack of problems with this liquor licence establishment and the lack of any objections to the application. Staff continue to support this application and would conclude that the proposed amendment to the liquor licence would not cause undue potential noise or impact on the community.
- 2.2 A sign was placed in front of the subject liquor licence establishment advising the public of the nature of the requested amendment to liquor licence, as well as how further information could be obtained and the manner in which adjacent residents and businesses may express their opinion on the application. In accordance with the procedure provided in the 2003 June 16 Council report, the sign was up from 2003 July 3 to 2003 July 18 and advised that any comments were to be received by this Department by 2003 July 25.

No comments of any nature were received by this Department. Therefore, the City of Burnaby concludes that nearby residents and businesses do not object to this application.

2.3 With regard to Councils' interest in having some consistency in liquor licence opening times and subsequently adopting 11:00 a.m. as a standard opening time for amendments to liquor licence establishments, Council is advised that the LCLB has indicated that it will not accept general rulings or policies on the appropriateness of hours of liquor sale for liquor licence establishments. The LCLB has indicated that each application must be judged on its own merits, based on the specifics of each liquor licence application and the pertinent licensed facility. Notwithstanding, staff clearly understands Council position on this matter and will be guided accordingly.

It is also noted that at the time of writing no response has been reviewed from the LCLB with regard to the Council resolution requesting the LCLB to review its processing requirements for local government consideration of applications to amend liquor licences.



J. S. Belhouse, Director
PLANNING AND BUILDING

BW:gk/tn

cc: Chief Licence Inspector
Director Engineering (*Attn. Denis Semail*)
R.C.M.P., Burnaby Detachment

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