



LCLB Report

by Karen Ayers

Severing Liquor Primary/Licensee Retail Store Ties

By the time you read this, the requirement that an LRS licence must be tied to a valid and operating LP licence will have been removed from the *Liquor Control and Licensing Regulations*. There are three major changes for LRS owners:

- The status of the LRS is no longer dependent upon the status of the associated LP. This means that where the LP licence is suspended, no longer meets the criteria for licensing, or ceases to operate, there is no effect on the operation of the LRS licence;
- With permission of the branch, LP licensees who also own an LRS licence can now sell their LRS and apply to transfer its ownership to another party. Conversely, licensees can keep their LRS and apply to transfer ownership of their LP; and
- The LRS relocation policy has changed. The new policy is based on the location of the LRS itself, no longer the location of the LP it was formerly associated with. An LRS may relocate to another location within the same local government or first nation jurisdiction. If relocating outside their local jurisdiction, the relocation site can be up to 5 km from its current site. Relocation applications will not generally be approved by the general manager if the proposed site is within 0.5 km of an existing LRS or the site of an LRS application in progress.

Inspector Discretion to Issue Contravention Notices

By regulation, inspectors were previously required to issue Contravention Notices (CNs) in all cases where the inspector formed the opinion that a contravention had occurred. This has been amended to allow inspectors discretion on whether to issue a CN for some contraventions that are primarily administrative in nature. Some examples are the display of signs, having the liquor register on site, and issues around advertising. In all cases, the inspectors will continue to take what they believe is the best course of action to ensure future voluntary compliance and will continue to keep detailed notes of observed contraventions to ensure that complete compliance histories are maintained.

Violation Ticket Fine Increase

As of January 1st violation ticket fines for offences under the *Liquor Control and Licensing Act* increased. The new fine levels match or exceed fine amounts from other provinces and they are expected to provide a stronger deterrent effect. BC driver's licenses cannot be renewed if there are outstanding violation ticket fines.

New ticket violation fine amounts are:

Offence	Fine*
Purchase by minor	\$230
Consumption by minor	\$230
Minor in liquor establishment	\$230
Minor in possession	\$230
Presentation of false identification	\$230
Permit gambling	\$230
Permit disorderly conduct	\$230
Consume liquor in a public place	\$230
Intoxicated in a public place	\$115
Supply liquor to intoxicated person	\$230
Permit intoxicated person on premises	\$230
Possess opened liquor in a motor vehicle	\$230

Other ticketable offences under the *Liquor Control and Licensing Act* remain the same at \$58.

* Fine amounts include 15% victim surcharge levy

Inspector Authority to Issue Violation Tickets

Also as of January 1st, liquor inspectors were granted the authority to issue violation tickets for some liquor offences, which previously were only issued by the police. This is an additional tool that can now be used by the government in its effort to increase public safety. The focus of the government's compliance and enforcement program will still remain on the licensee, who will be subject to the *Liquor Control and Licensing Act* penalty schedule. However, the ability to issue violation tickets will enable us to ticket, for example, servers and/or patrons where it is appropriate to do so.

Liquor inspectors have been given the authority to issue violation tickets for the following offences in licensed establishments or appointed stores:

- Purchase by a minor;
- Consumption by a minor;
- Minor in liquor establishment;
- Minor in possession;
- Presentation of false identification;
- Supply liquor to intoxicated person;
- Permit intoxicated person on premises; and
- Failure by a manager or server to complete the prescribed Serving It Right responsible beverage service program.

We will be developing policies and procedures to guide the issuance of violation tickets as well as information for licensees, servers, and patrons regarding this change.