

Due to the high volume of policy changes currently underway, we are **no longer updating** the Special Occasion Licence Policy Manual as each new policy directive is issued. This will be done once the Liquor Policy Review has concluded.

For information on all policy changes since December 2014, please refer to the policy directive on the [Resources](#) page of our website.



Liquor Control and Licensing Branch

Special Occasion Licence Policy Manual

Last Update – November 2014

THIS POLICY MANUAL

This policy manual is intended for use by:

- Liquor Control and Licensing Branch (LCLB) staff
- Liquor Distribution Branch (LDB) staff
- Rural Agency Stores
- police authorities
- local governments, and
- Committee(s) to Approve Public Events (CAPE) for the administration of the special occasion licence provisions of the Liquor Control and Licensing Act and Regulation.

Questions and Requests

Please direct all questions and special requests related to special occasion licences to:

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LCLB SOL website: www.gov.bc.ca/specialoccasionlicence

Special Occasion Licence (SOL) Manual - Update Summary

Date	Update Description	Updated Pages
November 2014	Overview Prohibition of SOL where other liquor licence has been suspended	<u>Section 2</u> 2.6.17
June 2014	Special Occasion Types Temporary Off-site Sale Endorsement SOL for Charity Fundraising Liquor Donations for Charitable Special Occasions Source of Liquor, Taxation and Product Returns Sources of Liquor Donated Liquor Temporary retail at food and beverage focussed events Licensing Conditions Location of licensed event or area Frequently Asked Questions	<u>Section 3</u> 3.5 6-7 <u>Section 4</u> 4.46 <u>Section 8</u> 8.01 8.22 8.73 <u>Section 9</u> 9.8.54 <u>Section 14</u>
April 2014	Definitions Definitions Licensee Responsibilities Entry of Minors and Acceptable Identification Licensing Conditions Events for which consumption of liquor is the primary focus Types of Liquor Permitted Maximum Serving Sizes Security, Door Control and Enclosed Licensed Area Minors Role of LCLB Beverage gardens may be required Frequently Asked Questions New section: Risk Assessment	<u>Section 1</u> 1.01 <u>Section 6</u> 6.22 <u>Section 9</u> 9.1.11 9.21 9.2.12 9.73 9.8.64 <u>Section 11</u> 11.2.12 <u>Section 14</u> <u>Appendix 8</u>

There may be a delay before we are able to incorporate the changes noted in the Policy Directive into all relevant branch publications. We regret any inconvenience. The date the change takes effect is the date noted on the Policy Directive. See Policy Directives page on the Liquor Control and Licensing Branch website for list of recent Policy Directives – www.pssg.gov.bc.ca/lclb/publications/policy/

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SECTION 1: Definitions

1.0 Definitions

Beverage Garden

A well-defined and enclosed liquor service area, most commonly outdoors, where liquor consumption is a major focus of activity. Beverage gardens may also be used to limit the size and scope of licensed areas within a large indoor space.

Beverage gardens are subject to additional terms and conditions given their increased focus on liquor consumption.

Charitable purpose (and genuine charitable purpose)

refers to an event that is intended to relieve poverty, advance education or religion, or otherwise benefit the community, and includes the advancement of recreation, sports or athletics, aid to the disabled and handicapped, culture, and youth or senior citizens. [Liquor Control and Licensing Act, s. 1.]

Event or special occasion

The term ‘event’ is synonymous with ‘special occasion’: the SOL is to licence an event at which liquor is served or sold. For example:

- a beverage garden may be licensed as a refreshment area;
- a wine bar is licensed as part of a reception (where the event is the reception).

General manager

means the general manager of the Liquor Control and Licensing Branch and individuals delegated by the general manager pursuant to the Act. [Liquor Control and Licensing Act, s. 1.]

Indoor

means inside a building, trailer, camper, manufactured home, vessel, tent or other temporary structure that is enclosed in such a way that all people and goods coming into or leaving the structure must pass through clearly identified entrances and exits.

Licensee

is one or more individuals or an organization that holds a British Columbia liquor licence. The licence covers both the person in whose name the licence was issued and any person acting for the licensee, such as a manager or person in charge of an establishment in the licensee’s absence.

Manager

is a person to whom the SOL licensee has delegated all authority for organizing and/or supervising the event including the supervision of any paid and unpaid servers and volunteers who provide service or assistance at the event.

Organization (and genuine organization)

is an organization which is registered under the Society Act or any other statute, or which is not registered but has a name, an organizational structure and a membership and which meets regularly or occasionally for a common social, cultural, recreational, religious, sporting or community oriented purpose and which is understood by its members to be an organization, not merely a group of friends or colleagues who socialize together.

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Outdoor

is outside of any permanent or temporary closed-in structure and includes an open sided building, pavilion or tent which the public can see into or any place which is enclosed by a fence or other means of defining the boundaries of the outdoor location, such as a picnic table in a park.

Private place

is a residence, a closed office or a business closed to the public, unless the special occasion is of such a nature as to draw the attention of members of the public.

Public place

is any place open to, or in view of, the public and includes a place, building, passenger conveyance, boat or land which is open to the public or the public are allowed to enter and use and a motor vehicle located on land on which the public is allowed: examples of public places are parks, open rooms in a community center, rented banquet rooms or meeting rooms in hotels, a business open to the public or an outdoor location such as a park or parking lot. [Liquor Control and Licensing Act, s. 1.]

Residence

is a building or part of it, or a trailer, camper, manufactured home, tent or vessel that is genuinely and actually occupied and used by the owner, lessee or tenant solely as a:

- private dwelling,
- private guest room in a hotel, motel, auto court, lodging house, boarding house or club, or
- private summer dwelling, or a private dwelling or living place used during vacation periods or a private lodge, or
- a building or part of it designated by the general manager as a private dwelling, together with the land that is essential or appropriate for the convenient use, occupation and enjoyment of the residence. [Liquor Control and Licensing Act, s. 1.]

A lodging or boarding house includes a “bed and breakfast” establishment.

The common room of a condominium or strata complex is considered part of the residence of a condominium or strata unit owner or tenant. When the room is booked for a private social function by residents, no SOL is required to serve liquor.

Special Occasion Licence (SOL)

is a licence issued under s. 7 of the Liquor Control and Licensing Act.

Start time of an event

is the time when patrons are first admitted to the event venue; e.g. , when the doors to a theatre open before the performance or the stadium opens before the game to allow time for the audience to be admitted and get seated.

Store manager

is a person appointed as a store manager by the general manager under the Liquor Distribution Act. [Liquor Control and Licensing Act, s. 1.]

SECTION 2: Overview

2.0 Legislative Authority for Issuing Special Occasion Licences

Special occasion licences (SOLs) are regulated by the Liquor Control and Licensing Branch (LCLB), but issued by the Liquor Distribution Branch (LDB) through BC liquor store managers.

The Liquor Distribution Branch issues SOLs under the authority of s. 7 and s. 7.1 of the Liquor Control and Licensing Act (the Act) and s. 15 of the Liquor Control and Licensing Regulation (the Regulation).

S. 7 of the Act states:

- (1) On application in the form established by the general manager, the general manager, a store manager or a licensee who holds a prescribed class or category of licence may, on payment of the prescribed fee by the applicant, and subject to the regulations, if any, issue a special occasion licence entitling the applicant to sell or serve liquor
 - (a) at a designated establishment for a special occasion, the purpose of which is named in the licence, and
 - (b) in accordance with this Act and the regulations and the terms and conditions of the licence.
- (2) A licence must not be issued for the prime purpose of making a profit, unless the general manager is satisfied that the purpose of the special occasion is to raise funds for a genuine charitable purpose.
- (3) The general manager may delegate to a class of persons the authority to decide, subject to the directions of the general manager, whether or not a fund raising organization and its charitable purposes are genuine.
 - (3.1) In deciding whether to issue a licence under this section, the general manager may consider whether the applicant is a fit and proper person.
 - (3.2) If the general manager considers whether the applicant is fit and proper for the purposes of subsection (3.1), section 16 (2) and (2.2) applies.
 - (3.3) The general manager may refuse to issue a licence under this section if, at the time of the application, a fine, monetary penalty or suspension has been imposed under this Act on the applicant and,
 - (a) in the case of a fine, the fine has become payable under the Offence Act, and has not been fully paid,
 - (b) in the case of a monetary penalty,
 - (i) the monetary penalty has become payable,
 - (ii) the time period for payment of the monetary penalty has expired, and
 - (iii) the monetary penalty has not been fully paid, or
 - (c) in the case of a suspension, the suspension has taken effect and has not been fully served.
 - (3.4) A store manager or licensee referred to in subsection (1) must, on the direction of the general manager, refuse to issue a licence under this section.
 - (3.5) The general manager may determine the days and hours a licence under this section may be in effect and how frequently a licence may be issued to an applicant or in respect of an establishment.
- (4) If, in the general manager's opinion or in the opinion of a peace officer, there is a breach of this Act or the regulations, or of a federal, Provincial or municipal enactment relating to the sale, purchase or consumption of liquor, the general manager or the peace officer may cancel a licence issued under this section.
 - (4.1) The general manager or a peace officer may cancel a licence issued under this section if, in the general manager's opinion or in the opinion of the peace officer,
 - (a) the circumstances on the basis of which the licence was applied for and issued have changed so that they no longer meet the requirements of this Act or the regulations for issuance of the licence, or

- (b) the circumstances on the basis of which the licence was issued did not exist at the time the licence was issued or the licence was otherwise issued in error.
- (5) The store manager must send a copy of every licence issued under this section to the chief constable in the jurisdiction where the designated establishment is located.
- (6) For the purposes of paragraph 114 of the Nisga'a Government Chapter of the Nisga'a Final Agreement, the general manager has the responsibility for
- (a) authorizing a Nisga'a designate to issue special occasion licences under subsection (1), and
 - (b) delegating to a Nisga'a designate the authority to make the decision referred to in subsection (3).
- (7) A Nisga'a designate has the same duty in respect of a licence issued by the Nisga'a designate under this section as the store manager has under subsection (5) in respect of a licence issued by the store manager.
- (8) In this section:
- "Nisga'a designate"** means a person designated under paragraph 114 of the Nisga'a Government Chapter of the Nisga'a Final Agreement;
- "Nisga'a Final Agreement"** has the same meaning as in the Nisga'a Final Agreement Act.
- (9) Section 20, except section 20 (1) (c) and (d) and (2) (f), applies to
- (a) an applicant to whom a licence under this section is issued entitling the applicant to sell or serve liquor, and
 - (b) a person referred to in paragraph (a) following the expiry of the special occasion licence, provided that the general manager commences enforcement action against the person within 6 months after the expiry of the licence, and for that purpose,
 - (c) a reference in section 20 to "licensee" must be read to include a person referred to in paragraph (b), and
 - (d) a reference in section 20 to "licensed establishment" must be read as a reference to the designated establishment in respect of which the licence under this section is issued.

S. 7.1 of the Act states:

- (1) If the final agreement of a treaty first nation requires that British Columbia authorize persons designated by the treaty first nation to approve or deny applications for special occasion licences described in section 7 (1), the general manager has the responsibility for
- (a) authorizing the persons designated by that treaty first nation for that purpose to issue special occasion licences in accordance with section 7, and
 - (b) delegating to those designates the authority to make the decision under section 7 (3).
- (2) A person designated by a treaty first nation and authorized under subsection (1) (a) to issue special occasion licences has the same duty in respect of a special occasion licence the person issues as a store manager has under section 7 (5) in respect of a licence the store manager issues.

2.1 Why British Columbia Regulates Special Occasions at Which Liquor is Served or Sold

A special occasion licence allows an individual, organization or business to, from time to time, host a special event at which liquor is served or sold.

This province regulates these special occasions in order to control the use of liquor and prevent over consumption; to ensure the safety of the liquor supply; and to protect the public interest by ensuring that:

- licensees are aware of their duties and responsibilities
- the liquor served is from a lawful source
- enforcement authorities are aware of the event, and
- events meet all legislative requirements for serving liquor.

The SOL rules apply throughout British Columbia, including:

- Indian reserves established pursuant to the Indian Act
- the Legislative Buildings, and
- lands controlled by the Department of National Defence or the Canadian Armed Forces. [LCLB Operational Bulletin 03-01]

2.2 When a Special Occasion Licence is Required

Special occasions are events that are not frequently or regularly scheduled. For example, a weekly curling competition is not a special occasion because it is a regular event, but an annual bonspiel could be a special occasion because it occurs only once a year.

Anyone planning to:

- **sell*** liquor in **any location** that is not licensed**
- **serve or sell*** liquor in a **public place** – such as a community hall

must apply to a government liquor store for a special occasion licence (see 3.0 and 3.1). (Note: any location may be a public place at one time, and not a public place at another time. When an event is held in a location that would otherwise be considered a private place, but the nature of the event draws the attention of passing members of the public, the location is considered a public place.)

*** “Selling” liquor includes direct charges for the liquor as well as indirect charges (such as an admission fee to the event).**

****** An SOL will not be issued for an event in a private residence as the general manager and delegates (liquor inspectors) do not have the authority to inspect private residences. A licence must not be issued for a location that cannot be monitored or inspected to determine compliance with the laws governing the use of that licence.

Special occasion licences (SOLs) are required for both:

- **private special occasions** – these include social, cultural, recreational, religious, sporting or community events as well as family events such as weddings, anniversaries, or birthdays;
- **public special occasions** – these include events that are community or public celebrations, such as community festivals or outdoor concerts.

SOLs are also required for tastings intended to acquaint the public with the product of a winery, brewery or distillery held in locations which are not otherwise licensed which are hosted by liquor manufacturers. (Tastings may be either public or private special occasions.)

Generally both private and public special occasions may be held in a location that is already licensed, such as a food-primary establishment (a restaurant) or a liquor-primary establishment (a bar or pub), if the liquor licence is temporarily suspended or in an unlicensed location, such as a public park or community hall.

An SOL may be issued to the hosting individual or group for a special occasion held on a cruise ship or charter vessel, such as a luncheon or dinner cruise or a seasonal celebration cruise, if the vessel is not otherwise licensed. [Liquor Licensing Policy Manual, s. 7.7.3]

2.3 When a Special Occasion Licence is Not Required

An SOL is **not** required if:

1. The special event is held in a **private place** (if there is any doubt about whether a proposed venue is a private place, the individual or organization holding the event should consult with a BC Liquor Store manager or LCLB) and liquor is **served but not sold**. A private place includes:
 - a residence actually occupied and used by the event host, and
 - a closed office or business premise that is not a licensed establishment, provided that **all** the following conditions are met:
 - the event occurs in the office space normally occupied by the business or agency hosting the event.
 - the area used for the event is not visible to the public
 - the nature and size of the event is such that it will not draw the attention of the public through excessive noise or other disturbances
 - members of the public cannot enter
 - attendance is by prior invitation only
 - the special event is attended only by the employer and employees and their guests (or board members and staff and their guests, if the office is not a business), and
 - no fee is charged for entry or entertainment and no fee is charged for services related to the service of liquor (e.g., fees for mix, ice and glasses).
2. The event is held in a place controlled by an embassy or consulate of a country recognized by the government of Canada.
3. The liquor used for the event was purchased by an embassy or consulate. (If the event is held in a licensed establishment the licensee does not need to apply for a temporary suspension of their liquor licence as long as the consular or diplomatic liquor is being served. The licensee may also serve its own liquor as long as it can identify which liquor has been served and keeps normal records of liquor sales of its own liquor.) [LCLB Operational Bulletin 03-06]
4. The event is held on an ocean-going ship engaged in international trade or a Canadian or foreign warship while in a harbour or in Canadian territorial waters and the liquor used comes from the ship's stores. [**Customs Act, Ships' Stores Regulations, online Canada Border Services Agency**, <http://cbsa-asfc.gc.ca/publications/dm-md/d4/d4-2-1-doc-eng.html>]

2.4 Applicant Eligibility

2.4.1 Minimum eligibility requirements

An applicant for an SOL must:

- be 19 years of age or older and **either**:
- be a resident of BC, a Canadian citizen or lawfully admitted to Canada under the *Immigration and Refugee Protection Act* (Canada) for permanent residence, **or**
- for any other person, have approval from the general manager to apply for an SOL (see Appendix 3: Application for Special Occasion Licence Policy Exemption).

The applicant must be the person who will host the special occasion, a member of the organization hosting the special occasion, or the owner or an employee of a business or agency hosting the special occasion.

In the case of a wedding or other private special event, the applicant must be the person who will take responsibility for the liquor service (such as a member of the wedding party).

2.4.2 Assessing fitness of SOL applicant/outstanding penalties

The general manager may consider whether an applicant is a fit and proper person to hold a licence. In making this determination, the general manager will apply the provisions of s. 16(2) and s. (2.2) of the act and branch policy respecting fit and proper assessments to the extent they are applicable to an SOL.

The general manager may refuse to issue a licence if, at the time of the application, a fine, monetary penalty or suspension which has been imposed remains outstanding.

A store manager or other person authorized to issue SOLs must refuse to issue a licence when directed by the general manager.

[Liquor Control and Licensing Act sections 7(3.1), 7(3.2) & 7(3.4)]

2.4.3 Persons not eligible

Caterers*, event planners and other businesses which plan and manage events are not eligible to apply for SOL licences. (See 3.3.1 for an exception to this rule in the case of wine, beer and spirit festivals and tastings.) The licence must be obtained by the individual or organization hosting the event. The licensee may choose to hire event organizers, caterers, bartenders or staff to run the event or serve the liquor which the host has purchased under its SOL. The licensee is always responsible for purchasing the liquor and transporting it to the event and is always legally responsible for all aspects of liquor service.

Contractors who are doing work for an organization, but are not members of that organization, and temporary, probationary, or honorary members of an organization are not eligible to apply for an SOL in the name of the organization. When an organization or a business is hosting the event, the applicant must be a regular member or employee of that organization or business.

An organization which rents out its premises to others, whether those others are non-profit or for-profit entities, is not eligible for an SOL in its own name to provide liquor service to other organizations. The SOL must be obtained by the organization hosting the event and renting the premises. The organization renting out its premises may provide its bartender or other of its staff to work for the SOL holder as part of the rental agreement or under a separate arrangement.

*If the event is catered by a licensed caterer, the event host does not need to obtain a SOL if the catering agreement includes the provision of liquor service. The caterer's liquor service will be governed by the terms of the caterer's liquor licence.

2.4.4 Restrictions on non-licensed businesses using SOLs

Section 7(2) of the act prohibits the issuing of an SOL "for the prime purpose of making a profit" unless all the money raised from an event is donated to charity. For this reason businesses are not normally eligible for an SOL. An exception is a business that does not have any type of liquor licence applying for a private SOL for an event such as a grand opening, anniversary, or customer appreciation event on the following conditions:

- Attendance at the event must be by invitation only;
- The invitees must have been sent a personal invitation (e.g. inviting everyone on a list of previous customers or all members of the business's loyalty club). General notices to the public, such as newspaper or radio/TV advertisements or notices through social media, are not considered personal invitations;
- There must be no direct or indirect charge for the liquor which is served at the event;
- There must be no direct or indirect entry fee.

If the special event is held during normal business hours, a notice must be posted at the door indicating the business is closed to the general public for the special event. Only persons who have received personal invitations may attend.

During the special event, regular business may be conducted. For example, if the event is an art gallery opening of a new exhibition, invitees may purchase art which is for sale at the gallery. If the event is to offer previous customers an opportunity to view the new fall fashions before they are put on the shop floor, invitees may purchase clothes which are on display for sale at the event.

A business may apply for an SOL to hold a staff party for the employer, employees and their guests (or board members, staff and their guests) either at the regular place of business or at another location. As described above attendance at the event must be by invitation only, there must be no entry fees, and the liquor must be given away free of charge.

2.4.5 Miscellaneous issues

The federal government and provincial and local governments or First Nations and their departments, agencies or divisions are eligible to apply for an SOL including for events to raise funds for charity. They cannot, however, be the recipient of funds raised by a charitable SOL.

Employees or members of organizations who apply for and receive an SOL who leave their employment or that organization before the event takes place remain responsible under the terms of the SOL as licensee. To avoid this responsibility, the licensee must notify the BC liquor store from which the SOL was obtained (in writing) that he or she is no longer an employee or member of the organization. The liquor store will cancel the SOL and advise the employer or the organization of the need to reapply for the SOL (this includes paying the licence fee for the new SOL).

A store manager may require **proof that a hosting organization** exists before he or she issues an SOL. For example, an organization may prove it is a *genuine* organization by providing a copy of the certificate of registration under the Society Act; a copy of the constitution of the organization; or a letter certifying the existence of the organization from a person the store manager accepts as a person independent of the organization but knowledgeable of its existence, and who confirms the organization is not a business or commercial enterprise. If the store manager is not satisfied that the organization actually exists, he or she may refer the matter to LCLB for a decision.

2.5 Frequency of Issue

2.5.1 General

Because SOLs are to be used only for special and infrequent events, any one person or organization will be granted a maximum of two SOLs per month or 24 per year.

Individuals and organizations may apply for an exemption to this policy by completing the Application for Special Occasion Licence Policy Exemption – see Appendix 3: Application for Special Occasion Licence Policy Exemption – and sending to LCLB well in advance of the event (see contact information at beginning of this manual).

LCLB encourages organizations – such as clubs, local live theatres, sports organizations – that wish to sell and serve liquor at regularly scheduled events to apply for a regular liquor licence. Information about applying for a regular liquor licence is available from LCLB.

[Liquor Control and Licensing Regulation, s. 15(1).]

2.5.2 Events over 3 or 4 consecutive days

A single SOL which spans three days on a weekend does not require a policy exemption. This allows for events occurring over weekends, such as festivals or tournaments, to obtain a SOL without an exemption application when other exemptions are not required.

An event which spans 4 consecutive days, when a statutory holiday falls between Thursday and Monday, also does not require a policy exemption. Statutory holidays include:

New Year's Day Family Day Good Friday Victoria Day Canada Day
BC Day Labour Day Thanksgiving Day Remembrance Day Christmas Day

Regardless of whether it is 3 or 4 days in duration, a weekend-long SOL will be considered two SOL 'events' or 'days' for the purposes of calculating the maximum number of SOLs issued to an applicant each month or year without an exemption.

LCLB reserves the ability to limit the number of SOLs issued to an applicant when this policy is utilized on a regular or frequent basis (see 2.5.1). This may involve limiting an applicant's number of SOLs or requiring exemption applications for frequent applicants.

See [13.4](#) for a detailed list of events that require a policy exemption for more licenses per month/year than permitted.

2.6 Restrictions on locations eligible for an SOL

2.6.1 Prohibition of SOL where other liquor licence has been suspended

As explained elsewhere in this manual, there are occasions when a licensed establishment may apply to temporarily suspend its licence in order that the licensee or another person can obtain an SOL for that establishment. This process is initiated at the request of the licensee.

When a licence is suspended as an outcome of an enforcement or administrative process, the suspension is not voluntary; it is a result of a contravention of the act, regulation, terms and conditions, or operation requirements of the licence. A suspension cannot be mitigated by the licensee renting the space to another party who obtains an SOL to sell liquor, or by the licensee obtaining their own SOL.

If an individual or organization has rented a licensed establishment for a licensed special occasion, or if the licensee has applied for or obtained an SOL for the establishment, and that establishment's licence is suspended by the branch, liquor cannot be sold or served at the special occasion within that establishment or in or on any adjacent property under the control of the suspended licensee, whether the SOL was obtained before or after the suspension commences.

2.6.2 How often an SOL may be issued for particular locations

The general manager may determine how frequently an SOL may be issued for a particular location.

The objective of restricting the number of SOLs that may be issued for a particular location is to ensure that that location does not operate as though it was a licensed establishment. The SOL is not a means to avoid having to apply for a permanent licence. A facility must not be primarily used or rented by individuals and organizations who have SOLs for their events.

The general manager may act upon a complaint by a local government, First Nation government, local police or a public agency such as a fire department or health authority or information provided by the branch's Compliance and Enforcement Division that the frequency of SOL events at a particular location

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is transforming the location into the equivalent of a permanently licensed establishment either throughout the week or during weekends and holidays.

Upon receiving a complaint or information that a particular location is being used for SOL events, the general manager may inquire into the habitual use of that location and the frequency of SOL events, consult with local or First Nations government and local police and others (e.g., the landlord and licensee, if any) as deemed appropriate and determine how frequently an SOL may be issued in respect of that location.

[Liquor Control and Licensing Act section 7(3.5)]

2.7 Cancellation of SOL

The general manager or a peace officer may cancel an SOL if the circumstances on the basis of which the licence was issued have changed so that they no longer meet the requirements for obtaining a licence, if the circumstances on the basis of which the licence was issued did not exist at the time the licence was issued or if the licence was otherwise issued in error.

Examples of circumstances under which an SOL may be cancelled include where:

- the SOL was issued to raise funds to donate to a charity but after the licence was issued the charity has gone bankrupt and closed its doors;
- the SOL was issued for a location which was zoned for liquor service (or for that type of event) but the zoning bylaw was changed to prohibit liquor (or that type of event) in that location;
- the SOL was issued but since that time the applicant has been charged with an offence and the GM decides the person is no longer fit and proper;
- an applicant completed the application on behalf of an organization but it is learned that the organization was merely a front and it was actually the individual who was running a profit making event;
- an SOL was issued for a location but it turned out the location had exceeded the number of SOLs that could be held there and the licence had been issued in error;
- the applicant completed the application form honestly and was issued the SOL but in fact the person was not eligible and the licence had been issued in error.

When the general manager or police cancel an SOL, the LCLB or police will notify the Liquor Distribution Branch, Retail Service Division who will notify the store manager who issued the licence to advise the applicant that the licence has been cancelled. The LCLB will notify the applicable local government, police and liquor inspector that the licence has been cancelled, as required.

[Liquor Control and Licensing Act section 7(4.1)]

2.8 Committee to Approve Public Events (CAPE)

LCLB encourages municipalities and regional districts to establish a Committee to Approve Public Events (CAPE). A CAPE monitors the number of public SOLs granted within a municipality and ensures that SOLs are not used as an alternative to obtaining a regular liquor licence. A CAPE may also be authorized to consider and give municipal authorization for SOLs where government approval is required. (See Appendix 2: Committee to Approve Public Events (CAPE)).

SECTION 3: Special Occasion Types

3.0 Private Special Occasions

A private special occasion may be:

- a social, cultural, recreational, religious, sporting or community event,
- a celebration of a family occasion, such as a wedding, christening, bar mitzvah or other religious occasion, birthday or wedding anniversary, or
- a tasting to acquaint people with the product of a winery, brewery or distillery.

An individual can only apply for a private SOL for the celebration of a family occasion.

Attendance at a private special occasion must be limited to family, friends, an organization's members or staff, invited guests or ticket holders. All the tickets must have been given away or sold **before the start time of the event**. If anyone is allowed to attend the event **without having reserved or purchased their tickets before the start time of the event** (see s. 1, Definitions), the event is a public special event.

Pre-wedding parties, such as a bachelor party (stag party or stag night) or bachelorette (hen) party, cannot be licensed. This type of event must be held in a private place or a permanently licensed establishment.

[Liquor Control and Licensing Regulation, s. 1.]

3.0.1 Family Events

A licensee may apply for a family event special occasion licence if they are hosting, on behalf of their family or as a friend of the family, a private event that is attended by family and friends only (not open to the public) and which celebrates an aspect of family life. The family event is a sub-category of the private special occasion licence, and applicants must fill out the *Family Event- Special Occasion Licence* application form. Pre-wedding parties commonly known as bachelor or bachelorette parties are not eligible for an SOL.

Examples of a family event include, but are not limited to, events which celebrate or mark:

- christenings, bar mitzvahs or similar religious occasions;
- birthdays;
- weddings;
- anniversaries;
- retirements;
- memorials.

3.1 Public Special Occasion

A public special occasion is:

- a community or public celebration, or
- a tasting, open to the public, intended to acquaint the public with the products of one or more licensed liquor manufacturer.

[Liquor Control and Licensing Regulation, s. 1.]

Anyone may attend a public special occasion – entry is open to anyone who wishes to participate or buy a ticket (either at the door or in advance of the event). (Just because tickets are sold for the event does not make it a public event. The key is that the tickets must be available to the public at the door. See 3.0 and 9.8.1.)

Public special occasions must have the support of the local government or First Nation *and* local police authority. Specifically:

- if the event is held on a reserve as defined in the Indian Act, the applicant must obtain support for the event from the band council for the reserve **and** the police authority having jurisdiction on the reserve;
- if the event is held in an area under the jurisdiction of an aboriginal governing body other than a band council, the applicant must obtain support for the event from the aboriginal governing body **and** the police authority having jurisdiction in that area;
- if the event is held in any other part of the province, the applicant must obtain support for the event from the applicable local government **and** the police authority having jurisdiction in the area (see 5.0).

[Liquor Control and Licensing Regulation, s. 1.]

In some cases the local government or First Nation has delegated this function to the local police.

The local police will take into consideration the location, nature and duration of the proposed special occasion, and the proposed quantity of liquor in relation to the number of adults attending the event, and may:

- support the event,
- refuse permission for an event to be held, or
- require restrictions, or terms or conditions, such as the exclusion of minors or limited hours of liquor service, be placed on the SOL.

3.2 Special Events in a Licensed Establishment

3.2.1 Staff party in a licensed establishment

A licensee may hold a staff party in the licensed establishment during licensed hours, provided the licensee is able to comply with the conditions of the licence for the duration of the party.

Liquor licence conditions state that staff may not drink alcoholic beverages while on duty, whether during the regular operation of an establishment or in the course of a staff party, and liquor may not be served outside of the licensed hours .

A licensee who cannot comply with the conditions of the licence but still wishes to hold a staff party at the licensed establishment must apply for an SOL for the event. (See the following sections.)

[Liquor Licensing Policy Manual, s. 5.2.2 and 5.2.3.]

3.2.2 SOL in food primary establishments

Food-primary (FP) licensees may permit an individual or organization to use their licensed establishment for an event licensed by an SOL **only if**

- the permanent licence (or the portion of the licensed area where the event is to take place) is temporarily suspended for the duration of the special occasion, **and**
- if the FP licensee is the host, the SOL is not used to increase the scope of the existing licence (for example, to extend existing hours or licence a location in the establishment that is not already licensed).

The SOL applicant may be:

- the FP licensee as an individual host for a family special occasion,
- the FP licensee as a business host for a staff party or other private business-host special occasion, or
- an individual or organization hosting a private or public special occasion.

If liquor is served at a business-host special event there must be no charge to attend the event and no charge of any kind for liquor served at the event.

A food-primary licensee must apply for a temporary suspension of the food-primary licence for the duration of the special occasion, which may be less than 24 hours (use the form “Temporary Suspension Request – Food Primary Only (LCLB022)”). If the establishment has more than one area, the licence may be suspended for a specified area of the establishment, provided there are physical barriers to prevent patrons and liquor moving between the two areas. There must be at least one-half (½) hour between the SOL event and the regular operation of the permanent licence during which no one is permitted within the suspended area of the establishment.

The two licences (the permanent liquor licence and the SOL) must not be **in effect at the same time**. For example, the SOL licensee may not sell wine and beer under the SOL and spirits under the establishment’s food-primary licence.

The permanent licensee must secure the establishment’s liquor and make sure it is not accessible to any patrons of the special occasion. As with all SOLs, the SOL holder must purchase the liquor served at the special occasion under the SOL; it must not be taken from the permanent licensee’s existing stock.

The permanent licensee may serve the SOL holder’s liquor – that is, the permanent licensee may provide staff to serve the SOL holder’s liquor. The permanent licensee may also cater the food which is served at the special event.

[Liquor Licensing Policy Manual, s. 5.2.4.]

3.2.3 SOL in liquor primary establishments

Liquor primary (LP) licensees may permit an individual or organization to use their licensed establishment for an event licensed by an SOL **only if**

- the regular licence (or the portion of the licensed area where the event is to take place) is temporarily suspended for the duration of the special occasion, **and**
- if the LP licensee is the host, the SOL is not used to increase the scope of the existing licence (for example, to extend existing hours or licence a location in the establishment that is not already licensed).

The SOL applicant may be:

- the LP licensee as an individual host for a family special occasion,
- the LP licensee as a business host for a staff party or other private business-host special occasion, or
- an individual or organization hosting a private or public special occasion.

If liquor is served at a business-host special event there must be no charge to attend the event and no charge of any kind for liquor served at the event.

The liquor primary licensee must apply for a temporary suspension of the licence for the duration of the special occasion (use the form “Liquor Primary Licence - Temporary Suspension Request (LCLB 021)”). The licence will be suspended from one-half (½) hour before the start of the event through until the end of liquor service hours for that business day (which stretches over to the next calendar day if regular hours of service end after midnight): once the establishment is closed for the night it must remain closed until at least 6:00 a.m.

If the establishment has more than one area, the licence may be suspended for a specified area of the establishment, provided there are physical barriers to prevent patrons and liquor moving between the two areas.

The two licences (the permanent liquor licence and the SOL) cannot be in effect at the same time. For example, the licensee may not sell wine and beer under the SOL and spirits under the establishment's liquor-primary licence.

The permanent licensee must secure the establishment's liquor and make sure it is not accessible to any patrons of the special occasion. As with all SOLs, the SOL holder must purchase the liquor served at the special occasion under the SOL; it must not be taken from the permanent licensee's existing stock.

The permanent licensee may serve the SOL holder's liquor – that is, the permanent licensee may provide staff to serve the SOL holder's liquor. The permanent licensee may also cater the food which is served at the special event.

3.3 Promotions by Licensed Manufacturers, Their Agents and Sales Representatives

3.3.1 Beer, wine and spirits festivals, tastings and exhibitions

S. 53(2) of the Liquor Control and Licensing Act permits a licensed manufacturer – a brewery, winery or distillery – or a licensed agent to conduct tasting events to acquaint the public with its products.

If the event has only one manufacturer conducting the tasting and it takes place at a location that is not otherwise licensed, the licensed manufacturer (or a non-commercial organization which wants to host the event) must apply for an SOL. (An SOL is not required for a manufacturer's tasting event which is held in a private place, provided the liquor is not sold.)

UBrews and UVins (Ferment-on-Premises) are not licensed manufacturers and are not eligible for SOLs to conduct tastings of their products.

If more than one licensed manufacturer or agent participates in a common event, the SOL will be issued to whomever is hosting the event whether commercial or non-commercial. This is an exception to the general rule that a commercial enterprise (including an event organizer) cannot be issued an SOL.

Tastings held at trade shows or exhibitions related to the hospitality (food and beverage) industry are eligible for an SOL. However, a liquor store will generally not issue an SOL for such tastings *unless* an identifiable section of the trade show or exhibition is focused on the hospitality industry.

Minors are not permitted into tasting SOL events because the primary purpose of a tasting event is liquor consumption.

Serving sizes at tastings licensed by an SOL must not exceed 4 oz. (114 ml) for beer, cider and coolers, 2 oz. (60 ml) for wine, and ½ oz. (15 ml) for spirits. (Please note: the allowable serving sizes for tastings conducted at restaurants or other licensed establishments are different than those for events licensed by an SOL. See the applicable LCLB Guide for more information.)

If these samples are sold, the prices must be adjusted, based on the liquor price schedule (see Appendix 4: Liquor Price Schedule), to the size of serving provided to the nearest five cents, except where the event is for a charitable purpose (see 2.4.5). For example, the price for a 4 oz. serving of beer must not exceed \$1.50, which is very close to one third of the maximum price plus GST allowed for a 12 oz. serving.

3.3.2 Market research tastings

Licensed manufacturers and their agents, or research companies hired by them, may apply for an SOL for a public special occasion to conduct market research in the form of tastings. (Market research tastings held in a private place are covered by the manufacturer's licence.) Such market research may include research into new products that are being developed. (This is different from 3.4.1 in that market research tastings involve providing liquor at no cost to the customer, and the person who tastes the product is asked to respond to a variety of survey instruments after the tasting.)

The location for the market research must be secure so that minors are not able to participate in the tasting.

The licensee must ensure that all of the regulations related to the consumption and responsible use of liquor are followed (see section 5).

Serving sizes at market research tastings licensed by an SOL must not exceed 4 oz. (114 ml) for beer, cider and coolers, 2 oz. (60 ml) for wine, and ½ oz. (15 ml) for spirits. (Please note: the allowable serving sizes for tastings conducted at restaurants or other licensed establishments are different than those for events licensed by an SOL. See the applicable LCLB Guide for more information.)

3.3.4 Sponsorships

A licensee may sponsor a sporting, cultural or recreational event that is held under an SOL. However, the licensee may not apply for the SOL or host the event. The event must be hosted by a separate organization, and that host organization must apply for the special occasion licence.

The host organization or licensee may advertise the event by using the licensee's corporate or brand name or the name of the establishment and state that the licensee is sponsoring the event, but must not state that liquor will be available at the event.

A licensee may not sponsor an event, activity or organization where the participants or audience are primarily minors, unless unaccompanied minors are permitted in the establishment.

A liquor manufacturer or agent must notify the general manager before the event occurs if the sponsorship involves a licensed establishment.

[Liquor Control and Licensing Act s. 54 and Liquor Control and Licensing Regulation, s. 60. See also 9.8.3]

3.4 Special Occasions Held in a Manufacturing Establishment

3.4.1 Promotional events at a manufacturer's site if no endorsement

A manufacturer licensee who does not hold a lounge, special event area, picnic area or tour area endorsement may apply for an SOL for an event whose primary purpose is to acquaint the public with liquor products. (A manufacturer may need to apply for an SOL if it holds a tasting event outside the normal hours of its sampling room, features products from other manufacturers for comparison or if the event is to be held in an unlicensed part of the manufacturer's property.)

To decide if the SOL is for a tasting, the store manager will consider such factors as whether the event will:

- be open to the general public, usually through advance ticket sales
- be held in conjunction with a festival and advertised through the festival's calendar or events listing
- be billed as an introduction to the manufacturer's product in advance promotional material
- have a variety of products available for tasting, and
- have the winemaker, brewmaster, distiller or owner present to talk about the products.

Serving sizes at tasting events licensed by an SOL must not exceed 2 oz. (60 ml). (Please note: the allowable serving sizes for tastings conducted at restaurants or other licensed premises are different than those for events licensed by an SOL. See the LCLB [Winery Licensee Guide](#) or [Brewer or Distiller Licensee Guide](#).)

Licensees may also serve liquor from other manufacturers, provided those products are purchased from the Liquor Distribution Branch or other authorized vendor.

If the proposed special promotional occasion is to be held in a part of the manufacturing site subject to another licence or an endorsement, the manufacturer must first apply to LCLB headquarters (see contact information at beginning of this manual) for a temporary suspension of that other licence or endorsement. However, if the event is to take place in a location subject to the manufacturer licence itself there is no need to temporarily suspend the manufacturer licence. (This is an exception to the general rule that licences must not be layered.)

The usual rules for special occasion licences apply respecting responsibilities of licensees, liquor purchase, and licensing conditions (see sections 6, 8 & 9).

3.4.2 Licensee hosted and third-party events held at a manufacturer

A manufacturer licensee may apply for an SOL for a special occasion hosted by the licensee – such as a birthday party for a relative or friend – provided he or she does not use the SOL to increase the scope of the existing licence (for example, to extend existing hours or licence a location in the establishment that is not already licensed). In addition, a manufacturer may permit third parties to use its facilities to host special occasions at which other types of liquor are sold or served.

If the area where the event is to be held is licensed by a food primary or liquor primary licence or subject to a manufacturer licence endorsement (such as a lounge, special event area or picnic area endorsement), the manufacturer must apply to LCLB headquarters (see contact information at beginning of this manual) to temporarily suspend the licence or endorsement. The licensee or third party must then apply for an SOL. However, if the event is to take place in a location subject to the manufacturer licence itself there is no need to temporarily suspend the manufacturer licence. (This is an exception to the general rule that licences must not be layered.)

The usual rules for special occasion licences apply respecting responsibilities of licensees, liquor purchase, and licensing conditions (see sections 6, 8 & 9).

3.4 Temporary Off-site Sale Endorsement

An SOL licensed event that is primarily focussed on the sampling of food or liquor products may allow off-site retail sales by an LRS or wine store (WS) holding a temporary off-site sale endorsement.

Eligible events must have a primary focus on tasting or introduction of liquor products and/ or accompanying food (e.g. a wine festival licensed under an SOL with many manufacturers presenting their products, possibly in combination with foods, would qualify, whereas the SOL attached to a music festival would not).

As part of event planning, prior to inviting an LRS or WS to set up a store, the SOL licensee must confirm with the local government or First Nation that the sale of packaged liquor for off-site consumption is permitted in this manner. The SOL licensee must also delineate an area where the temporary store will be located as all sales must occur in the designated area.

Licensees who set up a temporary store may only sell the range of products permitted in their permanent store and must purchase the product for sale from the LDB or other approved source as it forms part of their permanent inventory. This means, for example, that a BCVQA wine store could only sell BCVQA wine at an SOL licensed food and beverage festival.

Authorized retailers are also subject to the following terms and conditions:

- The authorization is valid during the hours and days of the festival subject to regular retail hours of 9 am to 11 pm. This means that even if a festival ends at midnight a liquor vendor may not sell after 11pm.

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- Endorsed licensees must post their authorization in a conspicuous location in their designated sales area during each event. All sales must be conducted within that area.
- No consumption is permitted within the designated retail area. Sampling and consumption are only permitted in the associated SOL service area(s).
- Minors may be present in the sales area if they are permitted under the SOL.
- The terms and conditions of the permanent store apply at the temporary store with regards to pricing, product limitations, promotions and staff training (Serving It Right) and age requirements.
- The products purchased from the temporary store are for consumption away from the Special Occasion Licensed event.
- The General Manager may place additional limits in the public interest

SECTION 4: Special Occasions to Raise Funds for Charitable Purposes

4.0 Summary of provisions related to charitable special occasions

An SOL must not be issued for the purpose of making a profit unless the purpose of the special occasion is to raise funds for charitable purposes.

The LCLB liquor price schedule, which sets out the maximum prices that can be charged for liquor sold under an SOL, is designed to ensure that the prices charged for liquor cover only the “operating costs” of serving and selling liquor which include only the cost of the liquor, mix, glasses, ice and taxes. The prices do not include costs such as hall rental, entertainment or security. (See Appendix 4: Liquor Price Schedule.)

If the purpose of a special event is to raise funds for charitable purposes and the organizers of the event want to exceed the allowable prices, they must apply to the LCLB for an exemption from the Liquor Price Schedule, using the Application for Special Occasion Licence Policy Exemption form:

<http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB031.pdf>.

The **total profits from the entire special event must be donated** to the charitable cause, not just the profits from the sale of liquor.

The special occasion can be to raise money for the hosting organization so it can carry out its own charitable purposes or for another organization which is carrying out charitable purposes.

The **recipient** of any funds raised by the event must be a non-profit organization whose primary function is to undertake charitable purposes as defined in the Act, and any funds given to such an organization must be used for charitable purposes. However, the recipient organization does not have to be a registered charity. The SOL applicant **may** be asked to provide information about the intended recipient organization so that the LCLB can determine whether the recipient’s primary function is to undertake charitable purposes. (See 4.2 and 4.3, below, for more information about what are charitable purposes and what are not.)

Definition of a non-profit organization:

The key features of a non-profit organization are that it does not seek to make a profit from its operations and its members do not share any profits or benefit as investors. A business, in contrast, is engaged in commercial purposes which means it tries to make money by selling goods or services to the public. Owners and other stakeholders in a business hope to receive a return on their investment. The ideas of profit-making and receiving an investment return are the essence of a for-profit business.

The Canada Income Tax Act explains that in order to be a non-profit organization no profits, after all salary and business expenses are paid, are available for the personal benefit of any proprietor, member or shareholder. This does not mean that members cannot receive direct benefit but any benefit they do receive must be the same services or advantages that are made generally available by the organization. Also, a charity can pay its staff and those staff are often members of the organization. The organization must pay those staff just as any employee is to be paid and issue T4s and remit Employment Insurance, CPP and income tax. (Although the directors of the organization may be reimbursed reasonable expenses related to their duties as directors, they must not be paid as the employees of the organization.)

All of the other rules and regulations as outlined in the other parts this manual apply to licensed special occasions for charitable purposes.

4.1 Organizations eligible to apply for an SOL for charitable purposes

Branch policy requires that an applicant for an SOL to raise funds for a charitable purpose **must** be a non-profit organization, such as a service club, community organization or community club, a non-commercial First Nation organization or other non-commercial organization or group. This non-profit organization does not itself have to be a charitable organization – it just has to be non-profit. (Note: Previous LCLB policy allowing wineries to obtain special occasion licences to host charitable fund raising events has been rescinded because businesses are generally not eligible for an SOL.)

To determine if an organization is non-profit it is often necessary to research the organization. Usually an internet search will give sufficient trustworthy information to make the decision. On occasion it may be necessary to contact the organization and ask. For example, chambers of commerce, even though their function is to promote the interests of the business community, are usually non-profit organizations – the BC Chamber of Commerce website says the “BC Chamber of Commerce is a not-for-profit organization representing the interests and concerns of local Chambers of Commerce and corporate members from across the province.” The Chamber is non-profit so it can apply for a charity SOL but it is not a charity so it cannot use the funds which it raises – those have to be given to a charitable organization.

If a non-profit organization is selling liquor to raise money for charity, the public is entitled to be assured through the licensing decision that the organization has sufficient substance and stability that it can safely serve and sell liquor and that the money actually goes to charity. The Branch may request information showing the applicant can meet these requirements.

A non-profit organization or group that applies for an SOL to raise funds for a charitable purpose must:

- a) on request of the LDB or LCLB, provide evidence it is registered under the Societies Act or a federal statute giving an equivalent status,
- b) on request of the LDB or LCLB, provide a copy of its Canada Revenue Agency charitable registration certificate or number, or
- c) on request of the LDB or LCLB, provide evidence by means of minutes of meetings, bylaws, rental agreements, bank account statements or other types of evidence to show that it has been in continuous operation for the previous 12 months and is a non-profit organization managed by its membership directly or through an elected board of directors.

It does not have to be a registered charity under the Income Tax Act.

4.2 Purposes and organizations which are not charitable

Purposes which are not charitable and organizations which are not charitable organizations and that cannot receive funds raised by licensed special occasions for charity include:

- organizations that have as a primary purpose, or that devote a considerable percentage of their time and resources to, the promotion of political objectives or which seek to influence some public issue which is the subject of political dispute; **
- provincial, municipal or local governments and First Nation governments – this is because governments undertake their functions in order to fulfil a “government function,” not to give expression to people’s desire to act charitably;
- any type of organization that distributes profits from its operation to members or shareholders for their personal use. This includes a sole proprietorship (the store owner takes the profits for personal use), a co-operative (the members of the co-op own the business and distribute profits

among themselves), or a company (profits are distributed to shareholders). (A charitable organization is allowed to pay its staff to do the charitable work of the organization.)

** The federal Income Tax Act allows registered charities to engage in some degree of political discourse: a charity must devote “substantially all” of its resources to its charitable purpose, but can dedicate part of its resources to political activities, as long as those activities are ancillary and incidental to its charitable purpose. The words “substantially all” are defined by the Canada Revenue Agency as more than 90%. There is a further requirement that the political activities cannot be partisan, and cannot directly or indirectly lend support to any political party or candidate for public office. A charity may, without restriction, provide information and briefs to government or elected officials in order to promote change to laws or policies.

4.3 Defining a charitable purpose

The definition of “charitable purpose” in the Act is broader than the traditional common law definition of charity used for the Income Tax Act. To qualify for an SOL to raise funds for a charitable purpose the special occasion must be raising funds dedicated to relieving poverty, advancing education or religion, or otherwise benefiting the community – which includes the advancement of recreation, sports or athletics, culture, aid to the disabled, and youth or senior citizens (Liquor Control and Licensing Act, s. 1).

“Advancement of” means to promote the ability of one or more persons to take part in, as participant or spectator, recreational, cultural, sports or athletic activities or to benefit the interests of one or more persons who may reasonably be described as disabled, youth, or senior citizen.

It is not possible to give a full definition of the term “charitable purpose.” A charitable purpose must fit within the spirit of the definition in the Act, have as its primary motivating force a sense of altruism and be “beneficial to the community.” **A common sense assessment of the purposes for which money is raised must be made based on the facts in each situation – would a reasonable person understand the purpose to be “charitable” as that word is ordinarily used?**

Relief of poverty and advancement of education or religion are relatively clear charitable purposes. The beneficiaries of the funds raised may be a food bank or a particular school (which is not part of the regular school system) or religious institution.

The category “otherwise benefiting the community” is the most complicated. This category does not include all purposes that have benefit for the public – the purpose must be beneficial to the community in a way which the law regards as charitable. This excludes activities which a reasonable person would sense were not charitable. For example, the purposes of non-profit chambers of commerce are generally described as working to ensure a vibrant and prosperous place to carry on business, to maintain a strong socially responsible business climate and to support the private enterprise system. These may all benefit the community but they cannot reasonably be seen as charitable purposes.

Purposes which fall into this category must be those which are similar or analogous to purposes which have been recognized in law as charitable. These include purposes such as assistance for the elderly, relief of sickness and promotion of health of people and animals, assistance to the family and children without families, assistance to prisoners and ex-prisoners, assisting the settlement of migrants, immigrants and refugees, the relief of human suffering and distress, and the promotion of the safety and protection of the community.

The assessment of charitable purposes beneficial to the community (which includes the advancement of recreation, culture, etc.) must take into account:

- how the public is likely to benefit if the purposes are fulfilled;

- which segments of the general public will benefit if the purposes are fulfilled – are the beneficiaries selected on the basis of need, residence, common heritage, community or qualification, etc.;
- how the community will benefit.
 - Locally, this could include things like improving the physical environment by adding benches to a local park or planting bushes and flowers to “green” a playground, relieving suffering and sickness of people or animals, making a community park/centre more inviting and increasing its use by the addition of park benches, paved walk ways, lights and a skate board park or materially helping one or more families who have experienced loss such as a house fire or flood;
 - Globally, this could include things like protecting endangered species of animals and plants, preserving areas of outstanding beauty or historical interest or setting up ecological reserves.

The following chart provides some examples to illustrate the meaning of charitable purposes:

Acceptable as a Charitable Purpose	Not Acceptable as a Charitable Purpose and other notes
An event to raise funds for a food bank. (relief of poverty)	
An event to raise money for a women’s transition house. (relief of poverty)	
An event to raise funds to cover the cost of relief supplies for victims of a natural disaster in another country. (relief of poverty)	
An event to raise money to provide famine relief, treatment for tropical or other diseases, eye surgery clinics or general health and welfare services in foreign countries. (relief of poverty)	
An event to raise money so family members can accompany a child who has to go to a different province or country to obtain essential medical care. (relief of poverty)	
An event to raise funds for a private, non-profit secondary school (does not need to be registered under the Income Tax Act but most are). (advancement of education)	An event to raise money for a public school - because government functions are not charitable. (But the Parent Advisory Committees of public schools are not government so when they raise funds for school activities it is a charitable purpose.)
Public and private universities are usually registered charities: check the Canada Revenue Agency website if in doubt.	A private, for-profit educational institution, like Sylvan Learning, is a business; even though dedicated to education, this type of business is not a charity.

An event to raise money to build, repair, support or staff a religious establishment. (advancement of religion)	
An event hosted by a service organization to raise funds for a family whose house and possessions have burned down. (other purposes beneficial to the community)	In this, case the service organization is the recipient of the funds it raises and giving the money to the family is how it disburses the funds for a charitable purpose.
An event to raise money to benefit an ecological reserve in BC or elsewhere. (other purposes beneficial to the community)	
An event to raise money for a hospital foundation. (other purposes beneficial to the community)	
Raising funds to cover the cost of building a children's playground on public land such as a public park or Crown land. (advancement of recreation)	Raising funds to cover the cost of building a children's playground on private land such as a theme park, a private housing estate, or a private resort.
Raising funds to cover the cost of a service club providing senior's programming in a community centre. (advancement of recreation; advancement of seniors)	Raising funds to cover the cost of a private seniors' residence providing programming for its clients.
Raising funds for the purchase of uniforms or sports equipment by a sports organization (team or league) which is a non-profit organization and in which the players are not paid. Any durable goods (equipment, uniforms, etc) purchased with the funds must remain the property of the organization. (advancement of sports or athletics)	Raising funds to be used by individuals for their sole personal benefit, for example buying a uniform that becomes the property of the player or paying the travel expenses of an individual to attend a professional, profit-making tournament.
Raising funds to cover the expenses of participation in sports competitions sponsored by a non-profit sports organization or league to which the player belongs and the players are not paid to participate. These expenses could include entry fees, travel expenses (transportation, food, accommodations) to attend a competition, or insurance premiums. (advancement of sports or athletics)	Raising funds to cover the expenses of participation in a profit making sports competition or league.
Raising funds for a disability related organization such as Muscular Dystrophy Canada, Multiple Sclerosis Canada or Canadian Cancer Society which supports direct service to individuals (equipment loans, funding assistance, peer support), pays for research staff	Raising money for a pharmaceutical company to pursue research on new drugs.

and equipment, and acts as an advocacy group for its members. (advancement of aid to the disabled or handicapped)	
Raising funds for a community based aboriginal society to hire linguists to work with elders to preserve their language on tape and hire teachers to teach the language to their youth (or more than one language as the case may be). (advancement of culture)	Raising funds for a consultant company to hire archaeologists to excavate a hotel building site which may have cultural significance.
Raising funds for the local non-profit symphony orchestra to pay its players. (advancement of culture)	Raising funds for a professional (i.e. for-profit company) song and dance ensemble, such as "Ice Capades."
Raising funds to send a group of high school students to participate in a model United Nations or Legislative Assembly program. (advancement of youth or senior citizens)	Raising funds to sponsor a contestant on Canadian Idol.
An event to raise funds for a community lawn bowling association's masters' competition. (advancement of youth or senior citizens)	Raising funds to send a senior golfer to the Masters' Tournament played at Augusta.

4.4 Liquor Donations for Charitable Special Occasions

Only a liquor manufacturer or agent may donate liquor that has been purchased from the Liquor Distribution Branch to any organization, agency or group holding an SOL so long as the event meets the definition of charitable fundraiser within the Act.

No one other than a manufacturer or agent may donate liquor for use at an event with an SOL.

The Act prohibits making a profit on liquor sales under an SOL unless it is to raise funds for charity. If the event host wants to charge more than the liquor price schedule allows, they must apply to the branch for a price exemption. If an event host holds an event under an SOL to raise funds but does not charge more than the liquor price schedule they do not need to ask for a price exemption. Either way, branch policy requires that all profit from these events go to charity, not just profits from liquor sales.

A charity may hold an event under an SOL where the primary focus is to advance or promote the purposes of the charity, such as a volunteer appreciation evening, an education and information seminar or other non-fund raising activity. They may use donated liquor at all of these types of events.

4.5 Administration: purchasing, pricing and reporting

Purchasing:

See section 8 for rules about purchasing liquor and payment of GST.

Pricing:

If the prime purpose of an event is to raise funds for charity, the licensee may apply to exceed the liquor price schedule in Appendix 4: Liquor Price Schedule (see Appendix 3: Application for Special Occasion Licence Policy Exemption).

If LCLB approves the application to exceed the liquor price schedule, all funds raised by any element of the event must then be put towards the charitable purpose.

Reporting:

The **total profits** from the special occasion must be donated to the charitable purpose, not just the profits from the bar. Licensees must submit proof of the donation to LCLB **within 60 days** of the event. This proof must include a financial statement listing revenues and expenses associated with the event and must be supported by tangible evidence, such as a receipt, cancelled cheque, letter of thanks or any other document indicating that the profits have been received by the charity, or a copy of any media coverage. (See Appendix 5: SOL Charity Fund Raising Event Revenue Report for a financial reporting format host organizations may use.)

SOL holders who fail to provide complete and timely financial records and evidence that profits were donated to the charitable purpose will be subject to appropriate terms and conditions on subsequent licences or may be refused another licence.

4.6 Auctioning Liquor for Charity

Only liquor which has been purchased by the SOL holder or liquor which has been donated by a manufacturer or agent (see 4.4, above), may be auctioned at a licensed special occasion to raise funds for a registered charity. Auctioned liquor must not be consumed at the event.

4.7 Charitable events that lose money

Occasionally a charity fund raising event will not make a profit. However, if the events for which a fund raising organization obtains SOLs and price exemptions to raise money for charitable purposes consistently lose money, this would affect the assessment of whether it is a genuine fund raising organization.

If the financial report of a charity fund raising event shows a negative balance, the SOL holder must include with the financial report a statement explaining the reasons for the loss.

If the explanation for the loss is not satisfactory, the organization will be subject to appropriate terms and conditions on subsequent SOLs or may be refused another licence or a price exemption.

SECTION 5: Licence Application Process

5.0 General

Any eligible applicant (see 2.5) may apply for an SOL at any government liquor store.

An application should be made well in advance of the event, especially if other agencies will need to give their approval (see below). The liquor store manager will provide the applicant with an application form, information about SOLs, and the Serving It Right: The Responsible Beverage Service Program course material, if required. This course material is also available on the internet at www.servingitright.com (see also 6.0).

A person or organization applying for an SOL for a **private special occasion** may apply at a BC liquor store that is not in the same community as the special occasion. The store manager should contact the store manager in the place where the special occasion is to take place to confirm local approval processes. If the police or local government in the place where the special occasion is to be held require applicants to obtain their approval before an SOL is issued then, in practice, the licence can only be issued by a liquor store close to where the event is to take place.

The store manager who issues the licence must advise the local police in the area where the special occasion will take place – either by faxing a copy of the SOL or sending an email providing the details of the SOL – that he or she has issued the SOL. [Liquor Control and Licensing Act, s. 7(5)]

An organization applying for an SOL for a **public special occasion** must have written approval from the appropriate local government or First Nation. This may take the form of a copy of a council resolution or a letter from the municipality (see 3.1). The applicant must take this document and a completed SOL application to the local police for their approval (there is a space on the form for the police to write in their comments), then submit both documents to a government liquor store.

[Liquor Control and Licensing Regulation, s. 1.]

A person or organization applying for an SOL for an event to be held on lands or premises owned or operated by a local or other level of government or a First Nation must obtain written permission from the relevant government. [Liquor Control and Licensing Regulation, s. 15(9).]

5.1 Private Special Occasions: Procedures for Store Managers

On receiving a completed SOL application form for a private special occasion, the store manager will:

- confirm that the applicant is eligible for an SOL (see 2.5)
- if the special occasion is to be hosted by an organization, confirm that the organization is eligible to host the special occasion
- confirm that the special occasion is not a commercial, business or profit-making venture
- if liquor is to be sold, confirm that the proposed selling prices are within guidelines (see Appendix 4: Liquor Price Schedule) **or**
- if the proposed special event is intended to raise money for charity, determine if the cause is charitable (see 4.3) and confirm that the Application for Special Occasion Licence Policy Exemption (to allow selling the liquor for more than the prices set out in the policy) has been approved by LCLB (see Appendix 3: Application for Special Occasion Licence Policy Exemption)
- if the applicant must complete the Serving It Right program, confirm the SIR certificate number is correctly noted and advise the applicant about who else must complete the Serving It Right program before the event takes place (see 6.0)
- if 500 or more people are attending the event, confirm that the applicant has checked the “yes” box on the application form indicating LCLB approval of the security plan

- if approval for the licence from the local police is required, confirm that the police have given their approval
- determine whether to require approval from the appropriate police agency for a private special occasion if circumstances, such as the expected number of attendees, proposed entertainment or other particulars of the proposed special occasion, warrant
- include any conditions on the licence required by the local police (see 3.0)
- determine whether the SOL application should be approved, based on the information and documents available
- notify local police that the licence has been issued.

Note: Private event SOL applications for events taking place in the City of Vancouver do not require police approval.

5.1.1 Family Event (Private Special Occasion): Procedures for Store Managers

Upon receiving a completed SOL application form for a family event, the store manager will:

- confirm that applicant is eligible for an SOL (see 2.5)
- confirm that the licensee is a member of the family or a friend of the family
- confirm that the event is a private event celebrating an aspect of family life (see 3.0.1)
- if liquor is to be sold, confirm that the proposed selling prices are within guidelines (see Appendix 4: Liquor Price Schedule)
- if 500 or more people are attending the event, confirm that the applicant has checked the “yes” box on the application form indicating LCLB approval of the security plan
- if approval for the licence from the local police is required, confirm that the police have given their approval
- determine whether to require approval from the appropriate police agency for a private special occasion if circumstances, such as the expected number of attendees, proposed entertainment or other particulars of the proposed special occasion, warrant
- include any conditions on the licence required by the local police (see 3.0)
- determine whether the SOL application should be approved, based on the information and documents available
- notify local police that the licence has been issued.

5.2 Public Special Occasions: Procedures for Store Managers

Upon receiving a completed SOL application form for a public special occasion, the store manager will:

- confirm that the applicant is eligible to be an SOL licensee (see 2.5)
- confirm local police have given their approval; include any conditions on the licence required by the local police
- if the special occasion is to be hosted by an organization, confirm that the organization is eligible to host the special occasion
- confirm that the special occasion is not a commercial, business or profit-making venture
- if liquor is to be sold, confirm that the proposed selling prices are within guidelines (see Appendix 4: Liquor Price Schedule) **or**
- if the proposed special event is intended to raise money for charity, determine if the cause is charitable (see 4.3) and confirm that the Application for Special Occasion Licence Policy Exemption (to allow selling the liquor for more than the prices set out in the policy) has been approved by LCLB (see Appendix 3: Application for Special Occasion Licence Policy Exemption)
- if the applicant must complete the Serving It Right program, confirm the SIR certificate number is correctly noted and advise the applicant about who else must complete the Serving It Right program before the event takes place (see 6.0)

- if 500 or more people are attending the event, confirm that the applicant has checked the “yes” box on the application form indicating LCLB approval of the security plan
- where an **expression of support** from the appropriate local government or First Nation is required (see 3.1), confirm that an authorized representative of the local government, First Nation or CAPE (see 2.9) has signed the expression of support [Liquor Control and Licensing Regulation, s. 1]
- where **written permission** must be given by a local government or First Nation to hold a special occasion (see 3.1), confirm that an authorized representative of the local government, First Nation or CAPE (see 2.9) has provided that permission [Liquor Control and Licensing Regulation, s. 15(9)]
- determine whether the SOL application should be approved, based on the information and documents available
- notify local police that the licence has been issued.

Note: Applications for public special events taking place in the City of Vancouver are administered by the Emergency & Operational Planning Section of the Vancouver Police Department – see 13.8.

SECTION 6: Licensee Responsibilities

6.0 Serving It Right: The Responsible Beverage Training Program

The Serving It Right (SIR) training program is a correspondence course that instructs licensees, managers and servers on responsible liquor service. If the host of the special occasion is required to complete the SIR course only that person can apply for the SOL.

The SIR course materials and examination are available at www.servingitright.com.

[Liquor Control and Licensing Act, s. 13; Liquor Control and Licensing Regulation, s. 43(1), (2) & (7).]

6.0.1 Private events

Before applying for an SOL for a private event, the applicant will usually be required to complete the SIR course.

However, an applicant who is acting in an individual capacity and who will be hosting the event does not require an SIR certificate. For this exception to apply, the key point is that the applicant will be the host of the event and is applying in an individual capacity and not as a person acting for some type of organization or organized group. For example:

- if the applicant is the host for a family wedding or a birthday or anniversary party, then the applicant does not need to complete the SIR course;
- but,
- if the applicant is a member of an organization, such as a rugby club, who is applying for an SOL then the applicant must complete the SIR because the applicant is acting for the club, not in an individual capacity.

The licensee is responsible for ensuring that any paid or unpaid managers and paid servers have an SIR certificate when the event is held. Unpaid servers at a private special occasion do not need to have a SIR certificate.

[Liquor Control and Licensing Regulation, s. 43(2) & (7).]

6.0.2 Public events

An applicant for an SOL for a public special occasion must complete the SIR course **before applying** for the SOL.

Any paid or unpaid managers and paid servers must complete the SIR course before the event is held.

Unpaid servers at a public special occasion do not need to have an SIR certificate.

[Liquor Control and Licensing Regulation, s. 43(2), (7) & (8).]

6.0.3 Exemption from training program

Effective April 1, 2009 servers in all types of establishments relocating to British Columbia from other Canadian jurisdictions who have a certificate showing proof of completion of one of the following responsible beverage service programs:

- Proserve Program (Alberta)
- Serve it Right (Saskatchewan)
- It's Good Business (Manitoba)
- Smart Serve (Ontario)

- Service in Action (Quebec)
- It's Good Business: Responsible Service of Alcohol (New Brunswick)
- It's Good Business (Nova Scotia)
- It's Our Business (Prince Edward Island)
- It's Good Business: Responsible Service of Alcohol and Labrador)
- Be a Responsible Server (B.A.R.S.) (Yukon)

SOL licensees are responsible for ensuring that servers who have completed training in other jurisdictions are informed about relevant BC legislation, such as the legal drinking age and any relevant operating terms and conditions that apply to their events. SOL licensees must ensure that photocopies of certificates from any of the programs listed above are available for inspection by a liquor inspector or police officer at all times.

6.1 Requirement to be On-Site

When the host of the event is an individual licensee (e.g. a parent hosting a wedding reception), the host must be at the event unless the host has delegated another person to be responsible for the liquor service. Even if the licensee (host) has delegated another person to be responsible, the licensee remains legally responsible for the liquor service.

When the licensee (host) of the event is an organization, a person appointed by the licensee organization must be responsible for liquor service and hold a Serving It Right certificate. This person must be at the event all the time unless another person who has a Serving It Right certificate has been delegated to be responsible. The person appointed or delegated to be responsible for liquor service may be a member of the organization or manager engaged for the event. The SOL licensee always remains legally responsible for the liquor service.

6.2 Entry of Minors and Acceptable Identification

With the exception of beverage gardens, minors are permitted to be present at a special occasion as non-drinking patrons, entertainers, or employees. Minors are prohibited from consuming, selling, serving or handling liquor – including selling drink tickets.

Anyone serving liquor (including paid and unpaid servers) must assure themselves that a patron is not a minor. Where identification is required to confirm that a patron is 19 years old or older, **two** pieces of identification are required:

- One piece of identification must be government issued and have the person's name, date of birth and photograph, such as a BC Identification card, driver's licence with picture, or a passport.
- The other piece must have the person's name and at least one of the person's signature or photograph, such as a BC Services card, credit card or social insurance card.

[Liquor Control and Licensing Regulation, s. 15(3) & 45.]

6.3 Intoxicated Patrons

Licensees may not sell or serve liquor to an intoxicated person. An intoxicated person must not remain in a licensed area or at the special occasion. Licensees may forbid a person to attend, or require a person to leave, the special occasion if the person is intoxicated or if the licensee deems the person's presence undesirable for some other legitimate reason.

If a person becomes intoxicated at a special occasion, the licensee or a person delegated by the licensee must take reasonable steps to ensure that the person does not harm himself/herself or others while on the premises or after leaving the event.

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[Liquor Control and Licensing Act, s. 46.]

6.4 Duty of Care

Licensees, whether an individual or an organization, may be legally responsible for the behaviour both **at and after** the event of a person who becomes impaired due to alcohol served at the special occasion.

According to the Occupier's Liability Act, the "occupier" (or person in possession of or responsible for the premises) has a duty of care. Licensees should acquaint themselves with their legal responsibilities to take reasonable care to avoid acts or omissions that might have been reasonably foreseen to injure their neighbours or guests.

When alcohol is sold or given to a person, the licensee must protect patrons and others from harm that may be associated with the activity of drinking. This includes both harm associated with the physical safety of individuals on the premises, as well as harm that may occur after the person has left the premises.

Licensees should keep in mind that if intoxicated persons are on the premises, regardless of whether they were served on the premises, the licensee is in violation of the law and could be held liable for injuries to that person or to others caused by that person. **This responsibility lasts as long as the person remains intoxicated, even if they leave the premises.**

This issue most often arises when an intoxicated person causes a motor vehicle accident. The licensee must either provide the intoxicated person with a place to sleep it off or put the person under the supervision of someone who will ensure the person gets home safely – this includes providing a taxi for the person. If the licensee does not do this, a court may find the licensee responsible or partly responsible for the person's subsequent behaviour.

SECTION 7: Licence Fees

7.0 Private Special Occasions

Licence fee is \$25.00 per day. (Includes family event licences.)

7.1 Public Special Occasions

Licence fee is \$100.00 per day.

7.2 Extra Fees for Inspection Services

An additional fee may be charged where the general manager determines liquor inspector attendance at an event is required. This determination is made on a case by case basis. Some of the factors which will be taken into consideration are the expected number of participants and the adult to minor ratio, the dates and times of the event and the times for liquor service at the event, the nature of the event, whether minors would be particularly attracted to the event, the location of the event, compliance history of the SOL holder, presence of contracted police or private security for the event and other relevant factors.

The decision whether one or more inspectors will be required to attend a special occasion is made by the Regional Manager for the location where the event is to be held.

There is no additional charge for regular inspections of SOL licensed premises where the general manager has not made the determination that inspectors must attend the event.

When it is determined that liquor inspector attendance at an SOL event is required, there is a charge per inspector per day at the rate of \$165 per 3.5 hours or \$330 per 7 hours on site. This time period may be spread throughout the day of the event, with the inspector leaving and returning to the site a number of times. (For example, an inspector may be present for the opening period and the closing period of an event.) Where the hours of attendance are between ½ and 1 full day, the licensee will be charged for only ½ day. These rates are the same whether inspectors or regional managers are assigned to the SOL event.

- Travel time to get to and from the event is not included in the number of hours of inspector attendance.
- Travel expenses, including per diem meals, mileage and accommodations if required, per inspector will be based on Treasury Board travel expense rates for the inspector classification.
- When inspectors are involved in the planning of a special occasion, the branch makes an assessment of the need for inspector services and advises the SOL applicant as soon as possible in advance of the event. The fees for inspector services and the estimated travel expenses must be paid in advance of obtaining the licence using the form “Invoice for Extra Fees for Liquor Inspectors Attending a Special Occasion Licensed Event - LCLB Form 041.” (See Appendix 1.)
- When the need for inspection services is only known at the last minute, the branch will make every effort to advise the licensee that inspector services fees will be billed after the event. Failure to pay the bill may result in denial of SOLs in the future or collection measures taken by the province.
- There is no charge for inspector time spent in attending planning sessions and in telephone consultations with licence applicants.
- If, during the event, it is apparent that inspection services are not required or that less time is, or fewer inspectors are, required, a refund on the pre-paid inspector services costs will be given.

- Where the hours of inspection services are greater than the amount initially charged the additional costs will not be charged.

Implementation Process:

- 1) Liquor inspectors will consult with their regional manager regarding SOL events which may require the attendance of inspectors.
- 2) Once the regional manager has decided that extra fees will be charged for inspector services, the inspector will complete Part 2 of the form “Invoice for Extra Fees for Liquor Inspectors Attending a Special Occasion Licensed Event” to calculate the fee.
- 3) The inspector will send the partially completed form to the SOL applicant (or licensee, if the event is in progress when the decision is made).
- 4) The applicant (or SOL licensee) will complete Parts 1 and 3 of the form and submit it and the payment to Branch Headquarters.
- 5) Upon receipt of the form and payment, the revenue clerk will enter the payment in POSSE and email the inspector that payment was received.
- 6) The inspector will follow up to ensure the payment has been received. This is usually achieved by receipt of the confirmation of payment email but if it is not received, the inspector will follow up with the licensee.

7.3 Fee for Events Occurring on More Than One Site

A separate licence and licence fee is required for each site if the event takes place in more than one location – for example, a music festival in four separate halls requires a separate licence (and payment of the separate fees) for each location.

7.4 Fee for Events Lasting More Than One Day

If an event lasts more than one day, the applicant must apply for a licence for each day, with the fee being a multiple of the daily fee times the number of days of the event. Each day of the event will be listed on the SOL.

A weekly licence may be issued for events which last for more than a day but which only provide liquor service for a very short time each day. For example, a theatre production that runs for a number of days up to a week, but only has bar service available one half-hour before and a maximum of one hour after the production, plus 15 minutes during intermission, may qualify for a weekly licence. In this case, the production would be counted as one event and the applicant would pay one daily fee for each week or part week of that theatre production. To apply for a weekly licence, the applicant must first apply for a policy exemption (see Appendix 3: Application for Special Occasion Licence Policy Exemption).

Where events are 3 or 4 consecutive days in length and no policy exemption is required, the SOL will be calculated by their total number of operating days to determine the appropriate fee. A weekly licence fee reduction will not be applied to such events.

7.5 Replacement Applicant

If a licensee notifies the liquor store from which he or she obtained an SOL that the licensee does not want to continue being a licensee, the store manager will cancel that SOL. If another applicant applies for an SOL to replace the cancelled SOL, the applicant must pay the required fee(s) again.

7.6 No Refunds

SOL licence fees are NOT refundable.

SECTION 8: Sources of Liquor, Taxation and Product Returns

8.0 Sources of Liquor

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All liquor used at an event under a special occasion licence must be either purchased by the SOL holder from an LDB approved outlet (see 8.1) or donated by a manufacturer or agent (see 4.4 & 8.2). The exception is that the host of a family special occasion may serve (but not sell) beer, cider or wine manufactured in a residence or at a licensed UBrew or UVin (Ferment-on-Premises).

The Liquor Control and Licensing Act regulates liquor supply in order to ensure product quality, control and regulate consumption, and supervise the conduct and operation of licensed functions.

Licensees must not permit guests to bring their own liquor to the special occasion. Bring your own liquor (“BYOB”) events cannot be licensed.

If the SOL holder is also a licensee of a permanent establishment, liquor for the SOL must be purchased separately under the SOL. The licensee’s regular stock of liquor cannot be used.

SOL applicants are encouraged to work with liquor store managers to determine appropriate quantities of liquor for their event. The LDB publication, “Wedding Planning Guide”, provides a useful guide for calculating liquor quantities.

The amount of liquor that may be purchased under the SOL is listed on the face of the licence application. The store manager or the local police may restrict the quantity of liquor allowed for any particular special occasion.

8.1 Liquor Purchase

Unless specifically exempted by the LDB, all liquor to be sold or served at an SOL event must be purchased from:

- government liquor stores
- BC wineries
- BC breweries
- on-site distillery stores
- rural agency stores (RAS) that have been authorized by the LDB to sell to holders of SOLs, or
- for private special occasions only, and only if the liquor will not be resold, an Independent Wine Store (see also 9.4).

Liquor sold or served at a special occasion may **not** be purchased from:

- Vintners Quality Alliance (VQA) outlets
- licensee retail stores (cold beer and wine stores)
- off-site winery stores
- establishments with off-premise sales, or
- UBrew and/or UVin (Ferment-on-Premises) stores.

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8.2 Donated Liquor

Only a liquor manufacturer or agent may donate liquor that has been purchased from the Liquor Distribution Branch to any organization, agency or group holding an SOL so long as the event meets the definition of charitable fundraiser within the Act.

8.3 Provincial Sales Tax (PST)

The provincial sales tax on liquor products is 10% of the purchase price. The SOL applicant prepays tax and is reimbursed by collecting proceeds when liquor is sold at the event. This tax is in addition to the prescribed licence fee.

The amount of the prepayment is calculated by the government liquor store staff and must be paid prior to receiving the SOL. It is based on the amount of liquor purchased, allowable serving size, and the price that will be charged at the event minus the PST the licensee paid buying the liquor (the shelf price for liquor includes PST). The liquor can be bought at any time between receipt of the SOL and the start of the event.

If the special occasion is cancelled before the date of the proposed special occasion then the licensee may obtain a sales tax refund from the BC Liquor Store where the SOL was purchased. A PST refund on the shelf price of the liquor will be provided if the product is returned unopened to its point of purchase.

BC Liquor Stores cannot provide a refund on prepaid PST once the date of the event has passed with the exception of the PST in the shelf price of the liquor. If a licensee is unable to obtain a refund until after the event date, if tax is overpaid, or for any other PST concerns the licensee will need to contact the Ministry of Finance toll-free at 1-877-388-4440 or by mail at:

The Ministry of Finance
PO Box 9442 STN PROV GOVT
Victoria, BC
V8W 9V4

8.4 Goods and Services Tax (GST)

Charities and other bodies which receive specified amounts of annual revenue are required to register with Revenue Canada and collect and remit the federal GST on all sales. SOL licensees who have a Revenue Canada registration number must apply the GST to the approved price indicated on the licence. The liquor store manager will note the GST registration number on the face of the SOL; this authorizes the licence holder to apply the additional charge. [See also Revenue Canada at <http://www.cra-arc.gc.ca/tx/bsnss/tpcs/gst-tps/rgstrng/menu-eng.html>]

The maximum liquor prices, including GST, are set out in Appendix 4: Liquor Price Schedule.

When you purchase your liquor supplies under the SOL you will be charged GST just like any other customer.

8.5 Excess Liquor

The licensee is responsible for ensuring that all unopened liquor left over after the special occasion ends is returned to the liquor store from which it was purchased.

Excess liquor, whether in opened or unopened containers, cannot be stored for the next event nor claimed for personal use.

During the event, liquor must be opened only as required

8.6 Product Returns to Liquor Distribution Branch

Proof of purchase is required to obtain a refund.

Returned products must be fit for resale – that is, packages are sealed, labels are intact, cases of beer or cider are unopened and there is no evidence of mishandling. The liquor store manager has the authority to decide whether a returned product is fit for resale.

8.7 Temporary retail at food and beverage focussed events

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An LRS (Licensee Retail Store) or WS (Wine Store) licensee with a temporary off-site sale endorsement may sell liquor at a temporary store location at an SOL licensed event. The event must have a primary focus on tasting or introduction of liquor products and/or accompanying food and the liquor must be for consumption later away from the SOL event. This liquor must come from the WS or LRS stock and not the SOL holder's liquor purchased for consumption at the event.

SECTION 9: Licensing Conditions

9.0 Hours of Sale or Service

Hours of sale or service are limited to the hours between 9:00 a.m. and 2:00 a.m. of the following day, if the special occasion is held indoors, and 9:00 a.m. to 10:00 p.m. if held outdoors. (Hours are subject to further limitation by police or a local government or First Nation.)

If an applicant wants to operate a special event between 2:00 a.m. and 4:00 a.m, he or she must apply for an exemption to extend the hours (see Appendix 3: Application for Special Occasion Licence Policy Exemption). The applicant must obtain the approval of the local police and local government or First Nation as part of the application.

The hours of sale or service on election days are the same as any other day.

The hours of sale on statutory holidays, except for New Year's, are the same as the hours of sale of the day of the week on which the statutory holiday falls.

An SOL for a special occasion on New Year's Day extending after 2:00 a.m. but ending before 4:00 a.m. may be issued **if** the applicant obtains the consent of the local government or First Nation **and** the local police authority, without the applicant requesting an SOL policy exemption.

Sale and service of liquor must end at the time specified on the SOL. Liquor must not be consumed after ½ hour beyond the end time of the special occasion as specified on the SOL.

9.1 Consumption Limited to Event Locale

Individual sized bottles of spirits and wine may be sold or served under an SOL, but the cork or cap must be removed and discarded (not available to the participants) to ensure the liquor is consumed at the event and not removed from the premises.

[Liquor Control and Licensing Regulation, s. 15(6).]

Whole bottles of wine can be sold or served. Participants may take away unfinished bottles of wine; however, a new cork or other type of new stopper must be put in the bottle and the bottle must be placed in a bag. Licensees also must tell the person taking the bottle that, if it is to be put in a motor vehicle, it must be stowed behind the rear seat, in the trunk, or in an exterior compartment or other place out of reach of the people in the vehicle.

[Liquor Control and Licensing Regulation, s. 42(4)(a).]

9.1.1 Events for which consumption of liquor is the primary focus

Beer festivals and liquor tasting events are examples of events for which liquor consumption is the primary focus. Minors are not permitted at these events.

9.2 Types of Liquor Permitted

All types of liquor may be sold or served at **private** special occasions.

For **public** special occasions, licensees may sell beer, wine, cider, coolers and spirits, but not spirits designed for rapid consumption (i.e. shooters).

9.2.1 Maximum Serving Sizes

You must encourage moderate consumption at all times and follow strict limits on the maximum size of servings.

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Maximum amount per person per serving:

Distilled liquor (spirits) . . . 2 standard drinks (each no more than 1.5 ounces, or 43ml)

Draught beer or cider . . . 24 oz (680 ml)

Bottled beer, cider or coolers . . . 2 standard-size bottles or 1 large-size bottle (up to 24 oz. or 680 ml)

Wine . . . 10 oz (285 ml), or in smaller servings of multiple brands, provided the total served at one time is no more than 10 oz (285 ml); wine may also be served by the standard 750 ml bottle if it is to be consumed by at least 2 people and with food.

9.3 Liquor Pricing

The liquor price schedule (see Appendix 4: Liquor Price Schedule) sets out the maximum prices that licensees may charge for liquor (see 4.5 for exceptions in the case of charitable fund raising). The price charged for liquor at a special occasion is intended to cover the “operating costs” of serving or selling liquor. Operating costs include the liquor, mix, glasses, ice and taxes but do not include costs such as hall rental, entertainment or security.

Drink prices must remain the same for the duration of the event. Licensees are not permitted to offer “Happy Hour” specials or to sell stock at a reduced price towards the end of the event.

9.3.1 All inclusive entry fees

LCLB discourages the practice of recovering the costs associated with the service of liquor at a special occasion by charging an “all inclusive” entry fee and providing liquor free of charge, because it may lead to over-service, intoxicated patrons and difficulty refusing service.

9.4 Sources of Liquor

(Deleted – see [8.0: Sources of Liquor](#))

9.5 Gambling / Gaming

Gambling (or gaming) is defined as playing or gaming – for money or other stakes – on an uncertain event or outcome. It involves chance and the hope of gaining something more than the amount paid to participate.

Amendments to the act in 2010 have required changes to the long standing rule that gambling was not permitted in the area where liquor was being sold, served or consumed.

If minors are not allowed into the event, all forms of gaming licensed by the BC Gaming Policy and Enforcement Branch are permitted.

If minors are permitted in the area licensed with the SOL, the only permissible form of gaming is a ticket raffle. Raffles, including 50/50 draws, meat draws, sports pools, sports player drafts, rubber duck races and other similar events require a licence from BC Gaming Policy and Enforcement Branch.

[See the BC Gaming Policy and Enforcement Branch at:
www.pssg.gov.bc.ca/gaming/licences/index.htm.]

9.6 Posting of Licence

The licensee must post the SOL, approved policy exemption application form (if any) and any letters granting exceptions or placing additional conditions on the licence in a visible location in the bar or serving area during the hours the licence is in effect.

9.7 Security, Door Control and Enclosed Licensed Area

Whole site licensing is generally permitted at public SOLs. A beverage garden will be imposed only if there are public safety reasons for doing so. Liquor inspectors will assess the risk to public safety based on factors that include event character, size and duration; patron demographic; lighting; site visibility; licensee compliance history; crowd density; security presence.

At all events, and especially those held outdoors, the licensed area must be surrounded by a barrier sufficient to confine the sale, service and consumption of liquor to the licensed area. If the area in which liquor is to be served is a beverage garden, the beverage garden must be surrounded by a barrier sufficient to confine the sale, service and consumption of liquor to a specified area. Police or liquor inspectors may impose perimeter fencing requirements for either the whole site or for the beverage garden. Access must be permitted only through limited and controllable points supervised by responsible adults. In addition to other reasonable security features, the entrance area where you check ID should be well lit.

If 500 or more people are expected to attend the event, a security plan must be submitted to the Liquor Control and Licensing Branch well before the event. The plan must include how the licensee will control crowds, prevent minors from accessing liquor and prevent over consumption. The SOL applicant is required to confirm on the SOL application form if a security plan is required and, if so, that it has been approved by the branch. (If a licence has been issued but the applicant does not have an approved security plan when one is required, the branch or local police may cancel the SOL or take enforcement action against the licensee.) See Appendix 7 of this manual for a sample security plan.

If the special occasion has paid or unpaid door security, the individuals providing door security must be licensed under the *BC Security Services Act*. Door staff who will be responsible for preventing the entrance into the establishment of persons exhibiting aggressive or unruly behaviour or persons carrying a weapon or drugs and for removing, through means of persuasion or otherwise, persons who become unruly, aggressive or who present a safety risk to others in the establishment are considered to be “security workers” and are required to be licensed. Although individuals providing door security commonly check identification of persons entering an establishment and ensure that the number of persons within the establishment does not exceed the maximum allowed capacity, these are not duties that are restricted to individuals providing door security. If a server, bartender or individual checking identification or counting to ensure that the event is not over crowded is not expected to perform other tasks associated with the security of the establishment, that individual does not need to be licensed under the *Security Services Act*. Further information about licensing requirements for door staff can be found at www.pssg.gov.bc.ca/securityindustry/legislation/docs/licensingpolicy.pdf.

9.8 Other Licensing Conditions

9.8.1 Pre-sale of entry tickets for private events

For private events, licensees must sell or reserve entry tickets or invitations to the special occasion prior to the start time of the event (see s. 1 – Definitions). For example, if the doors open at 7:00 p.m. for a concert that begins at 8:00 p.m., all tickets must be sold prior to 7:00 p.m. in order to qualify as a private special occasion. Attendees may pick up pre-purchased tickets at the door during the hour between the doors opening and the event actually beginning and even after the event has begun.

9.8.2 Provision of food

As part of responsible beverage service, we strongly recommend that SOL licensees for both private and public special occasions ensure there is an adequate variety and supply of food and non-alcoholic beverages available, such as hot-dogs, hamburgers, sandwiches, chips, juice, coffee, and soft drinks (see section 6).

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9.8.3 Advertising

No advertising for a private or public special occasion is allowed that indicates that liquor will be sold or served at the special occasion. Text or graphics that either depict or imply the availability of liquor are also not permitted. For example, advertisements may not show wine glasses or beer steins or mention that there will be a “wine tent” or “beverage garden” as part of the special event.

The licensee may promote the special occasion by advertising the name of the event, its location, a description of any entertainment provided, and the hours in which food or refreshments will be available.

The only exception to the prohibition on advertising the availability of liquor is in the case of a public special occasion for wine, beer or other liquor festivals where **more than one manufacturer is** conducting a tasting at one location. In that situation, the host organization may advertise the name of the event – “The B.C. Wine Festival,” for example – followed by the names of the participating wineries (see also 3.3.1). [Liquor Control and Licensing Regulation, s. 15(7) & (8).]

9.8.4 Bottle labels

Licensees may add decorative labels to products purchased from government liquor stores or an authorized vendor, provided that the original labels are not removed and it remains possible to clearly read all parts of the original label.

9.8.5 Location of licensed event or area

The licensed area must be in the same place as the event location. If the event occurs at a number of locations, the liquor store manager will issue a licence for each location separately. It is not permitted, for example, to have an event in a local park, with the licensed area at a community hall a few blocks away.

The liquor store manager may issue more than one SOL for separate events that are to be held in one larger location, provided that each SOL event area is clearly separated by permanent or temporary barriers from the other SOL events, so that the place of each SOL is clearly delineated, and liquor is not moved by staff or customers from one SOL area to another.

The store manager may not issue an SOL for a tour bus, any other motor vehicle, or any other means of passenger conveyance in which the presence or use of liquor is prohibited.

The store manager retains general discretion to refuse to issue an SOL for a special occasion to be held in a location where the sale or service of liquor would be against the public interest.

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Temporary retail authorizations must include a description of the area where liquor will be sold for off-site consumption purposes. All sales must take place within that area.

9.8.6 Minors

Minors are prohibited from special occasion licensed beverage gardens.

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Minors who are entertainers may perform in beverage gardens. This is limited to performances only and minors must leave the beverage garden when not performing.

9.8.7 No drinking by staff or volunteers

Paid and unpaid managers and staff and volunteers must not consume liquor while on duty.

SECTION 10: Entertainment

The general manager is responsible for supervising the conduct and operation of licensed establishments – including events licensed under SOLs – and to consider the public interest when setting licence terms and conditions. This includes supervising entertainment provided at licensed special occasions.

Entertainment offered at SOL events must:

- be compatible with the nature of the special occasion,
- not interfere with the licensee's ability to maintain effective management and control of the event and participants (for example, if the entertainment uses part of a licensed area, the licensee is responsible for ensuring that patrons will not be so crowded together that staff will be unable to observe and control their conduct),
- not negatively affect the health and physical safety of the public, staff, performers and patrons (activities that might be considered safe in other settings may not be safe in an environment where alcohol is being consumed because of the effects of alcohol on mental acuity, physical dexterity and judgment),
- not impose noise, nuisance and other negative impacts on nearby residents and businesses, and
- comply with local bylaws.

[Liquor Licensing Policy Manual, s. 11]

Entertainment generally permitted under an SOL includes:

- live radio and television broadcasts
- recorded music, radio and television broadcasts
- recorded music, including presentations by DJs
- patron-participation dancing
- patron-participation sports where the physical safety of performers and patrons is not at risk, such as darts, shuffleboard, foosball, billiards, pool, video arcade style games, basket ball, ice or roller hockey, curling, and bowling
- prize-fighting, kick-boxing, and other contact sports when there is no patron participation, and where the licensee can demonstrate that adequate safeguards are in place to protect patrons, staff, and the public
- computers that offer internet access
- board or card games such as cribbage

See 9.5 for gaming (gambling) regulations at SOL events.

Entertainment, games and activities that may jeopardize patron or public safety are not permitted under an SOL.

Local governments are given the power under s. 50 of the Act to restrict or prohibit, by bylaw, any form of entertainment, whether permitted under the Liquor Control and Licensing Act and Regulation or under a licence term and condition.

[Liquor Control and Licensing Regulations, section 42(3); Liquor Licensing Policy Manual, s. 11.2.6]

Where adult entertainment is provided at a public special occasion, a description of the entertainment must be posted on a sign at the entrance of the licensed venue to give patrons the opportunity to consider whether the entertainment is to their taste before they enter the establishment.

[Liquor Control and Licensing Act, s. 49(4)]

The store manager or the general manager may impose a licence term or condition that approves, prohibits, restricts or limits any type or form of game or entertainment at an event subject to an SOL. A

municipality, regional district, local government, or First Nation may pass a bylaw restricting or prohibiting types of entertainment or games in a licensed establishment.

[Liquor Control and Licensing Act, s. 7(1) and s. 50; Liquor Control and Licensing Regulations, s. 46]

Minors are not permitted to attend a special occasion where adult oriented entertainment is provided.

SOLs are also subject to the entertainment policies set out in s. 11 of the Liquor Licensing Policy Manual as it is amended from time to time.

10.0 Live Performances

Live performers and performances range from comedians, singers, musicians and fashion shows, to exotic dancers and other adult-oriented performers – in short, any performance presented live within the establishment.

Live performances must be compatible with the nature of the special occasion, taking into account the location of the event, whether it is a private or public special occasion, the presence of minors, and other relevant considerations. LCLB regulates live performances to prevent harm to performers, patrons and the larger community and to protect animals from improper treatment.

Entertainers in live stage performances may consume liquor while performing on stage or while in the establishment between performances. SOL licensees must, of course, ensure the entertainers do not become intoxicated and must remove an intoxicated entertainer just as they would with any intoxicated guest or customer.

Organizations eligible for an SOL may apply to hold live performances in a licensed or unlicensed theatre or other type of venue. If an SOL for a live performance is held in a licensed establishment, the establishment must apply to temporarily suspend the licence for the event.

An SOL for a live performance may be issued under the following conditions:

- Patrons must have purchased their ticket before entering the theatre or event location;
- Liquor service is permitted in the lobby of the theatre or event location with minors present;
- Liquor service is permitted in the theatre auditorium only if there are no minors present;
- Hours of liquor service to be event-driven (i.e. from 1 hour prior to 1 hour after the performance) within the approved liquor service hours.

10.0.1 General conditions for exotic dancing and other adult-oriented performances

Exotic dancing and other adult-oriented performances must meet the following conditions:

- performers must be at least 19 years of age
- exotic dancers and adult-oriented performers may not act as servers or hold any other employment position in the establishment during a period in which they work as an entertainer
- servers must be clothed and may not combine the role of server with or exotic dancing at the patrons' tables or any other type of adult-oriented entertainment
- if an entertainer holds another employment position in the establishment they must change out of their entertainer clothing and into clothing typical for the position they are tasked with prior to starting that position.
- entertainers must wear appropriate clothing while walking through the audience, both before and after performances. This clothing may be part of their stage costume however the clothing must provide coverage of the entertainer's breasts and genitalia and
- the performance must take place in an area which is separated from the patrons by some physical barrier such as a stage.

[Liquor Licensing Policy Manual, s. 11]

10.0.2 Prohibited acts of adult oriented performer

Prohibited acts during the performance of an exotic dancer or other adult-oriented performer include:

- live sex acts
- realistic and simulated sex acts
- insertion of any object into the anus or vagina
- extraction of any object from the anus or vagina
- urination or defecation
- acts that involve coercion or violence, simulated or real
- audience or staff/licensee participation, including touching, sharing food or beverages or passing objects between the dancer/adult-oriented performer and members of the audience. Tipping and the distribution of promotional material are permitted provided there is no physical contact between the entertainers and each other or with and audience member
- the deliberate engagement of a patron or staff member/licensee by an adult-oriented performer to participate in an adult-oriented performance or activity
- dancing or performing on table tops or other areas beyond the separated areas.

[Liquor Licensing Policy Manual, s. 11.2.4]

10.0.3 Performances involving animals

No mammals, reptiles, birds or other animals are permitted in a performance or as entertainment during a licensed special occasion, except as approved by the general manager. (To apply for an exemption to this policy, see Appendix 3: Application for Special Occasion Licence Policy Exemption and select “Other” as the type of exemption.)

[Liquor Licensing Policy Manual, s. 11.2.5]

10.1 Audio, Film, Video and Television

Audio, film, video and television entertainment is subject to the same limitations as other entertainment. Any presentation must be compatible with the nature of the special occasion; not interfere with the licensee’s ability to maintain effective management and control of the event; and avoid noise, nuisance, and other negative impacts on nearby residents and businesses. Audio, film, video and television presentations must not portray any activity that would be a prohibited activity if performed live.

[Liquor Control and Licensing Regulation, s. 46; Liquor Licensing Policy Manual, s.11.3]

All film and video presentations must comply with the Motion Picture Act and Regulation, which states:

- no un-rated, restricted, or adult rated film or video may be exhibited
- all film or video exhibitions must be approved by the B.C. Director of Film Classification
- where a public special occasion presents adult-oriented films or videos a sign must be posted at the entrance to the event advising the public of the type of entertainment being provided
- prior to showing a film or video, a licence from the Film Classification Branch is required.

[Liquor Licensing Policy Manual, s. 11.3]

Organizations eligible for an SOL may apply to hold screening events in a licensed or unlicensed theatre or other type of venue. If an SOL for screening events is held in a licensed establishment, the establishment must apply to temporarily suspend the licence for the event.

An SOL for a film, movie or broadcast event may be issued under the following conditions:

- Patrons must have purchased their ticket before entering the theatre or event location;
- Liquor service is permitted in the lobby or auditorium of the theatre or event location with minors present;
- Liquor service is permitted in the theatre auditorium only if there are no minors present;

- Hours of liquor service to be event-driven (i.e. from 1 hour prior to 1 hour after movie screening) within the approved liquor service hours.

SECTION 11: Role of LCLB

11.0 Requests for exemption to policy

The SOL application is available from BC liquor stores. To request any exemptions from SOL policies, the SOL applicant must apply for an exemption – see Appendix 3: Application for Special Occasion Licence Policy Exemption – and send the application to LCLB. See section 13 for details regarding applications for exemption to policy.

11.1 Advice

LCLB will provide advice as requested by store managers, police, local governments, First Nations or the public about SOL policies (see contact information at beginning of this manual). A caller may be referred to a local liquor store or Canada Revenue Agency.

With the exception of applications for exemptions from SOL Policy, LCLB provides advice but it is generally the liquor store manager who has the authority to grant or refuse to grant an SOL.

11.2 Major Events and Security Plan Guidelines

If 500 or more people are expected to attend the event, the SOL applicant must submit a security plan. (See 9.7 and Appendix 7: Sample Security Plan.)

If the applicant applies for an exemption to policy (see section 11) and 500 or more people are expected to attend the event, the security plan must be sent to branch headquarters with the application for exemption. The plan will be scanned and it and any attachments will be sent as a PDF document to the appropriate liquor inspector (or regional manager for assignment to an inspector) for review. If the inspector or regional manager does not provide any comments within five working days, the exemption application will be processed without benefit of those comments. In all other cases, if 500 or more people are expected to attend the event, the applicant must contact the closest branch regional office to confirm how to submit the security plan for review and approval. The plan must be submitted as least two weeks prior to the event. The plan must be approved by the inspector before the SOL is issued.

Security plans may be submitted by regular mail, fax or email.

Upon receipt of a security plan from the applicant directly or from HQ, the local liquor inspector will review the plan. The liquor inspector may consult with local police on the adequacy of the plan.

The liquor inspector may accept the plan as adequate for the event or require different or additional measures to promote security and public safety at the event be added to the security plan. Where changes are needed, the inspector will work directly with the applicant and/or police as needed.

Where the plan is seriously deficient or the SOL applicant does not modify the plan as required by the inspector, the inspector may:

- recommend the SOL or exemptions from SOL policy not be granted, or
- recommend that particular terms and conditions be imposed on the SOL.

In either of these cases, the recommendation is sent to the SOL Case Manager. Licensing Division is responsible for acting upon the recommendation as appropriate.

If a licence has been issued but the applicant does not have an approved security plan when one is required, the branch or local police may cancel the SOL or take enforcement action against the licensee.

The security plan must be posted with the SOL (and other documents which must be posted) and be available for inspection by liquor inspectors or police at any time during the event. Failure to do so is a contravention of the terms and conditions of the SOL.

11.2.1 Beverage gardens may be required

Whole site licensing is generally permitted at public SOLs. A beverage garden will be imposed only if there are public safety reasons for doing so. For major events, where 500 people or more are expected to attend, liquor inspectors will assess the risk to public safety based on factors that include event character, size and duration; patron demographic; lighting; site visibility; licensee compliance history; crowd density; security presence. Upon evaluation of these and other relevant factors and, in determining the risk associated with the event, LCLB compliance and enforcement managers, in consultation with inspectors, may impose a beverage garden. Minors will not be permitted at events for which the primary focus is the consumption of liquor, such as beer festivals or liquor tasting events.

Liquor inspectors will evaluate overall SOL risk by reference to a risk analysis chart and Excel interactive worksheet found here: <http://www.pssg.gov.bc.ca/lclb/docs-forms/sol-risk-assessment.xlsm>

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SECTION 12: Compliance and Enforcement

12.0 Compliance and Enforcement Program for Special Occasion Licences

An SOL is a type of licence and, therefore, where the Act and Regulation speaks about “a licence” it refers to an SOL as well as other types of licenses. In the event of any violations of the act, regulation or the terms and conditions of the licence police or liquor inspectors may cancel the licence (s. 7(4) of the Act) and/or seize the liquor (s. 70 of the Act). In addition, the branch may take enforcement action against the SOL holder.

The SOL specifies the times and date(s) for which the licence is valid. After the event ends, the licence expires and liquor can no longer be served or sold using that licence. However, the SOL licensee remains liable for any contraventions which occurred while the licence was in effect and this liability will continue for up to 6 months after the event has ended.

[Liquor Control and Licensing Act s. 7(9)]

12.1 Inspections

Liquor inspectors conduct regular, unannounced inspections of SOL events to make sure licensees are following the Act and Regulations and their licence terms and conditions. In addition, a liquor inspector may conduct an inspection in response to a complaint from a member of the public, another licensee, a local government/First Nation, police or any other agency.

Sometimes, where the inspector has been working with event organizers or if additional inspections services are found to be needed while an event is in progress, an additional fee will be assessed to cover the costs of those inspection services. (See 7.2 - Extra fees for inspection services.)

12.2 Entry of Liquor Inspectors and Police Officers

Liquor inspectors and police officers must be granted immediate access to all areas covered by an SOL on request. Liquor inspectors will show their official identification upon request; however, the licensee (and its staff/volunteers) must not do anything to impede a liquor inspector’s or peace officer’s entry into the establishment. Refusal or delay may result in the SOL being cancelled.

12.3 Producing Documents and Records

The licensee must allow liquor inspectors to inspect documents and records associated with the event, including:

- the special occasion licence
- letters approving policy exemptions
- liquor sales, purchase and disposal records
- food sales records
- other sales records, invoices and purchase receipts
- agreements and contracts with liquor manufacturers and agents
- lease and management contracts related to your event
- employee records
- records of the quantity and price of liquor servings
- records of any incidents or events that occurred on or near the licensed premises, and
- any court orders or judgements against you.

12.4 Liquor Seizures

Both liquor inspectors and the police have the authority to seize liquor they believe might be illicit from any SOL event. They will either destroy the liquor immediately or hold it in storage for 30 days.

12.5 Enforcement

LCLB may initiate enforcement action against a licence holder within 6 months of the expiry of the SOL with the issuing of a Notice of Enforcement Action.

The licensee remains liable for any contraventions for which the branch has initiated enforcement action until the conclusion of that process.

The enforcement process for SOLs is the same as for any other licence.

Contravention Notice

Where there is a suspected contravention of the Act, its Regulations or the terms and conditions of the licence, an inspector must, in some circumstances, issue a Contravention Notice that identifies the alleged contravention.

The inspector will then review the evidence and circumstances of the contravention. Based on that review, the inspector will decide whether to recommend that the general manager take enforcement action.

If the inspector does not recommend enforcement action, he or she will keep the Contravention Notice in the branch's files, and may require the licensee to attend a Compliance Meeting.

Notice of Enforcement Action

If a liquor inspector recommends enforcement action, and his or her regional manager concurs, a Notice of Enforcement Action is issued. The Notice of Enforcement Action will include the details of the allegation, the proposed penalty, why the branch is recommending enforcement action, and the reasons for recommending this particular penalty.

Enforcement Options

After receiving the Notice of Enforcement Action, you will be sent a letter outlining three available options to proceed. You must select one of the following options:

1. Waiver

If the licensee signs a waiver, the licensee:

- agrees that the contravention occurred,
- accepts the penalty proposed in the Notice of Enforcement Action,
- waives the opportunity for an enforcement hearing, and
- agrees that the contravention and penalty will form part of the compliance history of the licence and the licensee.

A waiver may be signed at any time prior to the hearing.

2. Written Submissions Hearing

In general, a written submissions hearing is used in cases where the only issue in dispute is the penalty. A hearing delegate, who is a delegate of the general manager, will consider the written submissions and evidence put forward by you and the branch and will issue a written decision regarding the penalty.

3. Oral Hearing

Oral hearings may be conducted in-person, via teleconference or any combination of the two. At an oral hearing, the hearing delegate will consider the evidence and argument presented by you and branch. The hearing delegate will decide whether the alleged contravention(s) occurred and what penalty, if any, is warranted. The hearing delegate issues a written decision after the hearing.

You may represent itself at a hearing, be represented by a lawyer, or be represented by someone with written authority to act on the licensee's behalf

Pre-hearing Conference

The licensee may be required to participate in a pre-hearing telephone conference conducted by the branch's registrar. At a pre-hearing conference, the registrar will:

- confirm the licensee's response to the allegations
- set the date of any enforcement hearing
- clarify the issues that will be addressed at any hearing
- identify and discuss the evidence that both the licensee and the branch plan to present at a hearing (this includes the names of any witnesses who will testify)
- arrange for the exchange of any documents or other evidence that will be introduced at the hearing
- explain the hearing process

Where the registrar sets a pre-hearing conference and the licensee does not participate, the licensee may lose the opportunity for an oral hearing, and the general manager may make a decision based on the written submissions only

Possible Enforcement Action

Once an enforcement hearing is concluded, if the hearing delegate decides the contravention occurred, they may:

- suspend the liquor licence for a period of time
- impose a monetary penalty
- cancel a liquor licence
- impose, rescind or amend the terms and conditions of a licence
- order a licensee to transfer a licence

If the hearing delegate finds that either a licence suspension or monetary penalty is warranted, they may not impose a penalty less than the minimum penalty set out in Schedule 4 of the Regulation. The hearing delegate may impose higher penalties when it is in the public interest to do so. They are not bound by the penalties proposed in the Notice of Enforcement Action.

The type of penalty imposed will depend on a number of factors, including: the nature of the contravention, the circumstances of the contravention, and the compliance history.

Suspensions and monetary penalties will include the requirement to post signs demonstrating the enforcement action.

Any enforcement action imposed will form part of the compliance history of the licensee.

12.6 Penalties

The penalties for various contraventions are set out in Schedule 4 of the Liquor Control and Licensing Regulation.

If the adjudicator finds that either a monetary or (if the licence is still in effect) a licence suspension penalty is warranted, they may not impose a penalty less than the minimums set out in Schedule 4 of the Regulation. They may, however, impose higher penalties when it is in the public interest to do so. The maximum monetary penalty for illegal sale of liquor is \$50,000 and the maximum for all other contraventions is \$25,000.

If a monetary penalty is not paid within 30 days, the general manager may refer the debt to the Ministry of Finance, Receivables Management Office, for collection. Failure to pay the penalty will also be taken into account if the licensee applies for another liquor licence.

SECTION 13: Exemptions to SOL Policy

13.0 Requests for exemption to policy

SOL applicants may apply for exemption from a number of SOL policies, including permission to:

- hold more than two SOLs per month or more than 24 per year – see 2.5
- extend the hours of a special occasion beyond 10 p.m. for outdoor events or 2:00 a.m. for indoor events (requires local government/First Nations and local police approval) – see 9.0
- charge more for drinks than the prices specified in the liquor price schedule (Appendix 4: Liquor Price Schedule) – see 4.5 and 9.3
- apply for an SOL if applicant is not a Canadian citizen or permanent resident of Canada – see 2.4.1
- obtain a licence fee adjustment for limited hours of liquor service for a multi-day event (because of limited hours, multiple days can be considered one licence with one fee) – see 7.4.

To apply for an exemption, applicants must complete the Application for Special Occasion Licence Policy Exemptions – see Appendix 3: Application for Special Occasion Licence Policy Exemption – and send it by fax or mail to LCLB.

LCLB will fax or email as a PDF attachment the response to the applicant.

LCLB will not accept a letter requesting an exemption, but will instead send the letter writer the Application for Special Occasion Licence Policy Exemptions to be filled out and returned.

13.1 Exemption – extension of hours

An application for exemption to extend the hours for a special event – beyond 10 p.m. for outdoor events or 2 a.m. for indoor events – requires local government or First Nation and local police approval. LCLB cannot process the application without these approvals.

13.2 Exemption – price exemption for charitable event

LCLB may grant a price exemption– intended to allow the applicant to charge more for liquor than allowed by the liquor price schedule (see Appendix 4: Liquor Price Schedule) – for charitable events only. (See 4.5 and 9.3.) Family events are not eligible for this exemption.

13.3 Exemption – more licences per month/year than permitted

LCLB policy generally limits an applicant to two SOLs per month or 24 in one year (see 2.5 for exceptions to this general rule).

A policy exemption under this section is required for any of the following purposes:

- The event is longer than 2 consecutive days in length and does not occur over a weekend (a weekend is considered Friday to Sunday for the purposes of this policy).
- The event is **longer than 3** consecutive days in length, and the event **does not** involve a statutory holiday.
- The event is **longer than 4** consecutive days in length, and the event **does** involve a statutory holiday.
- The event occurs on 3 or more non-consecutive days within a month.
- The applicant requests an additional SOL once a 3- or 4-consecutive-day SOL has already been granted to the applicant during that month.

- The applicant requests more than the maximum number of SOLs permitted each year.
- The applicant has been required by LCLB to submit an exemption application for frequent SOLs.

Anyone who applies for an exemption to this policy must provide a detailed explanation of his or her need for the exemption, as well as why he or she should not be required to apply for a regular liquor licence if 24 SOLs a year are not sufficient.

13.4 Exemption – applicant not a citizen or permanent resident of Canada

Only BC residents, Canadian citizens or persons lawfully admitted to Canada under the Immigration and Refugee Protection Act (Canada) for permanent residence may apply for SOLs. By requiring all other persons to apply for an exemption from this policy, LCLB ensures that special occasions have the necessary community connection or are in the public interest. A typical request would be made by a foreign national for their wedding to take place in BC.

13.5 LCLB processing of exemption applications

Upon receiving an Application for Special Occasion Licence Policy Exemption, LCLB Licensing Division staff will use the SOL Exemption Request Checklist (found at Q/Licensing/ SOL/Forms/SOL Exemption Request Checklist.doc) to review all exemption requests. This checklist requires:

- Confirming the applicant is eligible for an SOL (see 2.4).
- Confirming the primary purpose of the event is to celebrate a special occasion, not to make a profit, or
- If the primary purpose is to make a profit, that the funds raised will be used for a genuine charitable purpose (see 4.3).
- Confirming the special occasion requires an SOL and whether it is a private or public special occasion (see 2.2 and generally 3).
- If the proposed event is a large event (500 or more expected participants), requesting input from the local liquor inspector (see 11.2).
- Confirming the exemption application is complete. Note: if the special occasion is a public event and the exemption request is to sell spirits or if the exemption request is to extend hours, then local government or First Nation (or CAPE, see 2.8) approval and local police approval is required; otherwise, that section of the form does not need to be completed (see 13.8 and 13.9 for special procedures for Vancouver).
- Confirming the date(s) and location of the event.
- Confirming that the proposed hours comply with policy (see 9.0).
- Contacting the applicant for any missing information or documentation.
- Checking the record for the applicant's SOL history and ensuring any outstanding documents have been received (see Q/Licensing/SOL/Statistics).
- Sending a letter to the applicant (by email or fax) stating whether his or her request has been granted or denied (Q/Licensing/SOL/Forms/Decision letter to applicant), and – if the request has been granted – attaching the SOL General Terms and Conditions (Q/Licensing/SOL/Forms/SOL general terms and conditions). When the SOL case manager approves the request, the electronic signature of the case manager is added, the letter is converted to PDF and sent to the applicant by email. The word version is deleted and the PDF version is saved.
- Sending a copy of the letter to local police, where appropriate (by email or fax) and the local liquor inspector (by email).
- Recording the decision on the spreadsheet (see Excel spread sheets at Q/Licensing/SOL/Statistics). (If the special occasion is a charity event and financial statements are required, BF the file for 60 days from the date of the event.)
- Following up on any missing financial statements by sending a reminder to the licensee.

13.6 Authority to grant exemptions

- Requests for extension of hours and requests by persons who are not citizens or permanent residents: Deputy General Manager, Licensing and Local Government Liaison (who will indicate approval by initialling the SOL Exemption Request Checklist).
- All other requests for exemption are approved by staff if they clearly fit within exemption to policy criteria.

13.7 Public Special Occasions in the City of Vancouver

The Vancouver City Police Department (VPD) processes SOLs for all public special events in Vancouver. Inquiries about their process should be referred to VPD Emergency & Operational Planning Section at 604-717-3076.

It may take from six weeks to six months to obtain a special occasion license for a public special event in Vancouver, depending on the size of the event, the time of year it is to take place, and the uniqueness of the event.

The liquor store manager, LCLB and the VPD all have authority to approve or deny the applications for which they are responsible. The special event cannot take place without the SOL licence from both the liquor store manager and the VPD and the exemption approval, if required, from LCLB.

Neither the City of Vancouver nor the VPD sign off on the SOL Policy Exemption Form. Instead, the VPD issues a form letter with the subject line of “Preliminary Special Occasion License Approval.” This letter will be issued after the VPD has met with City officials and often a liquor inspector and everyone is agreed that the application for the special public occasion and the exemption to policy can be approved. The Branch accepts this VPD letter as evidence of both police and local government approval.

Procedures:

- The applicant submits an SOL Policy Exemption Application along with the VPD “Preliminary Special Occasion License Approval” letter to the Branch.
- The VPD letter is accepted as local government and police comments on the Policy Exemption application form, which is processed in the usual manner.
- If the VPD letter is not attached, the Branch will contact the applicant and
 - Confirm the proposed event is a public special occasion,
 - If the applicant has not contacted the VPD, refer the applicant to Emergency & Operational Planning Section, VPD, by telephoning 604-717-3076.
 - If the applicant has contacted the VPD, advise the applicant that the Branch must wait for the VPD “Preliminary Special Occasion License Approval” letter before processing the application for exemption to policy. The letter is usually emailed to the Branch from VPD (EOPS).
- If the event starts a few days from the date of application, the Branch will contact the VPD (EOPS) to inquire about the approval letter. (As part of its client service orientation, the Branch takes this initiative to assist applicants who are not familiar with the system.)
- If the VPD letter says something which indicates they may not agree with our approval of an exemption being requested (e.g. where the VPD form letter says “if the event is being held outdoors only beer, wine, cider and coolers may be served” and the application for exemption to policy is to allow for spirits), the Branch will contact the VPD to confirm their agreement with the exemption the Branch is proposing to grant.(client service orientation).
- The exemption request response is provided to the applicant, with a copy emailed to the Vancouver Police Department at EOPS.

13.8 Private Special Occasions in the City of Vancouver

For private special occasions in the City of Vancouver:

- LCLB sends a copy of the exemption response to the City of Vancouver, for information only, attention:

License Coordinator Licenses and Inspections Community Services Group
City of Vancouver
453 West 12th Avenue, Vancouver BC
Telephone: (604) 871 – 6461 Fax: (604) 871 – 6394
(send by email – address in “SOL Contacts”)

The VPD does not receive a copy of the exemption application or the exemption response.

Otherwise, an application for a policy exemption for a private special occasion in Vancouver is handled in the usual manner.

SECTION 14: Frequently Asked Questions

Types and sources of liquor		
1.	Question:	Can an SOL licensee purchase kegs of beer directly from a brewery?
	Answer:	Yes, see 8.0 & 9.4.
2.	Question:	If spirits are allowed, why are shooters not allowed?
	Answer:	The service of shooters has been shown to carry higher risk of over-consumption and rapid intoxication than other kinds of alcoholic beverages. In the interests of public safety, the service of shooters at public special occasions is not permitted.
3.	Question:	Can a manufacturer bring products from its warehouse to a tasting event licensed by a private or public SOL?
	Answer:	No. Products used at a tasting event that is licensed by an SOL must be purchased from the LDB, an approved Rural Agency Store or an on-site winery or brewery store.
4.	Question:	Under what circumstances will a beverage garden be required?
	Answer:	Generally, a beverage garden will be imposed only if deemed necessary from a public safety perspective. A liquor inspector will review a number of factors in assessing the risk to public safety, including: the event character, size and duration; patron demographic; lighting; site visibility; licensee compliance history; crowd density; security presence.
5.	Question:	Can I serve UBrew/UVin (Ferment-on-Premises) product or homemade beer or wine at my wedding, which I am holding under an SOL?
	Answer:	Yes. UBrew, UVin (Ferment-on-Premises) and homemade products may be served (but not sold) at an event licensed under a family special occasion licence. A wedding meets the criteria for family occasion See 8.0
6.	Question:	Can I bring liquor from another province or another country to serve at a special occasion?
	Answer:	No. All liquor served or sold at a special occasion licensed in BC must be purchased for the special occasion from an authorized vendor in BC. See 8.0 & 9.4.
7.	Question:	I'm hosting an SOL event. Can I bring liquor from my private collection to be served by the glass or as samples for my guests?
	Answer:	No. All liquor served must be purchased from LDB, an approved Rural Agency Store or a BC winery or BC brewery. Please contact LDB regarding any special

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		ordering requests you may have.
8.	Question:	Can the liquor for a special occasion be brought by the guests? Is a BYOB event okay?
	Answer:	No. Licensees must not permit guests to bring their own liquor to the special occasion. Bring your own liquor (“BYOB”) events cannot be licensed.
Administration		
9.	Question:	What does a liquor inspector do when notified of a large special occasion?
	Answer:	The Inspector reviews the security plans for the event and police and local government comments and advises LCLB HQ whether the planning for the large event is sufficient to maintain public order. See 11.2.
10.	Question:	When are extra fees for inspection services charged?
	Answer:	The LCLB general manager determines whether to charge extra fees for inspection services on a case by case basis. When inspectors are involved in the planning of a special occasion, the branch makes an assessment of the need for inspector services and advises the SOL applicant as soon as possible in advance of the event. Failure to pay may result in denial of the SOL, or an SOL in the future or collection measures taken by the province. (See 9.2.)
11.	Question:	Do I have to charge GST on my liquor sales?
	Answer:	The Good and Services Tax (GST) is administered by the federal government. If you are registered with Revenue Canada as a “GST/HST registrant” you must collect and account for the GST according to the requirements of the Canada Revenue Agency on your liquor sales. If you are not a “GST/HST registrant” you cannot collect GST on your liquor sales. Please contact the Canada Revenue Agency for any questions about GST.
12.	Question:	Can a commercial enterprise obtain an SOL?
	Answer:	Commercial enterprises, businesses or event planners are generally not eligible to apply for SOLs – see 2.5, 3.0.1, 3.4, 3.5 and 3.1 for exceptions to this general rule – in order to prevent SOLs from being used by a profit-making business venture (a circuit party, for example). Under s. 7(2) of the Liquor Control and Licensing Act, an SOL may not be issued for the purpose of making a profit, unless the event is to raise funds for charity. Where a person or organization who is eligible to apply for an SOL hires an event organizer or a manager to plan and run the event, the person or organization hosting the event, not the paid help, must apply for the licence.
13.	Question:	Can an event organizer take care of the licensing requirements when hired to plan and manage a special occasion?
	Answer:	No. Under s. 7(2) of the Liquor Control and Licensing Act, a liquor store manager may not issue an SOL for an event that is being held for the purpose of

		making a profit, unless the event is to raise funds for charity. To ensure store managers do not issue licences for profit-making ventures, LCLB policy requires that the application be made by the person or organization hosting the event, not a hired event organizer.
14.	Question:	Can a caterer or person hired to look after the bar at a private special occasion apply for and take out the SOL?
	Answer:	No. Under s. 7(2) of the Liquor Control and Licensing Act, a liquor store manager may not issue an SOL to an event that is being held for the purpose of making a profit, unless the event is to raise funds for charity. To ensure store managers do not issue licences for profit-making ventures, LCLB policy requires that the application be made by the person or organization hosting the event, not hired staff. However, a licensed caterer can provide liquor service at a catered event as long as the catering agreement includes the provision of liquor service. In this case there is no need for an SOL.
15.	Question:	Is an SOL needed for a staff party?
	Answer:	An SOL is not required for a staff party if the party is held in a closed office or business premise that is not regularly licensed; however, the party must be restricted to the owners or employers and employees and their guests and liquor may be served but not sold – see 2.3. If the business premise is a regularly licensed establishment, then an SOL will be required unless the staff party can be held while conforming to all the terms and conditions of the license – see 3.2.1
16.	Question:	What is a family event?
	Answer:	A family event is a private special occasion attended by family and friends only (not open to the public), hosted by a family member or a friend of the family, to celebrate an aspect of family life. A family event can include events such as a wedding, anniversary, birthday, retirement or memorial reception - see 3.0.1.
17.	Question:	Is an SOL needed for a private party at a business premise?
	Answer:	An SOL is not required for a private party at a business premise which is not regularly licensed if the party is held when the business is closed: however, the party must be restricted to the employer or business owner and employees and their guests – see 2.3.
Serving It Right / Responsible Beverage Service		
18.	Question:	Does the SOL applicant always have to have the Serving It Right (SIR) certification?
	Answer:	An applicant who is hosting a private special event as an individual does not need to have the SIR certification. See 6.0.
19.	Question:	The store manager said the police insist I have an SIR certificate to host my private special event. Is it really required?

	Answer:	Section 43(7) of the Liquor Control and Licensing Regulation sets out who has to have an SIR certification. An applicant does not need the SIR certificate to obtain an SOL for a private occasion which that person is hosting. (If the person is getting the SOL for an organization, association or other organized group of people, then that person must have the SIR for licensees certificate. See 6.0.)
20.	Question: Answer:	Can an applicant use the SIR certificate number of an event manager or caterer? No. If the applicant must have the SIR certification before applying for an SOL, then that applicant must have taken the SIR course and obtained a certificate. An applicant for a private special event, such as a wedding, does not need to complete the SIR course (unless the applicant is getting the licence for an organization). Do not put the SIR certificate number of the event manager or caterer on the application.
21.	Question: Answer:	Do all paid and unpaid managers of licensed special events require a Serving It Right Certificate? Yes. All paid and unpaid managers require the SIR certificate. See 6.0.
	Question: Answer:	Do all servers of alcohol require the Serving It Right certificate? Only paid servers require a certificate. Unpaid servers are not required to have a certificate. See 6.0.
Miscellaneous		
22.	Question: Answer:	I'm having an entertainer(s) at my SOL. Can the entertainer(s) consume liquor during the SOL? Yes. It is the responsibility of the licensee to ensure that entertainers do not become intoxicated. If they do become intoxicated, the SOL licensee must ensure they leave the premises and arrange for them to get to a place of refuge safely.
23.	Question: Answer:	I plan on using a social networking site (Twitter, Facebook, My Space etc.) to send out invitations to my private SOL. Would this be considered a private invitation? No. As social networking sites and other public online forum are open to the public, issuing invitations by use of online social networking would result in holding a public event. If you use social networking sites to provide information regarding your private event, it must be clear that only those who have received an invitation may attend the event.
24.	Question: Answer:	My SOL is a wedding at which I expect over 500 guests, do I need a security plan? Yes. If 500 or more people are expected to attend the event, you are required to

		submit a security plan to the Branch. If the applicant applies for an exemption to policy, the security plan must be sent to branch headquarters with the application for exemption. In all other cases, you must contact the closest branch regional office to confirm how to submit the security plan. The plan must be submitted at least two weeks prior to the event. The plan must be approved by the inspector before the SOL is issued. Security plans may be submitted by regular mail, fax, or email. (See section 11)
25.	Question:	Is the person named on the SOL as the licensee liable for accidents and injuries related to the special event?
	Answer:	The person named on the SOL as the licensee has a legal responsibility to ensure that the requirements of the Liquor Control and Licensing Act and Regulation are followed. If alcohol is served to someone who becomes impaired as a result, the licensee may be held legally liable for that person's subsequent behaviour including injuries caused by that person driving. See 6.4
26.	Question:	Can minors attend a licensed special occasion?
	Answer:	Minors are permitted to be present at a licensed special occasion as non-drinking patrons or entertainers, unless the special occasion is devoted primarily to tasting liquor products or unless LCLB, store manager or police have prohibited minors from attending. The special occasion is what is licensed, not particular parts of the event location. The store manager or the police may specify on the licence application that minors will not be allowed in those places that are devoted to the service of liquor. For example, at a community fair which has an SOL and where a beverage garden has been required, the licence may specify that minors are not allowed in the area set aside as a beverage garden. The licensee may also specify that minors will not be allowed in places where liquor is served.
27.	Question:	At a tasting, what size of serving can be offered?
	Answer:	In most circumstances, product tasting serving sizes may not exceed 4 oz. (114 ml) for beer, cider and coolers, 2 oz. (60 ml) for wine, and ½ oz. (15 ml) for spirits. See 3.4.1, 3.4.2, & 3.4.4
28.	Question:	Can liquor be sold for a donation instead of a fixed price?
	Answer:	No. Liquor may not be sold “by donation” (the price being the purchaser’s voluntary donation) rather than at a set price, because it would be impossible to estimate projected revenue, to know if the liquor was being sold at unreasonably low or high prices or to ensure that no element of coercion or undue pressure to donate was being applied. The licensee may, however, set up a donation box at a location well separated from the place from which the liquor is being served for donations to assist with the cost of the full event. The licensee may also “pass the hat” for donations during the event to help defray the costs.

Appendix 1: Invoice for Extra Fees for Liquor Inspectors

The invoice form can be found on the Liquor Control and Licensing Branch's website at <http://www.pssg.gov.bc.ca/lclb/docs-forms/lclb041-invoice-inspectors-SOL.pdf> or by visiting the branch's main website at <http://www.pssg.gov.bc.ca/lclb/>, clicking on "Forms and Fees" and then "Special Occasion Licence".

Appendix 2: Committee to Approve Public Events (CAPE)

Introduction

A Committee to Approve Public Events (CAPE) is a locally based committee with the mandate to approve in principle **public** special occasion licences (SOLs) held within that municipality, First Nation or regional district.

A CAPE monitors the number of SOLs granted within a community and ensures that SOLs are not used as an alternative to obtaining a regular liquor licence. As well, the committee provides a means for a local community to take active control of public event licensing and helps ensure that all parties who have an interest in, and are affected by, these events can participate in the process.

How to Establish a CAPE

Establishing a CAPE is the responsibility of the local government or First Nation.

A CAPE should contain, at a minimum, a representative from:

- local government or First Nation band council
- local police
- local (regular) liquor licensees, and
- the Liquor Control and Licensing Branch.

Other representatives may also serve on the CAPE, such as Liquor Distribution Branch store managers. The local government/First Nation representative would normally act as the chairperson of the committee.

CAPE Responsibilities

A CAPE is responsible for:

- scheduling a meeting to set policy – such as the geographical areas the committee is to serve, frequency of meetings, deadlines for applications, etc.
- informing the LDB store managers(s) in the jurisdiction where public event SOL applications are to be sent
- notifying groups that have held public event SOLs in the past and informing them of the new application procedure
- advertising in the local newspaper if applicants must apply by a fixed date
- notifying an applicant for a public special occasion SOL whether his or her application has been accepted or rejected, and
- directing successful applicants to a liquor store manager who will issue the public event SOL.

It shares responsibility with LCLB and liquor store managers for determining:

- the maximum number of public event SOLs to be granted in the jurisdiction each year
- that each event is in the community interest and conforms to the policy criteria for the approval of public events
- that each applicant is eligible – that is, that the applicant is a member of a genuine organization and the organization is not fronting for another organization or individual
- that, if drink price maximums are to be exceeded, the applicant will obtain approval from LCLB
- whether additional restrictions should be imposed, such as hours, location, etc.

A CAPE may be responsible for more than one municipality or electoral area within a regional district. In such a situation, different RCMP detachments, liquor inspectors, regular licensees and municipal police forces may be involved. Each interest group should either be adequately represented or have delegated approval authority to a member of the Committee.

Questions about a CAPE may be directed to the Liquor Control and Licensing Branch.

Appendix 3: Application for Special Occasion Licence Policy Exemption

The Special Occasion Licence Policy Exemption form can be found on the Liquor Control and Licensing Branch's website at <http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB031.pdf> or by visiting the branch's main website at <http://www.pssg.gov.bc.ca/lclb/>, clicking on "Forms and Fees" and then "Special Occasion Licence".

Appendix 4: Liquor Price Schedule

The following prices are the maximum that can be charged for liquor.
Smaller serving sizes should be pro-rated using these prices.

	Maximum Single Serving Size*	Public or Private Function (including PST)	Public or Private Function with PST and GST** (5%)
Spirits	1.5 oz. (43 ml)	<i>Per 1 oz. (28 ml)</i> \$4.00 <i>Per 1.5 oz. (43 ml)</i> \$5.00	<i>Per 1 oz. (28 ml)</i> \$4.20 <i>Per 1.5 oz. (43 ml)</i> \$5.25
Packaged beer, cider or cooler	2 standard sized cans or bottles Up to 12 oz. (340 ml) each	<i>Per can or bottle</i> \$5.00	<i>Per can or bottle</i> \$5.25
Beer, cider or cooler	<i>By the glass</i> Up to 24 oz. (680 ml)	<i>Per 12 oz. (340 ml) glass</i> \$5.00	<i>Per 12 oz. (340 ml) glass</i> \$5.25
Wine	<i>By the glass</i> Up to 10 oz. (285 ml) <i>By the full bottle</i> Up to 27 oz. (750 ml) (only if to be consumed by two or more people with food)	No more than 100% mark-up over purchase price	No more than 100% mark-up over purchase price + 5%

* Participants may be served more than once, but the serving sizes are the maximum that can be served at a single time.

** Only organizations with a GST registration number may include the GST in the price.

These prices are intended to cover the "operating costs" of serving or selling liquor and include the cost of liquor, mix, glasses, ice and taxes. The prices do not include costs such as hall rental, entertainment or security.

The prices are **maximums** and may only be exceeded when authorized by the Liquor Control and Licensing Branch. If the purpose of the event is to raise funds for charity, the event organizers may wish to exceed the prices listed. To do so, they must apply in writing well in advance of the event (at least two weeks prior) by completing the Special Occasion Licence Policy Exemption Application Form (LCLB031) available on the following website: www.pssg.gov.bc.ca/lclb/docs-forms/LCLB031.pdf.

Appendix 5: SOL Charity Fund Raising Event Revenue Report

The Revenue Report form can be found on the Liquor Control and Licensing Branch's website at <http://www.pssg.gov.bc.ca/lclb/docs-forms/lclb032.pdf> or by visiting the branch's main website at <http://www.pssg.gov.bc.ca/lclb/>, clicking on "Forms and Fees" and then "Special Occasion Licence".

Appendix 6: Sample Security Plan

The Sample Security Plan can be found on page 4 of the “Security Plan for Large Events with a Special Occasion Licence” application at the Liquor Control and Licensing Branch’s website at <http://www.pssg.gov.bc.ca/lclb/docs-forms/lclb098-security-plan-SOL.pdf> or by visiting the branch’s main website at <http://www.pssg.gov.bc.ca/lclb/>, clicking on “Forms and Fees” and then “Special Occasion Licence”.

Appendix 7: Rural Agency Stores Authorized to Sell Liquor to SOL Licencees

<u>RCMP DETACHMENT</u>	<u>AGENCY STORE LOCATION</u>
Burns Lake	#639 Takysie Lake Takysie Lake Store & Resort 37530 Eakin Settlement Road Takysie Lake, BC V0J 2V0
Quesnel	#674 Bouchie Lake Rocky's 2063 Blackwater Road Quesnel, BC V2J 7B4
Lake Cowichan	#691 Honeymoon Bay Friesen's Country Fresh Meats Ltd. Box 130, 10057 South Shore Road Honeymoon, Bay, BC V0R 1Y0
Anahim Lake	#702 Anahim Lake Agency Christensen General Store Anahim Lake, BC V0L 1C0
Comox Valley	#739 Denman Island Denman Island General Merchants 1069 Northwest Road Denman Island, BC V0R 1T0
Quadra Island	#756 Quathiaski Cove Quadra Foods Box 187 Quathiaski Cove, BC V0P 1N0
Dease Lake	#774 Dease Lake Agency South Dease Service Ltd. Box 160 Dease Lake, BC V0C 1L0
Atlin	#782 Atlin Agency Atlin Trading Post Box 127 Atlin, BC V0W 1A0
Bella Bella	#790 Bella Bella Agency Bella Bella Band Store Box 879 Waglisla, BC V0T 1Z0

Columbia Valley (Invermere)	#820 Canal Flats Agency Canal Flats Family Foods P.O. Box 459 Windermere, BC V0B 2L0
Lytton	#833 Boston Bar Agency Fraser Canyon Market Box 178, Trans Canada Hwy Boston Bar, BC V0K 1C0
Falkland	#835 Falkland Agency Falkland Stores Ltd. General Delivery Falkland, BC V0E 1W0
Sayward	#839 Sayward Agency Lalonde's Food Market Ltd. Box 107 Sayward, BC V0P 1R0
Quadra Island	#847 Quadra Island Agency Heriot Bay Store Heriot Bay, Quadra Island, BC V0P 1H0
Texada Island	#853 Gillies Bay Agency Gillies Bay General Store Box 122 Gillies Bay, Texada Island, BC V0N 3K0

Updated: June 8, 2010

Appendix 8: Risk Assessment

Liquor inspectors may refer to the following chart in considering whether to impose a beverage garden. The chart and the risk ranges for each factor are intended to be a guide, and not to represent strict limitations.

	Risk factor										
Risk level		10 (low)	20	30	40	50	60	70	80	90	100 (high)
	Event size	500			5000						50,000
	Event character	e.g. classical, jazz music concert	family-oriented (e.g. Greek-fest)	participation events e.g. running event				event with accessible machinery (exhibition grounds with rides)			e.g. rock, heavy-metal, punk concert with mosh-pit / adult-oriented event
	Patron demographic	seniors	families				predominantly adult or teen				possible criminal affiliations
	Event duration	2 – 3 hours	6 -hours								12 hours / multi-day
	Lighting	broad daylight					sundown				darkness
	Site visibility	open, no obstructions		some obstructions, generally easy to monitor							multiple obstructions
	Compliance history	None		CN-NEAR / new event				NOEA > 2 years ago			multiple previous NOEAs
	Crowd density	well spread-out		general intermingling but easy movement				mobility difficult			closely-packed / mosh pit
	Security-to-patron ratio	1:~50		1:~200							1: > 500

Added
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