

# Liquor Control and Licensing Branch

## Food Primary Consultation

**Date: July 23, 2015**

**To: BC Restaurant and Foodservices Association, Alliance of Beverage Licensees, Restaurants Canada**

The BC Liquor Control and Licensing Branch (LCLB) is requesting feedback around food primary (FP) operating requirements and the lounge endorsement as part of the implementation of Liquor Policy Review (LPR) #35:

*The LCLB should clarify and modernize regulations with respect to food-primary (FP) operations, including lounge and kitchen requirements.*

In June 2014, government announced the implementation of LPR #36 *“Food-primary licensees should continue to focus on food service, with a full menu available whenever liquor service is available. However, patrons should not be obligated to – or made to feel like they must – order food if they do not wish to eat.”* Although the focus of an FP establishment must be on food service at all times, this modernization highlighted some opportunities for further streamlining in this area.

Please review and respond to the following questions by September 7, 2015. You may submit your answers in writing to [Melanie.Golder@gov.bc.ca](mailto:Melanie.Golder@gov.bc.ca) or call 250-952-5757 to discuss the questions.

- 1. FP lounges:** The lounge endorsement was created so patrons could have a drink without food, often while waiting for a table in the restaurant, because restaurants used to be required to serve food with all liquor. Newer policy states “as long as you are running your business properly, as a restaurant, you may serve liquor to a customer, without food, at any table within the dining area”. This new flexibility appears to eliminate the need for the lounge endorsement. In addition to this, there is no clear public safety rationale for many of the requirements associated with the lounge endorsement, such as the requirement that the area is “visually distinct” using carpets or other visual cues. Restaurants may still choose to have a waiting or lounge area but it would not be subject to distinct terms and conditions (such as restrictions on the placement of washrooms and the presence of minors). Given this new flexibility and its impacts do you see value in the lounge endorsement? Please explain.
- 2. FP primary purpose remaining on food:** The approval process is different for each type of licence. For example, in approving a liquor primary licence, the branch must consider the views of local residents and whether or not local government supports the application. With a food primary licence local government support is needed only if the restaurant wants to serve liquor after midnight or to offer certain types of entertainment, such as karaoke. Applying for a food primary licence and then operating as a bar circumvents this approval process and may result in a contravention of “operating outside of licence class”.

- a) Given the new operational flexibility for FPs (LPR 36), how can we continue to ensure that a restaurant's primary focus remains on food? Some examples of how restaurants and bars could be differentiated are:
- Requiring kitchen to be open with a full menu at all times
  - Ratio of food to liquor receipts
  - Adequate flatware and table sizes to eat a full meal
- b) Government is considering relaxing some of the operating requirements for FPs such as:
- Naming restrictions
  - The prohibition on disposable cutlery and food service containers

Do you have any suggestions on cutting red tape in this area? See the FP licensee guide (<http://www.pssg.gov.bc.ca/lclb/docs-forms/guide-food-primary.pdf> pg 14) for more information and examples.

- 3. Games in FPs:** Current FP policy prohibits stand up games such as foosball in the licensed area. If restrictions were relaxed to permit stand up games how could FPs ensure that the games remained ancillary to the service of food?
- 4. Patron participation and non-participation endorsements:** Current FP policy requires endorsements for both patron participation entertainment (e.g. dancing, karaoke) and non-participation entertainment (i.e. person playing a guitar). Patron participation endorsements must be approved by local government as they have the potential for noise disturbance to the surrounding community and for the establishment to shift focus from a restaurant to a bar. The LCLB is considering allowing all FPs to have patron non-participation entertainment as part of general operating terms and conditions. Please share your thoughts on these endorsements and the role they play as in maintaining the distinction between FPs and LPs.

We look forward to your feedback as we continue to implement Liquor Policy Review Recommendations

Sincerely,

Barry Bieller  
Director, Policy, Planning and Communications  
Liquor Control and Licensing Branch