**City of Nanaimo**

**REPORT TO COUNCIL**

DATE OF MEETING: 2012-NOV-05

AUTHORED BY: DAVE STEWART, PLANNER

RE: PERMANENT CHANGE TO A LIQUOR PRIMARY LICENSE - LIQUOR LICENSING FOR MOVIE AND LIVE EVENT THEATRES/ PORT THEATRE – 125 FRONT STREET

STAFF RECOMMENDATION:

That Council receives the report and:

1. direct Staff to provide a letter of ‘No Objection’ for the Port Theatre application to amend their liquor primary license in order to allow liquor service during films and live events; and
2. authorize Staff to comment on future applications to amend existing liquor primary licenses in order to allow liquor service to movie theatres and live event establishments.

PURPOSE:

The purpose of this report is to request Council direction regarding the Port Theatre’s application to amend their liquor primary license to allow liquor service during film screening; to inform Council of recent changes to Liquor Control and Licensing Branch (LCLB) policy with respect to the licensing of film and live event theatres; and to request Council direction for processing applications with respect to these changes in future.

BACKGROUND:

The City has received correspondence from the LCLB (Attachment A) requesting that local government comment on the Port Theatre’s application to allow liquor service in the existing licensed lobby in conjunction with films/broadcasts. If approved, the theatre would be permitted to serve liquor in the lobby, with minors present, in conjunction with films, broadcasts and live events. No liquor service will be permitted in the auditorium. Liquor service hours will be limited to one hour before, during, and one hour after the film or event. Patrons will be required to have an event ticket in order to be in the lobby.

The theatre currently has an existing liquor primary license for the lobby area with a capacity of 833 persons. Minors are currently permitted within the liquor primary area. While generally a live theatre venue, the theatre occasionally hosts movie events (such as the Banff Mountain Film Festival World Tour) and has expressed an interest in amending the existing license in order to serve liquor during movie events.

In April 2012, the LCLB amended the *Liquor Control and Licensing Regulation* which affects the licensing of movie theatres and the ability of live event theatre establishments with liquor primary licenses to screen movies and other broadcasts. A copy of this policy is included for Council’s information (Attachment B).

Movie theatres are now eligible to hold a liquor primary license and to serve liquor in age controlled areas. The change in legislation allows licensed live event theatres (such as the Port Theatre) to serve liquor during films and broadcasts and to license the theatre auditorium. No liquor service will be permitted in the auditorium if minors are present, but if the movie or event is age restricted (no minors present) liquor service may be permitted in the auditorium.

The licensee has the discretion to determine if a given movie or event is age restricted without notifying or applying to the LCLB or the City. A one-time application is however required to permit liquor service during movies. Local governments are asked to complete a form indicating whether or not they object to a license change to allow liquor service during a movie but a Council endorsement is not required.

DISCUSSION:

Due to the recent changes in liquor control regulations, the Port Theatre, located at 125 Front Street, has applied to the LCLB to allow liquor service in the existing licensed lobby in conjunction with films and broadcasts. The theatre’s existing liquor primary license currently permits liquor service during concerts, theatre events and other live performances, but not during a movie. If the application is approved, liquor service will be permitted during a film or broadcast event in the same area and manner as it is currently permitted during a live performance event. Given the limited nature of the change requested, Staff supports the application and recommends Council direct Staff to provide the LCLB with a letter of ‘No Objection’ concerning the application.

As the ability to amend an existing liquor license to allow liquor service during a movie event is relatively new, the City does not yet have a policy for reviewing and commenting on these application types. For all other permanent changes to a liquor primary license, such as a change in hours or capacity, the City requires Council review and comment. Surrounding property owners are also notified and given an opportunity to comment.

The authority to approve temporary special occasion liquor licenses has been delegated to Staff and, as such, no Council comment is required for these applications. If Council wishes, they can similarly authorize Staff to provide local government comment regarding applications to amend existing liquor primary licenses in order to serve liquor during a movie event. In Staff’s opinion, the impact of allowing liquor service within an existing liquor primary licensed area during a movie or broadcast event is relatively minor. In order to allow for a quicker and more user friendly process, Staff recommends Council authorize Staff to comment on future amendment applications relating to allowing liquor service during a movie event within existing licensed establishments.

If Council chooses to authorize Staff to comment on these application types, the City’s ‘Permanent Change to a Liquor License Application Process and Checklist” will be amended to include the following statement:

*“Where an application is received to permit liquor service during a film or broadcast, Council review and/or notification is not required. Staff may provide a letter of ‘No Objection’ to the Liquor Control and Licensing Branch. Where Staff is not supportive of the application, or willing to provide a letter of ‘No Objection’, the applicant may appeal to Council through the process described above.”*

A draft copy of the “Permanent Change to a Liquor License Application Process and Checklist”, including the suggested change, is included (Attachment C).

Where a theatre or cinema does not already have a liquor license, a new liquor primary application will be required and must be reviewed by Council.

Respectfully submitted,

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B. Anderson, MCIP

MANAGER

PLANNING & DESIGN SECTION

Concurrence by:

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A. Tucker, MCIP T. Swabey

DIRECTOR GENERAL MANAGER

PLANNING COMMUNITY SAFETY & DEVELOPMENT

CITY MANAGER COMMENT:

I concur with the staff recommendation.

*Drafted: 2012-OCT-25*

*Prospero: LA83*

*DS/pm/lb*