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Working with NWT Licence & Permit Holders

"The Liquor Licensing Board met in Inuvik in May for a very productive two day session. A great deal of the Board's time was spent discussing and approving policies and procedures that will assist not only the Board, but also all the Licence and Permit Holders who deal with us. We approved the following: Media Relations Policy; Outdoor Event – Special Occasion Permits; Initiation of Prosecutorial Compliance Hearings – Licences; Prosecutorial Compliance Hearing Process; Inquisitorial Compliance Hearing Process; Hearing Information Sheet; and Non-Compliance Hearing Procedure – Special Occasion Permits. These are all public documents and will be posted to our website at <http://www.fin.gov.nt.ca/en/services/nwt-liquor-licensing-board>, with copies available from the Board office. We also had the opportunity to meet some of our Licence Holders in Inuvik, visit their establishments, and put a "face to the name".

There are many legal requirements to obtain a liquor licence in the NWT and many regulations about selling and serving liquor. Most of these requirements have at their core public interest and public safety. Unfortunately there may be times when a Licence Holder may not comply with one or more of the regulations, or their licence. Liquor inspectors have a role in ensuring that liquor is sold and served in a safe and responsible manner. The Liquor Licensing Board (LLB) and Liquor Enforcement are two separate agencies, each with its own roles and responsibilities. The LLB does not direct Liquor Inspectors or conduct investigations itself, but it

does have a role in reducing the possibility of regulatory violations. Licence Holders should consider the Board a source of information. Our Board staff can assist Licence Holders to fully understand their responsibilities. Questions or information relating to enforcement should however be directed to Liquor Enforcement. Liquor Enforcement also delivers server training and is a great resource to Licence Holders working to ensure their staff are properly trained.

We thank the Licence and Permit Holders who participated in the recent Department of Finance survey which was circulated to obtain feedback on interactions with the Board. The results have been compiled and provided to the LLB, and will assist us in developing policies and procedures to streamline applications and hearings. The comments are very helpful in identifying deficiencies and areas where more education and training may be required. It became apparent from the comments that there are still many people who confuse the roles of the LLB, the Liquor Commission and Liquor Enforcement. Although all three agencies are based in Hay River and work out of a shared office space, they are three distinct regulatory bodies:

- The **Liquor Commission** determines what liquor may be sold in the NWT, oversees the retail sale of liquor, and supplies liquor to liquor stores and Licence Holders. At present the GNWT's plan for the legalization of cannabis is to distribute cannabis products through the Liquor Commission, with retail sales initially facilitated through the seven existing liquor stores.

- Liquor Enforcement** investigates matters of

compliance with NWT liquor laws. Liquor Inspectors have the authority to enter licensed and permitted premises to conduct inspections. Should violations be observed, several possible enforcement actions may be taken from assisting a Licence Holder to make corrections, to prosecuting the alleged violation before the LLB.

- The **Liquor Licensing Board** issues and sets the terms and conditions for liquor licences and permits. The Board also conducts compliance hearings when Liquor Enforcement chooses to seek a noncompliance penalty for an alleged violation. Each of the three agencies is established by the *Liquor Act*, and is independent from the other two.

You may have noticed that we have improved our online presence in recent months. Board decisions and newsletters are now posted on our website, making this information readily accessible to Licence and Permit Holders and the public. We expect that all licences and public policies/processes will soon be uploaded to the website. Moving forward we will continue to expand our online presence.

As the summer months are approaching we are anticipating applications for outdoor patios/special events. Check out this newsletter for a summary of what is required to expedite your application and please contact the Board staff for information/clarification so that any applications will be complete and can be dealt with expeditiously. Summer is short – let's get out there on the deck!"

Sandra Aitken
Chairperson
Liquor Licensing Board

Inside this issue:

Board Updates - Board Decisions are now online to the public.
Outdoor Areas - Information to serve liquor on your patio or outdoor event.
Did you know? – Information about Compliance Hearings.
Advertising – Important information to know.
Year-End Stats – Board Stats as of March 31st, 2018.
NWT Liquor Trivia – Can you name the Section of the *Liquor Act*?
Summer Student – Welcome to the team!



Board Updates

Administrative Meeting:

The NWT Liquor Licensing Board conducted an Administrative Meeting on May 8th & May 9th, in Inuvik.

Board Members also had the opportunity to meet some of our Inuvik Licence Holders in person. We look forward to meeting with Licence Holders in other communities as we move forward.

Online Transparency:

Board Decisions are now available to the public on the Board's website.

Copies of NWT Liquor Licences and Board policies and processes will soon be posted on the Board's website.

Next Board Meeting:

The Board meets via teleconference as required but the next "in person" Administrative Board Meeting is set for November 2018, in Yellowknife.



Outside Seasonal Use Areas

Liquor Licences

If you wish to provide liquor services on an outdoor patio, the Board will require the following for consideration:

- Copy of the proposed Floor Plan
- An Occupancy Load Certificate for the proposed outside area
- A written request to the Board to amend the current licence to include an Outside Seasonal Use Area.

In your written request, you may include the following:

1. Is the Outside Area located in a Residential or Industrial Area?
2. Will there be speakers?
3. The proposed hours of operation for the outside area.
4. Photographs are helpful, but not initially required.

Special Occasion Permits

The entire area of an outdoor event must be fenced off **adequately** to prevent unauthorized persons from entering.

The Board recommends the following **minimum** fencing standards:

1. The fencing should surround all sides of the outdoor event area.
2. The fencing should be at least one metre in height.
3. The fencing should be properly and securely installed, so as to remain upright and free of gaps or holes, other than clearly identified and monitored entry and exit points.
4. The fencing should be visible in the lighting conditions likely to occur at the event.
5. A description of the type of fencing proposed to be used for the event must be included with the permit application and any proposed deviation from these standards should be explained in the permit application.

****Applications for Sidewalk Patios in Downtown Yellowknife will require a copy of the permit issued from the City of Yellowknife. Class A Licence Holders will also require written confirmation that the City is aware that it has a Class A Licence****

Compliance Hearings: Did you know?

- The Liquor Licensing Board does not investigate non-compliance of Licence Holders.
- Non-compliance items are brought to the Board through counsel for Liquor Enforcement.
- Liquor Enforcement has advised the Board that non-compliance issues start with an educational administrative warning.
- To assist Licence Holders, the Board would like to suggest that any Licence Holders who receive an educational warning make any necessary changes to eliminate the possible progression to a Compliance Hearing.
- Legal counsel for the GNWT makes the request to the Board for a Prosecutorial Compliance Hearing.
- All Board Compliance Hearing Decisions are available online.
- Compliance Hearings are open to the public, but the Board can order all or part of the hearing closed.
- Appeals of Board Decisions can be made to the Supreme Court of the Northwest Territories.
- The Board may call its own Inquisitorial Compliance Hearing when the Board becomes aware of an issue affecting a Licence Holder's eligibility for a licence.



Advertising

Reminders to Licence and Permit Holders:

Licence Holders

No Licence Holder shall advertise liquor contrary to the *Code For Broadcast Advertising of Alcoholic Beverages*, issued from time to time by the Canadian Radio-television and Telecommunications Commission.

No Licence Holder shall distribute coupons redeemable for a discount on purchases of liquor.

No holder of a premises licence shall, **outside the licensed premises**, advertise the price of liquor or the sale or service of free or discounted liquor, including the advertising of

- (a) free liquor specials;
- (b) discount liquor specials; including happy hours;
- (c) multiple drink specials;
- (d) pour size specials, or
- (e) words that imply the price of liquor, such as "Loonie Night".

Permit Holders

No permit holder shall advertise liquor contrary to the provisions applicable to advertising by the holders of a premises licence (above).

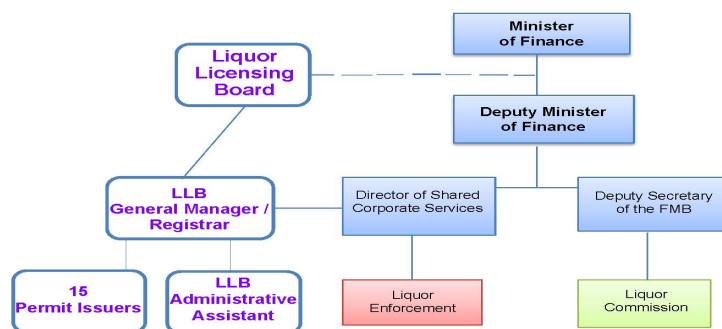
The holder of a Class 3 (fundraising) permit may, **after the permit has been issued**, advertise the event as licensed or authorized for the sale or service of liquor.

Check out the Code for Broadcast Advertising of Alcoholic Beverages in Canada:

Government of Canada --> Canadian Radio-television and Telecommunications Commission (CRTC)



NWT Liquor Structure



The above **Organizational Structure** is to provide further understanding of the structure of the 3 different liquor entities:

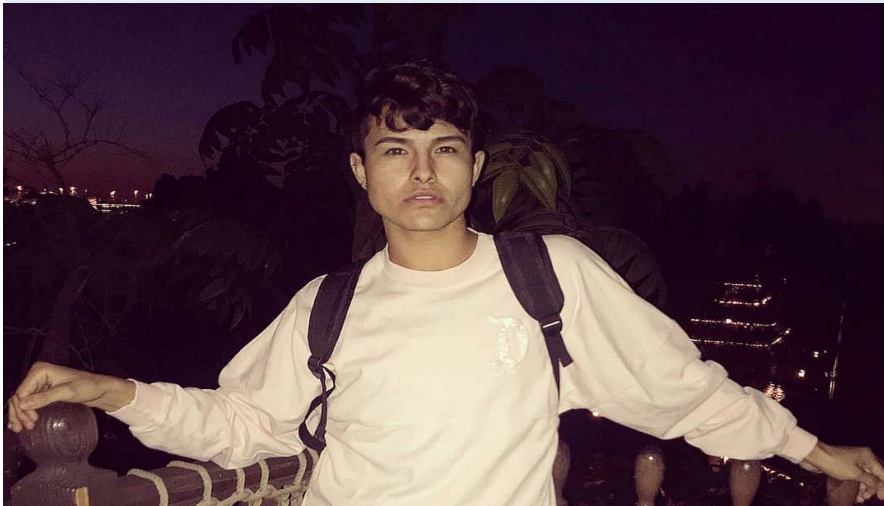
Liquor Licensing Board

Liquor Commission

Liquor Enforcement

Summer Student: Harley Beaulieu

A Summer Student has been hired to assist in administrative duties at the Liquor Licensing Board office from April 30th to August 15th. This position works closely with Valerie Daniels, Administrative Assistant to the Liquor Licensing Board.



Harley Beaulieu was born in Hay River and he will be attending college in Edmonton. The experience working at the Liquor Licensing Board office will greatly assist Harley in his studies towards his degree in Business Administration. Harley enjoys to stay active outdoors, biking, travelling with friends, camping and spending time with family. Harley is a very friendly and positive person, which has been a great addition to our team.

Harley looks forward to learning about different group dynamics in office environments which will be helpful in a future career in Human Resources Management.

We welcome Mr. Harley Beaulieu to our team!



FREE LIQUOR SERVER TRAINING IS AVAILABLE

- Fulfill social responsibilities
- Create a safe atmosphere while reducing liability
- Understand liquor legislation
- Promote safe and responsible service
- Identify signs of intoxication
- Teamwork to manage safe service

For more information about Liquor Server Training, please call (867) 874-8719.



Special Occasion Permits

Are you planning on serving liquor at your Summer Events?

A Special Occasion Permit may be required.

Before you apply you will need an Occupancy Load Certificate from the Fire Marshal's office.

NWT Liquor Trivia Quiz

What Subsection of the *Liquor Regulations*?

The holder of a premises licence shall, within 14 days after changing its schedule, file with the Board a revised schedule of the days and hours of its operation of the licensed premises, unless the change is

- (a) an occasional change; or
- (b) a change for a period of 30 days or less.

Send your answer to LLBinfo@gov.nt.ca

Trivia Quiz Results will be provided in the next Board Newsletter!

2017-2018 Year-End STATS:

Annual Total of issued Special Occasion Permits was 257:

- Class 1 - 60
- Class 2 - 21
- Class 3 - 176

There were a total 102 Liquor Licences:

- Class A Licences - 29
- Class B Licences - 39
- Class C Licence - 1
- Class D Licences - 31
- Manufacturing Licence - 1
- Manufacturer's Retail Outlet Licence - 1