

VILLAGE OF PEMBERTON
-UPDATED SPECIAL COUNCIL MEETING AGENDA-

Agenda for the **SPECIAL Meeting** of Council of the Village of Pemberton to be held Tuesday, June 9, 2020 at 9:30 a.m. Via ZOOM Webinar. This is Meeting No. 1516.

"This meeting is being recorded on audio tape for minute-taking purposes as authorized by the Village of Pemberton Audio recording of Meetings Policy dated September 14, 2010."

*** All Council and Staff will be attending the meeting electronically. Instructions for public participation at the meeting can be found here.**

Item of Business	Page No.
1. 9:30 A.M. CALL TO ORDER REGULAR MEETING	
In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.	
2. APPROVAL OF AGENDA	
Recommendation: THAT the Agenda be approved as presented.	
3. REPORTS	
a) Office of the Chief Administrative Officer	
i. Public Works Mutual Aid Agreement – Village of Pemberton, Resort Municipality of Whistler, District of Squamish and Lions Bay	2
Recommendation: THAT Council authorize the Mayor and CAO to execute the Public Works Mutual Aid Agreement between the Village of Pemberton, the Resort Municipality of Whistler, the District of Squamish and Lions Bay.	
b) Development Services	
i. Liquor & Cannabis Regulation Branch Policy Directive 20-13 – Temporary Expanded Service Area Authorization	17
Recommendation: THAT Staff send confirmation to the LCRB that the Village of Pemberton has chosen to pre-approve all applications to temporarily expand service areas until October 31, 2020 in order to support the local hospitality's efforts to ensure physical distancing on outdoor patios, encourage local economic vitality, and expedite the LCRB approval process.	
4. IN CAMERA	
THAT the meeting is closed to the public in accordance with the <i>Community Charter</i> Section 90 (a) Personal Information that in the view of Council could reasonably expect to harm the interest of the municipality if they were held in public.	
5. RISE FROM IN CAMERA	
6. ADJOURNMENT OF SPECIAL COUNCIL MEETING	

IN WITNESS WHEREOF, the parties hereto have executed this Agreement effective as of the date first written above.

THE DISTRICT OF SQUAMISH,
by its authorized signatories:

_____ Mayor

_____ Corporate Officer

THE VILLAGE OF LIONS BAY,
by its authorized signatories:

_____ Mayor

_____ Corporate Officer

THE VILLAGE OF PEMBERTON
by its authorized signatories:

_____ Mayor

_____ Chief Administrative Officer

THE RESORT MUNICIPALITY OF WHISTLER

_____ Mayor

_____ Corporate Officer

Date: June 9, 2020

To: Nikki Gilmore, Chief Administrative Officer

From: Lisa Pedrini, Manager of Development Services

Subject: LCRB Policy Directive 20-13 – Temporary Expanded Service Area Authorization

PURPOSE

The purpose of this report is to present to Council, for their consideration, options related to a policy directive from the Liquor and Cannabis Regulation Board (LCRB) regarding Temporary Expanded Service Area Authorization.

BACKGROUND

The emergence of COVID-19 as public health emergency and global pandemic has led to the requirements for physical distancing across the world. The province of British Columbia announced a four phased “Restart Plan” which involves the provincial government lifting restrictions on the community and businesses in phases, gradually allowing for more social and economic activity. The Village wants to support and contribute to rebuilding the local economy while carrying with the “Restart Plan” and the Provincial Health Officer’s (PHO) orders.

On May 22, 2020 the Village received email correspondence from the Liquor and Cannabis Regulation Branch (LCRB) outlining Policy Directive 20-13 (attached as **Appendix A**), that permits food primary, liquor primary and manufacturing licensees to temporarily expand their service area footprint until October 31, 2020.

Expansion of service area basically equates to an expansion of outdoor patio seating area in most cases. The increased service area will allow licensees to serve patrons while complying with the PHO’s guidelines regarding physical distancing.

DISCUSSION AND COMMENTS

The LCRB has advised local governments that it is aware of the significant ramifications the pandemic has had on B.C.’s hospitality sector and, as such, understands that with reopening efforts underway, it is critical that licensees are supported in their needs to adhere to PHO direction and recommendations as they aim to resume operations.

Helping licensees increase their service area will allow them to decrease the density of patrons in their establishments and to continue to serve patrons while complying with PHO orders and guidelines regarding physical distancing.

To support this directive, the Province implemented an expedited process for the authorization of temporary expansions to service areas. These temporary authorizations will focus on expanding licensee service areas only and will not increase currently approved person/patron capacities or

occupant loads. This will allow the LCRB to expedite approvals while mitigating any public safety risks or local government requirements. Licensees will still be subject to any PHO orders requiring reduced occupancy loads and must also comply with all local bylaws and health and fire regulations.

Licensees will be able to submit applications for Temporary Expanded Service Area Authorizations via the LCRB online portal at no charge. This portal has been designed to be a user-friendly online system and ensure information is gathered from licensees efficiently, enabling faster processing times.

The Village may want applications in their jurisdiction approved as soon as possible, or it may want an opportunity to review individual applications more extensively. As such, the LCRB has offered the following two options for local government input into the temporary authorization application process for liquor primary and manufacturer licensees:

1. Local governments may provide one pre-approval to cover all liquor primary and manufacturer establishments within their jurisdiction who may apply for an expanded service area; or
2. Local governments may choose to review and approve all individual requests for liquor primary and manufacturer expansions prior to licensees submitting their applications to the LCRB.

Considerations of the two Options:

Option 1 – Pre-approval or Blanket Approval:

- *This will enable the fastest processing of applications in our jurisdiction.*
- *The Village will not have an opportunity to see individual requests before they are approved by the LCRB.*
- *Applicants will be required to disclose that they have met all Village requirements when applying.*
- *The Village will receive notice when the expanded service area is authorized by the LCRB.*
- *If the Village wishes to use this expedited process but has specific concerns, we may contact the LCRB immediately to outline questions/concerns.*
- *If the Village chooses this option, Staff will send confirmation directly to our local government LCRB liaison, so that Pemberton's pre-approval can be recorded in their system.*

It is important to note that the LCRB will not require evidence from licensees ensuring they have appropriate permissions (including the use of publicly owned spaces like parking lots, sidewalks, etc.) from local governments, if their local government has selected the blanket-approval approach (Option 1). It is the responsibility of the licensee to ensure they abide by all local bylaws and acquire any necessary permits. However, all applicants will be required to affirm through an online disclosure that they have met all local government requirements.

Option 2 – Review of all Individual Applications by the Village:

- *This will increase the time required for businesses to begin operating their expanded areas.*

- *The Village will have the ability to determine what information it requires from applicants seeking our approval, and to withhold approval if the Village has concerns.*
- *If the Village approves the application, it will be asked to provide written approval directly to the applicant (email is sufficient). The applicant will be required to include this information with their application to the LCRB.*
- *The Village will receive notice when an expanded service area is authorized by the LCRB.*
- *This is the default process. There is no need to contact LCRB if the Village wishes to follow this process.*

Local governments who choose to review/approve all individual requests (Option 2) will be required to provide written approval to each applicant (via letter or email) prior to submission, with the following information:

1. Establishment name
2. Licence number
3. Establishment address
4. Local Government's confirmation (resolution) of "no objection"
5. Permission to use publicly owned spaces, if applicable
6. Comments, if any.

Food Primary vs. Liquor Primary & Manufacturing Establishments

Since food primary establishments are not generally required to obtain prior local government approval to expand their service areas, the LCRB will continue to process food primary requests for expanded service areas without requiring local government approval. Food primary licensees are responsible for following all local bylaws and for obtaining any permits as required by their local government. The Village will receive notice when an expanded food primary service area is approved by the LCRB.

Village of Pemberton Decision

At this point, the Village needs to determine what process will work best for our community, and as soon as we have a plan in place, the Village will need to notify the LCRB and affected local businesses.

The LCRB has asked that local governments quickly decide on an approach and either communicate the decided administrative process to the LCRB, and the licensees and applicants that have or soon will be reaching out to the Village. Development Services has received enquiries from two (2) interested licensees within our boundaries.

The LCRB has advised they will also continue with its end-to-end review of the existing permanent structural approval process, with the goal of streamlining and modernizing the process, making future applications more straightforward and aligned with today's business needs.

If the Village wants to support local businesses and their immediate needs during this challenging time by expediting the approval process, Staff recommends supporting Option 1 – blanket approval for service area expansion without direct oversight.

COMMUNICATIONS

The Village will communicate Council's decision with the public in general via its regular communication channels (website, eNEWS and Facebook page) and directly with the local hospitality industry via correspondence and upon receipt of direct enquiry.

If the Village decides on Option 2, then the liquor expansion process may require a separate communications element.

LEGAL CONSIDERATIONS

Liquor Licences are issued by the provincial Liquor & Cannabis Regulation Branch.

IMPACT ON BUDGET & STAFFING

The impacts on Budget and Staffing will depend on which option is chosen.

If Option 1 is chosen, this will have less impact on Development Services. If Option 2 is chosen, this will have an impact (increased demand) on Development Services. Both options may have an impact (increased demand) on Bylaw Enforcement services.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are potential interdepartmental impacts required respecting this item as processing of Liquor License expansion application is a function of the Development Services Department, and Bylaw Enforcement is a function of Corporate & Legislative Services Department.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

A review of this item has no impact on other jurisdictions.

ALTERNATIVE OPTIONS

Option One: THAT Staff send confirmation to the LCRB that the Village has chosen to pre-approve all applications to temporarily expand their service areas until October 31, 2020 in order to support the local hospitality's efforts to ensure physical distancing on outdoor patios and expedite the process.

This option would ensure licensed Pemberton establishments have the support they need during this challenging time, by expediting the process. Those taking advantage of this temporary expansion will not be permitted to accommodate more than their stated licenced occupancy load, rather it enables establishments to better separate patrons according to physical distancing protocols. They are also required to abide by all local government Bylaws, Policies and Procedures i.e., Noise Bylaw and Patio Display Area Policy (if applicable), and the Village has

the authority to ticket offenders, if not. Theoretically, if impacts can be minimized or mitigated, there may be little need to review each application separately.

Option Two: THAT the Village of Pemberton will work with hospitality industry applicants on an individual approval basis should they wish to temporarily expand their service areas until October 31, 2020 within the Village of Pemberton.

This option would allow the Village of Pemberton to have the ability to raise concerns or provide oversight over where and how local licensed businesses could temporarily expand, to ensure on a case by case basis that public rights-of-way remain unimpeded and other Village interests are not negatively impacted.

POTENTIAL GOVERNANCE CONSIDERATIONS

Consideration of this item supports Strategic Priority One: Economic Vitality.

RECOMMENDATIONS

THAT Staff send confirmation to the LCRB that the Village of Pemberton has chosen to pre-approve all applications to temporarily expand service areas until October 31, 2020 in order to support the local hospitality's efforts to ensure physical distancing on outdoor patios, encourage local economic vitality, and expedite the LCRB approval process.

ATTACHMENTS:

Appendix A: Policy Directive 20-13: Temporary Expanded Service Area Authorization

Prepared by:	Lisa Pedrini, Manager of Development Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

**Liquor and Cannabis Regulation Branch
POLICY DIRECTIVE****No: 20 - 13**

Date: May 22, 2020

To: All LCRB Staff
All Licensees
All Industry Associations
All local government, First Nations and police agencies

Re: **Temporary Expanded Service Area Authorization**

General Manager Authority

Under the Liquor Control and Licensing Regulation (LCLR), s. 109.1, the General Manager (GM) of the Liquor and Cannabis Regulation Branch (LCRB) may issue a Temporary Expanded Service Area Authorization to food primary, liquor primary, and manufacturer licensees.

New Policy

In response to the COVID-19 pandemic, the Province's March 2020 declaration of a state of emergency and the Provincial Health Officer's March 2020 declaration of a public health emergency, the GM is putting in place time-limited measures to support the Provincial Health Officer's (PHO) direction and recommendations.

This new authorization permits a licensee to temporarily expand their service areas **until October 31, 2020**. The increased service area will allow licensees to serve patrons while complying with the PHO's guidelines regarding physical distancing.

Accordingly, food primary, liquor primary and manufacturer licensees (i.e., wineries, breweries, distilleries) may apply for a Temporary Expanded Service Area Authorization.

To meet the intent of this temporary authorization, licensees will not be permitted to increase or exceed their currently approved person/patron capacities or occupant loads. All means of access to the service area must also be supervised to the satisfaction of the GM. Finally, licensees must comply with all local bylaws and health and fire regulations.

An expedited online application will be available for licensees at no charge. Please check our website for a link to the application.

Explanation

The new policy is provided in the context of the provincial state of emergency and public

health emergency related to the COVID-19 pandemic. Increasing the size of existing service areas is expected to support licensees in complying with requirements under the Provincial Health Orders and recommendations, in particular with respect to social/physical distancing.

Further Information

Further information regarding liquor and cannabis regulation and licensing in British Columbia is available on the Liquor and Cannabis Regulation Branch website at <https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing>

If you have any questions regarding these changes, please contact the Liquor and Cannabis Regulation Branch toll free in Canada at 1-866-209-2111 or 250 952-5787 if calling from the Victoria area.

Original signed by

Mary Sue Maloughney
Assistant Deputy Minister and General Manager
Liquor and Cannabis Regulation Branch