



Ministry of  
Public Safety and  
Solicitor General

Liquor Control and  
Licensing Branch

**POLICY  
DIRECTIVE  
No: 06-05**

---

July 14, 2006

To: All LCLB staff  
All Industry Associations  
All Local Government, First Nations, and Police Agencies

**Re: Interpreting the Public Interest for Licensee Retail Store, Food Primary, and  
Manufacturer Licence Applications**

---

This policy directive amends the January 2006 Licensing Policy Manual available online at: [http://www.pssg.gov.bc.ca/lclb/publications/index\\_pubs.htm](http://www.pssg.gov.bc.ca/lclb/publications/index_pubs.htm).

In 2002 new provisions to the Liquor Control and Licensing Act came into force which set out the conditions under which the general manager was required to give local and First Nations governments the opportunity to provide comments and recommendations with respect to applications for liquor licences. This policy amendment reflects how those changes narrowed the scope of the general manager's consideration of the public interest in licensing decisions. The purpose of this policy amendment is to clarify how LCLB policy reflects those legislative changes.

**Amendment to subheading "Operating Principles" (Section 2.1):**

The subheading "Operating Principles" in section 2.1 entitled "Operating Environment" is amended to read "Operating Principles: Liquor Primary and Liquor Primary Club Licences."

The text following this subheading refers to liquor primary and liquor primary club licences only.

**New subheading "Operating Principles: Licensee Retail Store, Food Primary, and  
Manufacturer Licences" (Section 2.1):**

Immediately following the text after the subtitle "Operating Principles: Liquor Primary and Liquor Primary Club Licences" the subtitle "Operating Principles: Licensee Retail Store, Food Primary, and Manufacturer Licences" is inserted and the following text is added:

Amendments to the Act which came into force in 2002 added sections 11.1 and 11.2 which changed the role of local and First Nations governments in the general manager's decisions whether to issue a licence of a prescribed category. The licence categories prescribed in the regulation are liquor primary and liquor primary club licences.

As discussed above, the interpretation of "public interest" in liquor primary and liquor primary club applications comprises two elements: public safety and regard for community standards. Public safety issues include concerns about service to minors, over-consumption, over-service and illicit liquor. Regard for community standards encompasses issues related to the impact of a liquor outlet on the local community including the effects of the business on traffic and congestion, effects on other nearby businesses and public institutions, and the preferences of local residents regarding the presence of liquor establishments in their neighbourhood.

Other types of liquor establishment which involve no on site consumption or on site consumption only as an ancillary activity involve different considerations which impact on the public interest. These other types of liquor outlets have a lower impact on a community. For these outlets, the legislature determined that local government or First Nation input would be limited to matters related to community standards and would be expressed through zoning bylaws. A local government or First Nation may restrict the locations of non-prescribed licensed establishments by adopting zoning bylaws which do not allow for that type of business in a particular location. They do not, however, have the authority to approve the location of a particular licensed establishment. This authority remains with the general manager. Since the zoning bylaws deal with the community standards aspect of the public interest, the general manager must only consider the public interest in relation to public safety concerns.

The general manager's consideration of the public interest as it relates to non-prescribed licensed establishments (LRSs, food primary establishments and manufacturers) encompasses only issues of public safety which may include issues related to service to minors, over-consumption, over-service and illicit liquor. In assessing these concerns the general manager may consider:

- submissions from local government and First Nations, local residents or businesses related solely to public safety,
- evidence of community controversy about the licence application related solely to public safety;
- the applicant's compliance history;
- any changes in circumstances as a licensing application progresses which affect public safety issues;
- any other information the general manager considers relevant to public safety.

The general manager's consideration of the public interest as it relates to non-prescribed licensed establishments does not encompass matters related to community standards, such as:

- information about other businesses or social or recreational facilities or public buildings close to the proposed location;
- information about the economic impact on competitors and business neighbours;
- parking, loading facilities at a premise, impact on property rights, etc. (which are all dealt with by the local government or First Nation by zoning bylaws).
- local government or First Nation comments respecting community standards in relation to particular licence applications.

**Further Information**

Further information regarding liquor control and licensing in British Columbia is available on the Liquor Control and Licensing Branch website at [www.pssg.gov.bc.ca/lclb](http://www.pssg.gov.bc.ca/lclb). If you have any questions regarding this change, please contact the Liquor Control and Licensing Branch toll free at 1-866-209-2111 or 387-1254 if calling from the Victoria area.



Cheryl Caldwell  
A/General Manager