

NO: R001

COUNCIL DATE: January 11, 2010

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **January 7, 2010**

FROM: **City Solicitor** FILE: **4320-50/#3**

SUBJECT: **Extension of Hours of Liquor Service for Food-Primary and Liquor-Primary Licensed Establishments During the 2010 Winter Olympic Games**

RECOMMENDATION

The Legal Services Division recommends that Council:

1. Adopt the resolution attached as Appendix "A" to this report that allows the extension of hours of liquor service for food-primary liquor-licensed establishments to 2 a.m. during the period from February 8 to 28, 2010, inclusively, being the days during which the Olympic Games are being held;
2. Adopt the resolution attached as Appendix "B" to this report that extends the hours of liquor service for liquor-primary establishments to 3 a.m. during the period from February 8 to 28, 2010, inclusively; and
3. Authorize the City Clerk to forward a copy of each of the resolutions, if adopted by Council, to the Liquor Control and Licensing Branch.

INTENT

The intent of this report is to advise Council of the prerogative the City has to allow, on a temporary basis during the Olympic Games, the extension of hours of liquor service for liquor-licensed establishments and to seek Council approval of resolutions that will allow the temporary extension of hours of liquor service during the Olympic Games, being from February 8 to 28, 2010, for both food-primary and liquor-primary licensed establishments.

BACKGROUND

On December 8, 2009, the Liquor Control and Licensing Branch issued Policy Directive No. 09-08. If a local government in an area where the Olympic/Paralympic ("O/P") licence is available passes a bylaw or a Council resolution extending the hours of liquor service for food-primary and/or liquor-primary licences during all or part of the month of February, 2010, a food-primary or liquor-primary licence in that jurisdiction will be deemed to have been amended to extend its hours of liquor service to what the bylaw or Council resolution allows and only for the dates in February, 2010, which are contained in the bylaw or Council resolution.

Interest has been shown by several businesses in Surrey in having extended liquor service hours similar to those allowed in Vancouver.

DISCUSSION

The areas where the O/P licence is available are:

- Burnaby
- Richmond
- Surrey
- Vancouver
- District of Squamish
- District of West Vancouver
- Regional District of Squamish-Lillooet
- Resort Municipality of Whistler
- UBC's Point Grey Campus

A liquor licensee does not have to apply for an extension of hours of liquor service if Council passes the recommended resolutions nor is a liquor licensee required to remain open for these extended hours.

Liquor inspectors will be advised by the Liquor Control and Licensing Branch by email of each local government jurisdiction which adopts a bylaw or resolution allowing for extended hours of service, what the extended hours are and the dates between which those extended hours are permitted.

As of the date of publication of the policy directive, the following extended hours of liquor service have been approved by local governments:

Location	Licence Type	Extended Hours	Dates
Whistler	Food & Liquor Primary establishments with current closing time of 1 a.m. or earlier*	1:30 a.m.	February 12 – 28, 2010
Whistler	Liquor Primary "nightclubs" with current closing time of 2 a.m.	2:30 a.m.	February 12 – 28, 2010
Vancouver	Food and Liquor Primary establishments with current closing time of 2 a.m. or earlier	2 a.m. every day of the week	February 8 – 28, 2010
Vancouver	Liquor Primary establishments with current closing time of 3 a.m. on weekends	3 a.m. every day of the week	February 8 – 28, 2010

Most food-primary liquor-licensed establishments in Surrey have a mandatory closing time of 12 a.m. The resolution attached as Appendix "A" to this report would allow these establishments to serve liquor until 2 a.m., which is consistent with Vancouver's temporary extended hours for the Olympic Games.

Most liquor-primary establishments in Surrey stay open until 1 a.m. on Sunday through Thursday and 2 a.m. on Friday and Saturday. The resolution attached as Appendix "B" to this report would allow these establishments to remain open until 3 a.m. seven days a week during the Olympic Games, which is consistent with Vancouver's temporary extended hours for similar establishments for the period of the Olympic Games.

The Surrey RCMP does not object to the temporary extended hours of service as outlined in this report during the days of the Olympic Games.

CONCLUSION

Based on the above discussion, it is recommended that Council:

- Adopt the resolution attached as Appendix "A" to this report that extends the food-primary liquor service business hours to 2 a.m. during the period from February 8 to 28, 2010, inclusively, being the days during which the Olympic Games will be held;
- Adopt the resolution attached as Appendix "B" to this report that extends the liquor-primary liquor service business hours to 3 a.m. during the period from February 8 to 28, 2010, inclusively; and
- Authorize the City Clerk to forward a copy of the adopted resolutions to the Liquor Control and Licensing Branch.

CRAIG MacFARLANE
City Solicitor

CM:mlg

c.c. Acting Manager, By-law & Licensing Section

Attachs. Appendix "A" – Resolution to extend food primary liquor service hours
Appendix "B" – Resolution to extend liquor primary service hours

APPENDIX "A"

BE IT RESOLVED THAT food-primary liquor-licensed establishments may have extended hours of liquor service to no later than 2 a.m. between February 8, 2010 and February 28, 2010, inclusively.

APPENDIX "B"

BE IT RESOLVED THAT liquor-primary liquor-licensed establishments may have extended hours of liquor service to no later than 3 a.m. between February 8, 2010 and February 28, 2010, inclusively.