

Date: October 27, 2010

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

Re: Temporary suspensions or conditions, section 23 of the Liquor Control & Licensing Act

The purpose of this policy directive is to bring to your attention a recent amendment to section 23 of the Liquor Control & Licensing Act. (the "Act") The amendment took effect June 3, 2010.

Background

For a number of years, the general manager has had the statutory authority to suspend a licence or impose conditions on a licence for up to 24 hours without holding a hearing. However, many other Canadian jurisdictions have been able to issue suspensions without a hearing for a much longer period. With the recent amendment to section 23 of the Act, if the general manager has reasonable grounds to believe that it is in the public interest to prevent the licensed establishment from continuing to operate as a result of extraordinary circumstances a licence can now be suspended or terms and conditions imposed for a period not exceeding 14 days.

This power is available to address extraordinary circumstances where a 24 hour suspension is not adequate to ensure safety or protect the public interest, for example when there has been violence or extensive criminal activity, there is the risk of retaliatory gang violence, or a possibility of public unrest (i.e., during or after a community event). In such circumstances, a longer licence suspension may be needed to provide sufficient time for the branch to assess the situation and determine what is needed to eliminate the safety risks and rectify the situation.

It is expected that this power will be used very rarely, however it will be a valuable tool for protecting the public interest and safety where circumstances warrant.

This authority has not been delegated, and the exercise of this power is the sole prerogative of the general manager.

Written Notice

The general manager must provide the licensee with written notice of the suspension or terms and conditions imposed under section 23 of the Act. The notice must include the reasons for taking the action and the details of the action including, if a suspension is imposed, the period of the suspension and the dates of the suspension.

Further Information

Further information regarding liquor control and licensing in British Columbia is available on the Liquor Control and Licensing Branch website at www.hsd.gov.bc.ca/lclb. If you have any questions regarding these changes, please contact the Liquor Control and Licensing Branch toll free in Canada at 1-866-209-2111 or 250-387-1254 if calling from the Victoria area.

A handwritten signature in black ink that reads "Karen Ayers". The signature is written in a cursive style with a small dash at the end.

Karen Ayers
General Manager