



INTRODUCTION TO LCRB DUE DILLIGENCE REQUIREMENTS FOR BC LEGIONS



BRITISH COLUMBIA/
YUKON COMMAND



- **Overview of due diligence requirements for BC Legions**
- **Responsibilities of liquor primary license holders**
- **Consequences of non-compliance**



Key Due Diligence Requirements

- Preventing service to minors
- Preventing service to intoxicated persons
- Maintaining a safe environment
- Ensuring proper signage
- Monitoring alcohol consumption
- Reporting incidents
- Complying with capacity limits



Best Practices for Compliance

- Enforce ID checks consistently
- Encourage responsible service
- Establish clear policies and procedures
- Maintain logbooks for incidents
- Work with law enforcement
- Conduct regular staff meetings

Required Document Binders

✓ One binder in your establishment containing:

- Copy of your current liquor license, business license, and occupant load certificate
- Copy of Liquor Branch and local government approved and stamped floor plan(s) showing licensed capacities and location of signage required by the Liquor Branch (e.g. No Liquor Beyond This Point, No Minors Permitted)
- List of all management and staff members including their address, contact phone number, and a copy of their current Serving It Right certificate. This should be updated on a regular basis due to staffing changes.

- **List of key contacts including phone numbers and addresses for police (non- emergency number), liquor inspector's office and cell number (if they offer it), fire department (non-emergency number), BC Hydro, Taxi, Safe Ride Home programs, and Management and Executive contact information.**
 - **Copy of any recent Liquor Branch approval letters for a change of hours, minors endorsement, capacity changes, structural changes, and other related matters pertaining to your establishment**
- ✓ Duplicate binder behind the bar or in close proximity to your posted liquor license**

Liquor Register

✓ Prepare a second Liquor Register binder to keep in your office and available to authorities to review upon request. The binder should include:

- Copies of all invoices and receipts for liquor orders from suppliers - Doc60 form from the LDB - In the absence of Doc60, the purchaser's receipt from the LDB is acceptable
- A record of all purchases and transfers and report liquor store location, and faulty or damaged kegs

Price Lists

You must have a list available showing:

- **The types of liquor you sell**
- **The size of each drink (in ounces or milliliters)**
- **The price, including any drink specials you are currently offering.**

You do not have to include a complete list of available mixed drinks, as long as you clearly list the price and amount of liquor (for example, mixed drinks contain one ounce of liquor and cost “X” for bar brands and “Y” for premium.

Incident Log

When an incident occurs in or adjacent to an establishment or event site, the details must be recorded in an incident log.

All incidents that adversely affect patrons, staff, people who live or work in adjacent buildings, or that affect the operation of the establishment must be recorded in the log and be available to inspectors or peace officers.

Examples of these incidents include:

- **Refusing entry at the door to a potentially troublesome person or anyone who is causing a disturbance.**
- **Refusing entry of an intoxicated person.**
- **Removing an intoxicated person.**
- **An injury or accident on the premises, including a fight.**
- **Any incidents where emergency personnel were called (police, fire, or ambulance).**
- **Any illegal acts.**



An incident report should include key details such as the date, time and description of events, the parties involved, any action taken, and any relevant sales records.

Other details such as the names of the employees on shift and witness accounts are also important.

The records in an incident log must be kept for at least six years.

If a licensee or an employee becomes aware that a patron has brought unlawful liquor into the establishment or event, they must ask the patron to leave the establishment or event immediately.

This must be reported in the incident log.

Staff Training

✓ Hold regular staff training sessions to ensure staff understands your policies and procedures and your expectations. You can also cover recent policy changes and sensitive issues, such as serving minors, over-crowding, and intoxication.

Staff Training & Record-Keeping

- Mandatory 'Serving It Right' (SIR) certification
- Ongoing training on ID checks and intervention
- Keep records of:
 - SIR certifications
 - Staff training sessions
 - Incident reports
 - Refusals of service logs
 - Compliance communications



Team Meetings

✓ Hold regular staff meetings and cover:

- Enforcement issues
- Concerns and expectations
- Review policies and procedures
- Promotions and specials
- Upcoming events

✓ Record your team meetings in your bound log book. This will show that continual ongoing education is conducted and managers are doing their due diligence.

Policy and Procedures Manual

✓ Prepare a comprehensive policy and procedures manual covering all aspects of managing and operating your lounge, with the emphasis on liquor related policies involving minors, intoxication, capacity, fights, etc.

LCLB Signage

✓ You are required to display at least one social responsibility poster or tent card from the Liquor Control and Licensing Branch.

✓ Additional due diligence signage:

**2 Pieces of ID Required, No Minors Permitted,
No Liquor Beyond This Point**

Exit Signage and Egress

- ✓ Ensure all exit signs are lit.
- ✓ Ensure exit ways are kept clear of any obstructions. Exits Are Not Locked
- ✓ Ensure all exit doors can be opened and are not locked.

Common Compliance Challenges

- Identifying fake IDs
- Managing intoxicated patrons
- Preventing over-service to regulars
- Addressing security concerns
- Adapting to changing regulations

Recent Policy Updates

- **Stricter ID-checking enforcement**
- **New liquor license renewal requirements**
- **Increased focus on over-service prevention**
- **Changes in event hosting policies**
- **Stronger enforcement of documentation**

Staying Compliant

- **Regularly check BCLCRB bulletins**
- **Consult liquor inspectors when needed**
- **Keep staff informed and trained**
- **Maintain accurate compliance records**
- **Foster a culture of responsibility**

DISCUSSION NOTES: UPDATING THE TERMS OF REFERENCE FOR COMPLAINTS AND APPEALS

Controlling Your Establishment (an excerpt from the BCLCRB Terms and Conditions)

Your responsibilities

You and your employees are responsible for controlling the behavior of patrons. You must ensure that no one is harmed as a result of liquor misuse or criminal activity in your establishment or at an event site, and you are required to take steps to ensure your business does not disturb the surrounding community.

An individual who has been asked to leave, or who has been barred from entering your service area, must not return for at least 24 hours. If a person does not comply, they are committing an offence and may be arrested.

Terms of Reference for Complaints and Appeals

Suspension and Expulsion of Members

The *Liquor Control and Licensing Act* does not supersede the provisions of the *General Bylaws* in the case of voting members. A member can be evicted from the licensed premises under the *Liquor Control and Licensing Act* for a period of 24 hours only. Any suspension for more than a 24-hour period must involve specific action under the *General Bylaws*.

The above statement is misleading in that the Liquor Control and Licensing Act and the Liquor Regulations of BC can not be superseded by any bylaws. As stated below, the LCRB does not mandate the term of “barring” however they do give the ability of the Licensee to bar someone for up to life depending on the seriousness of the offense.

LCRB INFORMATION RE: BARRING INDIVIDUALS FROM LOUNGE

“Barring a person is 100% the prerogative of the licensee. It is not within the authority or mandate of LCRB. The holder of the liquor license may ban anyone for an indeterminate period including life unless the establishment is a public place.”

The General Bylaws provide a method of removing clubhouse privileges, however this requires entering into the **Article 3 complaint** and appeal process. As this can be a lengthy and officious way of dealing with an incident, it is not timely in dealing with an offense, and it is also costly in that it requires a \$100 fee from the complainant. Many individuals choose not to go thru the Article 3 process for various reasons which would then eliminate the penalty for profane or disorderly conduct.



SUGGESTED WORDING FOR NEW Terms of Reference for Complaints and Appeals

Suspension and Expulsion of Members

A member can be evicted from the licensed premises under the Liquor Control and Licensing Act for a period of 24 hours. A branch may in turn, bar an individual member or guest for up to life depending on the severity of the offense. Except to attend meetings of the branch or in connection with the performance of their duties, the member may not enter any branch premises nor participate in sports or social events for the period of expulsion. An individual member may also involve specific action Article 3 complaint under the General Bylaws.

In British Columbia (BC), the liquor licensing system includes two main types of licenses: **Liquor Primary License** and **Liquor Primary Club License**. The key differences between these two license types are as follows:

Liquor Primary Club License:

- **Scope:** A Liquor Primary Club License allows an establishment to serve and sell alcohol to its **club members and their invited guests only.**
- **Membership Requirement:** The establishment must have a membership system in place, and alcohol service is limited to club members and their guests. The club retains control over its membership process and may impose eligibility criteria for membership.
- Must not advertise to the general public
- Must keep a guest register (the name of the guest and member and the date of the visit) for any non-member who will be in a service area when liquor is sold or served. If minors are permitted in your establishment, they are not required to be signed into the guest register.
- minors are permitted when liquor is being served on Remembrance Day.

Liquor Primary License:

- **Scope:** A Liquor Primary License allows an establishment to serve and sell alcohol to **the general public.**
- **Accessibility:** Alcohol service is open to the general public, and membership is not required to enter the licensed area.
- **Establishments:** Liquor Primary License is commonly held by bars, pubs, lounges, restaurants, and other similar establishments that primarily serve alcohol to the public.
- **Entertainment:** These establishments often feature entertainment activities such as live music, dancing, or DJ performances.
- **Membership:** No membership system is required for customers to access alcohol service.

Holding an Event Using a **Special Event Permit at Your Establishment**

For use of the halls, the legion can operate a bar but only serve to legion members or their guests if the member signs in guests. For private parties, the legion would have to de-licence and the party would have to take out an SEP if they chose to sell or serve liquor. **Legions cannot set up a bar for non-legion members under a club licence**



If you have a liquor primary club licence, you do not need to apply for a special event permit if an organization or person is hosting the event at your establishment as the permittee.

However, if the club hosts the special event and is the permittee, you will be required to apply to the Branch for a special event permit. You are limited to a maximum of six temporary changes to your licence per year.

The simple explanation is that the minute the Legion) organizes an event open to the public, **you must de-licence and apply for a Special Event Permit.** This is because the legion is a private club. **Anyone can rent out your space for a SEP with a permit because they are the ones who will be purchasing their own liquor for the event.** SEP permittees (no matter who they are) must buy liquor designated just for that event. As a private club the licence is designed for club members only therefore if you organize an event, it changes the parameters of the licence and is no longer considered a private club for the duration of the special event

Example of the BCLCRB hearing results from a recent licensee infraction.

The importance of following all of the due diligence recommendations.



Example of the hearing results from a recent licensee infraction in 2024 was as follows:

Prior to the arrival of the Inspectors at the Establishment:

- Patron A had initially attempted to enter the Establishment and was refused entry by the Licensee's staff,
- Patron A then called a taxi to take her home and she was told that due to the festival that was occurring in the neighbourhood, it would take between one and one and a half hours or longer for the taxi to arrive,
- Given this time frame, she asked to come into the Establishment to wait for the cab,

- As Patron A was a 20-year-old woman who was obviously intoxicated and scantily clad, the Licensee's staff made the decision that rather than make her wait outside in the cold in what was for her an unsafe area, that they would permit her to come into the Establishment while she waited for the taxi that she had called,
- Patron A was served only water, was not served any liquor, and was permitted to sit with acquaintances while she waited, which acquaintances apparently provided her with a green shirt observed by the Inspectors, as Patron A was obviously cold,

- The Licensee's staff had always kept an eye on her while she was in the Establishment,
- The Licensee's staff had seen Patron A exit and re-enter the Establishment three times to check on whether the taxi she had called had arrived

[41] The Branch noted that the Licensee agreed that on November 2, 2024, it permitted Patron A, an admittedly intoxicated person, to enter and to remain in the Establishment.

[42] The Branch submitted that notwithstanding the Licensee's good intentions in so permitting Patron A to enter into and to remain in the Establishment, that as the concept of strict liability applied to this matter, the Licensee was liable for the contravention as alleged in the NOEA. (**notice of enforcement action.**)

[43] With respect to the Licensee's claim of due diligence, the Branch submitted that although the Licensee currently has a policy of referring a patron, such as Patron A, to the neighbouring 7-11, that at the time of the alleged contravention, the Licensee had no such clear policy.

[44] In addition, the Branch submitted, the Licensee has:

- no training manual,**
- a complete reliance on the oral instruction by the Licensee's Representative for training of the Licensee's staff with no use of paperwork,**
- no written or email reminders to the Licensee's staff of the Licensee's policies and procedures,**
- no requirement to review recorded log incidents,**
- limited visual reminders for patrons and staff of the Licensee's policies, and**

- no secret shopper program, check lists or training quizzes, or even regular job shadowing to ensure that staff members are properly trained and are following the Licensee's policies and procedures.

[45] Therefore, the Branch submitted, the defence of due diligence does not apply and the Licensee is liable for the contravention as alleged in the NOEA.

[82] In its submissions, the Licensee has taken the position that if a penalty is to be imposed, it would prefer a monetary penalty rather than a suspension of the License. I, therefore, find **the \$3,000 monetary penalty as recommended by the Branch in the NOEA an appropriate monetary penalty. (Notice of enforcement action)**

The purpose of the preceding example is to illustrate that because the Licensee did not follow the required due diligence procedures, they were subjected to a steep financial penalty.



Even though the bar staff thought that they were just being good citizens in protecting a vulnerable individual, the LCRB ruled that the individual should not have been allowed into the premises and should have remained outside in the cold and in danger of personal harm.



THANK YOU FOR ATTENDING TODAY'S TRAINING SESSION. WE HOPE THAT YOU WILL TAKE THIS INFORMATION BACK TO YOUR BRANCHES AND ENSURE THAT DUE DILLIGENCE IS FRONT AND CENTER IN YOUR OPERATIONS.

