

EXPLANATION**License By-law amending by-law
re liquor service**

The attached by-law will implement Council's resolution of October 8, 2009 to amend the License By-law regarding hours of liquor service and revised business license categories and fees for restaurants.

The provisions of this by-law have been reviewed with representatives of the Provincial Government, the restaurant industry and liquor primary establishments. Contentious provisions regarding specific proportional sales in licensed restaurants have been removed from the by-law and staff are confident that the remaining provisions have adequate strength to undertake effective enforcement. All parties consulted on these changes are in agreement that this is an improvement to the by-law.

Director of Legal Services
November 17, 2009

BY-LAW NO. _____

A By-law to amend License By-law No. 4450
regarding restaurant liquor service

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions and schedules of the License By-law.
2. From section 2 Council strikes out the definitions of:
 - (a) "Dining Lounge"; and
 - (b) "Restaurant", "Restaurant - Class 1", "Restaurant - Class 1 with Lounge", and "Restaurant - Class 2", and substitutes:

' "Restaurant Use" means the use of premises for the primary purpose of selling and serving prepared food to the public during all hours of operation, where the premises include at least 17 indoor or outdoor seats for customers consuming food purchased on the premises, and where live entertainment, including the use of non-amplified or amplified musical instruments and disc jockey mixing turntables may be available.

"Restaurant" means, collectively, Restaurant - Class 1, Restaurant - Class 1 with Liquor Service, Restaurant - Class 2, and Restaurant - Class 2 with Liquor Service.

"Restaurant - Class 1" means Restaurant Use that does not include customer participation such as karaoke, dancing, or open microphone performing, or the sale, or offering for sale, of liquor.

"Restaurant - Class 1 with Liquor Service" means Restaurant Use that includes the sale, or offering for sale, of liquor to customers for consumption on the premises, as part of a meal, or in a lounge approved, by way of endorsement, under Liquor Control and Licensing BC Regulation No. 244/2002.

"Restaurant - Class 2" means Restaurant Use that does not include the sale, or offering for sale, of liquor.

"Restaurant - Class 2 with Liquor Service" means Restaurant Use that includes the sale, or offering for sale, of liquor to customers for consumption on the premises, as part of a meal, or in a lounge approved, by way of endorsement, under Liquor Control and Licensing BC Regulation No. 244/2002.'

3. Council repeals section 9A.1(1), and substitutes:

“(1) Council assigns to the Inspector the executive or administrative power of Council, under the *Liquor Control and Licensing Act*, to provide to the general manager under that Act comments, or views of residents, on any proposed:

- (a) amendment to a liquor licence issued under that Act so long as the proposed amendment does not have force or effect for more than one year from the date of its issuance;
- (b) issuance of a food primary licence referred to in Liquor Control and Licensing BC Regulation No. 244/2002; or
- (c) amendment to a food primary licence;

and so long as the Inspector may choose to refer any particular amendment or issuance to Council for comments.”

4. Council strikes out “24.3” as it appears before subsection (2) of section 24.3.

5. After section 24.3(2), Council adds:

“(3) The owner or operator of a restaurant - class 1 with liquor service or restaurant - class 2 with liquor service must:

- (a) not serve, or allow the serving of, liquor to any customer between:
 - (i) 1 a.m. and 9 a.m. on Monday to Friday, and
 - (ii) 2 a.m. and 9 a.m. on Saturday or Sunday;
- (b) not allow liquor on tables between:
 - (i) 1:30 a.m. and 9 a.m. on Monday to Friday, and
 - (ii) 2:30 a.m. and 9 a.m. on Saturday or Sunday;
- (c) during all hours of allowable liquor service, offer the full restaurant menu to customers;
- (d) have financial records, and a ratio of receipts from food sales to liquor sales, that are consistent with a restaurant use;
- (e) keep the records and receipts referred to in subsection (d) for at least one year, and show them to the Inspector upon request; and
- (f) keep sales receipts for all sales of food and liquor for at least one year, and show them to the Inspector upon request.”

6. From Schedule A, Council repeals:

"DINING LOUNGE	4.80 per seat + \$50.00	4.80	per annum per seat except that, despite the number of seats, the minimum fee will be \$109.00 and the maximum fee will be \$2,285.00"
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7. From Schedule A, Council repeals:

"RESTAURANT	662.00	612.00	per annum
RESTAURANT - CLASS 1 with lounge	662.00	612.00	per annum
RESTAURANT - CLASS 2	662.00	612.00	per annum"

and substitutes:

"RESTAURANT - CLASS 1	612.00	per annum
RESTAURANT - CLASS 1 with Liquor Service	612.00 +4.80 per seat	per annum
RESTAURANT - CLASS 2	612.00	per annum
RESTAURANT - CLASS 2 with Liquor Service	612.00 +4.80 per seat	per annum"

