



CITY OF VANCOUVER

POLICY REPORT LICENSING

Report Date: 30 August 2005
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TO: Standing Committee on Transportation and Traffic

FROM: Chief License Inspector

SUBJECT: Hours of Liquor Service Policy: Regulatory Impact Reduction Measures

RECOMMENDATION

- A. THAT Council approve amendments to the License By-law to add definitions associated with extended hours of liquor service, generally as described in this report and Appendix A;
- AND THAT Council instruct the Director of Legal Services to bring forward a by-law amending the License By-law, generally as described in this report and Appendix A.
- B. THAT Council approve the amendments to the License By-law to add regulations that will apply to Standard Hours Liquor Establishments and Extended Hours Liquor Establishments, generally as set out in this report and Appendix B;
- AND THAT Council instruct the Director of Legal Services to bring forward a by-law amending the License By-law, generally as set out in this report and Appendix B.
- C. THAT Council direct staff to work collaboratively to develop a training program for Liquor Establishments with the Province and Industry.
- D. THAT Council direct staff to report back outlining a work plan and associated resources to implement broader city-initiated measures for impact reduction measures associated with liquor licensed establishments.

CONSIDERATION

- E. THAT Council approve amendments to the License By-law to add regulations requiring the use of identification scanners by Extended Hours Liquor Establishments, generally as described in this report and Appendix C;

AND THAT Council instruct the Director of Legal Services to bring forward a by-law amending the License By-law, generally as set out in this report and Appendix C.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of A, B, C and D, and submits E for CONSIDERATION.

COUNCIL POLICY

On May 27, 1997, Council received the Urban Noise Task Force report on City Noise and adopted various recommendations to deal with excessive noise from cabarets and similar commercial establishments.

On November 18, 2004, Council adopted the Hours of Liquor Service Policy that established a new model for regulating hours of liquor service for Liquor Primary establishments, based on an area approach and incorporating a two-tiered licensing system and impact reduction measures.

On July 14, 2005, Council approved amendments to the License By-law to provide new definitions for businesses in which the primary function is the sale and consumption of alcohol on the premises (Standard Hours Liquor Establishment Classes 1-7) and endorsed policy and guidelines relating to their size and location.

PURPOSE & SUMMARY

The purpose of this report is to recommend impact reduction measures to be implemented as a requirement of the Standard and Extended Hours Liquor Establishment Business Licenses. Amendments are also proposed to the License By-law to include definitions associated with extended hours of liquor service.

Impact reduction measures are a key component of the Hours of Liquor Service Policy. This report looks at industry-based measures, with the objectives of providing higher and more consistent standards for all liquor establishments; improving safety for patrons and staff; and reducing impacts on the adjacent community by reducing noise and increasing accountability by business owners and patrons. These measures would be implemented as regulations and therefore subject to the City's standard enforcement procedures. It is anticipated that implementation will take place in January 2006, once all the components of the Hours of Liquor Service policy are in place.

BACKGROUND

Hours of Liquor Service Policy

In 2004, in response to Provincial liquor licensing reforms, Council adopted a new model to regulate hours of liquor service based on an area approach and incorporating a two-tiered licensing system. A key component of the new model is mitigation of impacts associated with liquor licensed establishments through regulations that apply to Standard and Extended Hours Liquor Establishments.

Issue Identification

While the new policy, which allows longer hours of liquor service, addresses the desire for increased entertainment opportunities and better meets business and patron needs, the impact reduction measures are intended to reduce harm to patrons and staff of these establishments and ensure that the adjacent residential neighbourhood impacts are addressed to the extent possible. To identify concerns associated with liquor establishments, the policy development process for the Hours of Liquor Service policy included significant consultation with the public and staff. It was found that the issues related to liquor licensed establishments generally fall into two groups:

- Problems occurring inside establishments, which include high noise levels, violence, crowding, overservice of alcohol, and poor response by operators to community complaints; and
- Problems occurring outside establishments, which include noise leakage from the establishment, noise associated with patrons and vehicles leaving the area, nuisance behaviours of patrons and general disruption to the adjacent community, violence, and drunk driving.

DISCUSSION

Regulatory Framework for Impact Reduction Measures

Many of the issues arising within the establishments, as well as some of the issues occurring on the streets, can be mitigated through management procedures and actions taken directly by owners and operators. As such, it is recommended that the impact reduction measures in this report be implemented as a requirement of the business license for Standard or Extended Hours Liquor Establishments.

While some measures apply to all liquor establishments, others vary depending on the seating capacity of the liquor establishments. Recognizing operational differences based on size, staff have generally differentiated between smaller establishments (150 seats or less) such as neighbourhood-oriented pubs and larger nightclubs (over 150 seats) that typically have door staff and tend to have more issues associated with them. Private clubs, which include primarily cultural clubs and legions, will be assessed individually based on their capacity, type of operation, enforcement history, and perceived community impact.

Industry Costs and Benefits

Many of the recommended impact reduction measures have little or no cost associated with them or, in the case of some establishments, are already in place. Other measures may require upgrading of the premises, the purchase of equipment, or staff training, which will represent a cost to the owners of the establishments. In the latter cases, staff have recommended a phased approach to implementation (see Table 3: Implementation Schedule).

Through the Hours of Liquor Service policy, the majority of liquor establishments throughout the city will derive the benefit of longer hours of liquor service. This will allow the operators to off-set the costs of the new impact reduction strategies against the likely benefits derived by the implementation of the new hours of liquor service.

Public Consultation Process

Stakeholder groups including liquor establishment owners, industry organizations (Barwatch and ABLE), Business Improvement Associations, resident's groups and alcohol policy organizations were invited to a series of small meetings and workshops. Many of the comments and suggestions received by staff have been incorporated into the recommendations provided in this report. In addition, to ensure compatibility with Provincial regulations, staff consulted with representatives of the Liquor Control and Licensing Branch.

Recommended Impact Reduction Measures

In exploring the impacts associated with liquor establishments, staff identified three broad objectives with regard to impact reduction measures:

- Establish a standard that applies to all liquor establishments in response to the current inconsistent industry standards due to Provincial reforms;
- Improve safety for patrons and staff within liquor establishments; and
- Decrease community impacts by reducing noise and increasing accountability of liquor establishments to adjacent neighbourhoods and the City.

Possible approaches to achieving these objectives were identified through staff experience, public input and research into best practices in other jurisdictions. The recommended impact reduction measures for Standard and Extended Hours Establishments are summarized in Tables 1 and 2 below.

Several impact reduction measures address staff training, for both serving/bar staff and for security staff. While some training requirements exist in the form of the required Provincial program "Serving it Right", staff are recommending additional training in areas not currently covered by that program. Research shows that staff training can improve responsible serving of alcohol (for example, not serving intoxicated or underage patrons), and raise awareness and understanding of legal and ethical responsibilities. In addition, there is evidence that appropriate staff training can reduce aggressive behaviour of patrons as well as negative behaviour of those leaving establishments,

While the training regulations included as part of Recommendation B identify the content considered to be a minimum requirement for an industry training program, Recommendation C provides further direction to staff to work collaboratively with the Province and industry to develop a training program tailored to the needs of all parties.

Security issues have been identified as a growing concern particularly with regard to increased gang activity and the proliferation of weapons. The use of surveillance cameras can help reduce anonymity, and together with metal detectors, can act to discourage problem individuals from entering premises. Other measures address more general safety issues including the elimination of deep discounted drinks and line-up control outside establishments. The recommended License by-law amendment regarding line-up control will have associated guidelines (to be included in a Good Neighbour Agreement), which have been provided by Engineering staff and are intended to establish a reasonable standard of conduct to improve pedestrian safety.

Impact reduction measures to reduce community impacts are also recommended. A number of measures are provided to generally reduce noise “leakage” from all establishments. Further, it is recommended that larger liquor establishments (over 65 seats), applying for an Extended Hours License, be required to provide an acoustical report (based on actual music sound levels) to confirm compliance with the community noise levels as set out in the Noise Control By-law, thereby further mitigating off-site noise impacts.

In addition, to address noise concerns, staff are currently reviewing possible changes to the Noise Control By-law to introduce more stringent measures with regard to noise levels during extended hours. These recommendations will be provided in a future report to Council.

Table 1: Summary of Impact Reduction Measures for Standard Hours Liquor Establishments

STANDARD HOURS LICENSE REQUIREMENTS	APPLICATION
Improved line-up control outside establishment.	All
Elimination of deep discounts for alcoholic beverages.	All
Improved training for bar and serving staff.	All
Closed windows and doors between 11 pm and 9 am.	All
Use of main entry doors only.	All
Owner’s representative on site at all times.	All
Interior signage requesting patrons be respectful of neighbourhood.	All
Signage on exterior of premises providing management contact number for complaints.	All
Improved security staff training.	Over 150 seats (Classes 3-6)
Staff with first aid certification.	Over 500 seats (Classes 5-6)

Table 2: Summary of Impact Reduction Measures for Extended Hours Liquor Establishments

EXTENDED HOURS LICENSE REQUIREMENTS*	APPLICATION
Surveillance cameras at entry/exit points, and where applicable, in parking lots.	All
Acoustical report (pre-application plus certification) showing compliance with Noise Control By-law.	Over 65 seats (Class 3-6)
Metal detectors at entry points.	Over 150 seats (Class 2-6)
Identification scanners (Consideration E).	Over 150 seats (Class 3-6)

*In addition to the requirements for equivalent classes of Standard Hours Liquor Establishments.

Good Neighbour Agreement

In addition to the recommended regulations, staff will continue to require that operators of liquor licensed establishments sign a standardized Good Neighbour Agreement. These agreements basically establish a social contract between the operator and the City and adjacent community, outlining some of the non-regulatory expectations with regard to the operation of the establishment, and providing additional guidelines for some of the regulations. While the Good Neighbour Agreement is not a regulatory document, breach of this contract could form part of the evidence considered in situations where the City is proceeding with enforcement action.

Identification Scanners (Consideration G)

As a further impact reduction measure, staff have considered the required use of identification scanners for Extended Hours Liquor Establishments with over 150 seats. Identification scanners can be used for a range of purposes, allowing operators to: verify the authenticity of identification and the age of patrons; maintain information for risk management purposes; provide information to police in cases of Criminal Code investigations; and improve security by identifying “problem patrons”. They can also act as a deterrent to bad behaviours by reducing anonymity of persons patronizing the establishment. There are some obvious benefits associated with this technology, and as a result, an increased number of liquor establishments are using them, including several in Vancouver.

However, there are also some significant privacy concerns that have been voiced particularly by, but not limited to, the gay community regarding access and retention of the information. In response to these concerns, staff are submitting the option of requiring the use of identification scanners as a consideration item only.

Enforcement of Impact Reduction Measures

The recommended impact reduction measures, with the exception of the Good Neighbour Agreement, would be implemented as By-law regulations. As with current practices, enforcement by License and Inspections staff for non-compliance with the new regulations would be initiated by complaints or referral from other enforcement agencies or departments, with the degree of enforcement being consistent with the seriousness of the infraction.

For example, the two-tiered licensing system provides the Chief License Inspector with the opportunity to suspend the Extended Hours License and replace it with the Standard Hours License, resulting in the establishment reverting to the associated reduced hours. This would typically only occur after the operator is given the opportunity to respond to the issue, and is found unwilling or unable to remedy the situation. Such decisions by the Chief License Inspector are appealable to Council.

BROADER-BASED IMPACT REDUCTION MEASURES

Staff recognize that there are a myriad of problems that fall beyond the purview of specific liquor establishments. While the recommended industry-based impact reduction measures can address some of the issues associated with liquor consumption, other impacts need to be addressed through broader City initiatives.

On June 14, 2005 Council received the *Draft Plan to Prevent Harm from Psychoactive Substance Use*. This report looks at all forms of drug use, including that of alcohol. Staff support the recommendations pertaining to alcohol use, particularly:

That the City of Vancouver, in partnership with Vancouver Coastal Health, Vancouver Police Department, the business community, community organizations and the prevention research community proceed with the development and implementation of a comprehensive alcohol strategy that includes enforcement, public education and community mobilization interventions.

In addition, there are a number of initiatives that the City can pursue to ensure that our entertainment areas are safe, exciting and welcoming to everyone. However, such initiatives would involve a number of different departments and require additional resources. If Council wishes to pursue further measures to reduce impacts associated with liquor licensed establishments, it is suggested that Recommendation D be adopted, whereby staff will report back with possible directions and associated costs. Staff will ensure that all potential initiatives will be reviewed with respect to Council's current moratorium on new initiatives with funding implications.

AMENDMENTS TO LICENSE BY-LAW DEFINITIONS

On July 14, 2005, Council adopted new license definitions for licensed premises based on seating capacity: "Standard Hours Liquor Establishment, Classes 1 - 7". Based on the impact reduction measures outlined in this report, staff recommend amendments to the License By-law to establish equivalent categories for liquor establishments to apply for earlier or later hours of liquor service than permitted under the License By-law. The new categories "Extended Hours License Establishment, Classes 1 - 7" reflect the two-tiered licensing system established through the new Hours of Liquor Service policy (see Appendix A).

IMPLEMENTATION PLAN

It is anticipated that the new Hours of Liquor Service policy, including the impact reduction measures, will be effective as of January 1, 2006. While some of the measures can be implemented immediately, others would be phased in to allow operators to put the measures in place. The proposed implementation schedule is shown in Table 3.

Table 3: Implementation Schedule

IMPACT REDUCTION MEASURES	ANTICIPATED IMPLEMENTATION
Line-up control outside establishment	January 2006
Elimination of deep discounts for alcoholic beverages	January 2006
Closed windows and doors between 11 pm and 9 am	January 2006
Use of main entry doors only	January 2006
Owner's representative on site at all times	January 2006
Interior signage requesting patrons be respectful of neighbourhood	January 2006
Signage outside of door providing management contact number	January 2006
All training programs	January 2007
Surveillance cameras	January 2007
Metal detectors	January 2007
Acoustical report	January 2007
Identification Scanners (Consideration E)	January 2007

For complete implementation of the Hours of Liquor Service policy, the following requirements are outstanding:

- Cabinet amendment to the Business Premise Regulations (pending)
- Report to Council identifying Business Premise Areas (pending)
- Report to Council on new fee schedule (December 2005)

FINANCIAL IMPLICATIONS

It is anticipated that the implementation of impact reduction measures will reduce some of the issues associated with liquor licensed establishments and in turn, may reduce the level of Police resources required. Additional review by Licensing staff may be needed; however, it is anticipated that this can be handled with existing resources. Staff time and resources will be monitored and if necessary, staff will report back to Council.

Fee recommendations for the new classes of liquor establishment will be provided to Council in December. A report from the Vancouver Police Department, requested by Council in November 2004, outlining costs associated with the policing of the later hours of liquor service, should be forthcoming in the near future.

SOCIAL IMPLICATIONS

While some of the suggested measures are already implemented by a number of the good operators, the recommended industry-based impact reduction measures will generally improve the operating standards of liquor establishments and bring them all to a comparable level. This will in turn improve safety for patrons and staff of establishments, reduce noise impacts and increase accountability of establishments to the community and the City. In addition, these measures may result in improved behaviour of patrons leaving the establishments.

Director of Social Planning Comment

Impact reduction measures are an important part of a balanced alcohol policy. Given the slow response of senior governments in improving alcohol treatment, recovery and other services, it is particularly important that municipal government and industry take measures within their power to mitigate harms. Alcohol-related problems are a serious social issue; in 2003 in B.C., there were 185 deaths from all illicit drugs and 1789 alcohol-related deaths. Municipal and industry measures which may reduce these harms are therefore important.

CONCLUSION

As part of the Hours of Liquor Service policy, this report recommends impact reduction measures that are to be associated with the business license for Standard Hours Liquor Establishments and Extended Hours Liquor Establishments. These measures will increase standards for these establishments, while improving safety, reducing noise and increasing accountability to adjacent residential neighbourhoods and the City.

Staff also recommend amendments to the License By-law to add definitions relating to the extended hours of liquor service. A proposed amendment to the License By-law to require identification scanners is also put forward for Council's consideration.

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DRAFT AMENDMENTS TO THE LICENSE BY-LAW

1. *Amend the definitions in section 2 of Standard Hours Liquor Establishment - Class 1, Standard Hours Liquor Establishment - Class 2, Standard Hours Liquor Establishment - Class 3, Standard Hours Liquor Establishment - Class 4, Standard Hours Liquor Establishment - Class 5, Standard Hours Liquor Establishment - Class 6, and Standard Hours Liquor Establishment - Class 7 by adding to the end of each of them: “, and to which certain impact reduction measures and other requirements set out in section 19.2A apply”.*

2. *Add the following definitions to section 2 in the appropriate alphabetical order:*

“extended hours” means the difference between the time at which any particular class of standard hours liquor establishment opens or closes for business in any particular area, and the time at which the same class of extended hours liquor establishment opens or closes for business in the same area.

“Extended Hours Liquor Establishment” means an Extended Hours Liquor Establishment - Class 1, Extended Hours Liquor Establishment - Class 2, Extended Hours Liquor Establishment - Class 3, Extended Hours Liquor Establishment - Class 4, Extended Hours Liquor Establishment - Class 5, Extended Hours Liquor Establishment - Class 6, and Extended Hours Liquor Establishment - Class 7.

“Extended Hours Liquor Establishment - Class 1” means a business the primary purpose of which is the sale and service of alcoholic drinks to customers for consumption on the premises where the seating capacity does not exceed 65, and to which certain impact reduction measures and other requirements set out in section 19.2A apply.

“Extended Hours Liquor Establishment - Class 2” means a business the primary purpose of which is the sale and service of alcoholic drinks to customers for consumption on the premises where the seating capacity does not exceed 150, and to which certain impact reduction measures and other requirements set out in section 19.2A apply.

“Extended Hours Liquor Establishment - Class 3” means a business the primary purpose of which is the sale and service of alcoholic drinks to customers for consumption on the premises where the seating capacity does not exceed 300, and to which certain impact reduction measures and other requirements set out in section 19.2A apply.

“Extended Hours Liquor Establishment - Class 4” means a business the primary purpose of which is the sale and service of alcoholic drinks to customers for consumption on the premises where the seating capacity does not exceed 500, and to which certain impact reduction measures and other requirements set out in section 19.2A apply.

“Extended Hours Liquor Establishment - Class 5” means a business the primary purpose of which is the sale and service of alcoholic drinks to customers for consumption on the premises where the seating capacity does not exceed 950, and to which certain impact reduction measures and other requirements set out in section 19.2A apply.

“Extended Hours Liquor Establishment - Class 6” means a business the primary purpose of which is the sale and service of alcoholic drinks to customers for consumption on the premises where the seating capacity exceeds 950, and to which certain impact reduction measures and other requirements set out in section 19.2A apply.

“Extended Hours Liquor Establishment - Class 7” means a business located in a club which includes the sale and service of alcoholic drinks to customers for consumption on the premises, and to which certain impact reduction measures and other requirements set out in section 19.2A apply.

“Liquor Establishment” means a Standard Hours Liquor Establishment and an Extended Hours Liquor Establishment.

DRAFT AMENDMENTS TO THE LICENSE BY-LAW

1. *Repeal the title to section 25.5A.*
2. *Re-number section 25.5A as subsections (1) and (2) of section 19.2A, and amend them as set out below.*
3. *Insert the following after section 19.2:*

“LIQUOR ESTABLISHMENT

- 19.2A (1) The licensee of a liquor establishment must:
- (a) wear, and cause each employee who works in the liquor establishment as a manager, door attendant, server, busser, or security person to wear, a name plate that is clearly visible and that shows a name and identification number;
 - (b) maintain a list showing the full name, address, telephone number, and identification number of any person required to wear such a name plate;
 - (c) allow the Inspector or Chief Constable to inspect and copy such list at any time.
 - (d) require that all serving and bar staff participate in a training program, satisfactory to the Inspector, that includes responsible serving practices, emergency procedures, preventing and managing aggressive behaviour, awareness of drug use and abuse, and city and provincial operating regulations;
 - (e) ensure that each new employee completes the training program referred to in section 19.2A(1)(d) within 120 days from his or her date of commencing employment;
 - (f) maintain a list showing the full name of each employee including the employee’s date of employment, and completion date of training;
 - (g) allow the Inspector, Chief Constable, or city Fire Chief to inspect and copy such list at any time;
 - (h) refrain from selling, or offering for sale, an alcoholic beverage at a retail price of less than \$3.00 per standard serving, inclusive of taxes, being:

- (i) one fluid ounce of spirits having an alcoholic content of 17% or more, served on its own or in a mixed beverage,
 - (ii) five fluid ounces of wine having an alcoholic content of 1.5% or more, or
 - (iii) 12 fluid ounces of beer, cider or a cooler, having an alcoholic content of 1.5% or more;
- (i) calculate pro rata the minimum price of an alcoholic beverage containing a fraction of one standard serving;
 - (j) use all reasonable efforts to conduct business in such a manner that customers awaiting entry into the liquor establishment do not obstruct sidewalks or entry or exit areas;
 - (k) if any part of the liquor establishment is less than 61 metres from any exterior wall of a residential use, ensure that:
 - (i) except in case of emergency, customers enter or exit the liquor establishment only by doors that have direct street access or access to a legal patio, and
 - (ii) except for the purpose of entering or exiting, all doors and windows of the liquor establishment remain closed between 11 p.m. and 9 a.m.;
 - (l) be present, or appoint a designate who has management experience to be present, in the liquor establishment when it is open;
 - (m) post signage that is clearly visible to customers, and satisfactory to the Inspector:
 - (i) on the interior wall of the liquor establishment, directly adjacent to all exits, requesting customers to respect the adjacent neighbourhood as they leave, and
 - (ii) outside each entry to the liquor establishment, providing a management contact number for complaints during operating hours; and
 - (n) after closing each day and before 7 a.m., clean up all litter associated with the liquor establishment in and about the exterior of the liquor establishment.
- (2) The licensee of a standard hours liquor establishment - class 7 or extended hours liquor establishment - class 7 must:

- (a) maintain, at the liquor establishment, a current list of names and addresses of members of the club in which the liquor establishment is situate;
 - (b) allow only members of the club and their guests, as permitted by this section, to attend the liquor establishment;
 - (c) require members to sponsor guests, and to sign in the guests in a guest register including the name and address of the guest and the date; and
 - (d) allow the Inspector or Chief Constable to inspect and copy the guest register at any time, and retain any guest register for two years.
- (3) The licensee of a standard hours liquor establishment - class 3, standard hours liquor establishment - class 4, standard hours liquor establishment - class 5, standard hours liquor establishment - class 6, extended hours liquor establishment - class 3, extended hours liquor establishment - class 4, extended hours liquor establishment - class 5, or extended hours liquor establishment - class 6 must:
- (a) require that each employee the licensee hires to provide security, and uses to satisfy the requirements of subsection (c), participates in a training program, satisfactory to the Inspector, that includes access control, search techniques, personal safety, conflict management and incident report writing;
 - (b) ensure that each employee referred to in subsection (a) completes the training program referred to in section 19.2A(3)(a) within 120 days from his or her date of commencing employment;
 - (c) ensure that at least one trained security employee for every 150 customers, based on the total liquor license capacity of the liquor establishment, and at least two staff members, are on duty in the liquor establishment from and after the earlier of:
 - (i) 9 p.m., and
 - (ii) the number of customers exceeding 150,until closing; and

- (4) The licensee of an extended hours liquor establishment must:
 - (a) install and maintain surveillance cameras at all entrances and exits to and from the liquor establishment, and in any parking lot on the property of the liquor establishment;
 - (b) position and maintain the surveillance cameras to record all activities at the entrances, exits, and any parking lot referred to in subsection (a) during all hours the liquor establishment is open for business and during all hours customers are entering or exiting the liquor establishment or parking lot;
 - (c) ensure that the surveillance cameras produce useable images; and
 - (d) retain the video tapes for at least 21 days.
- (5) The licensee of a standard hours liquor establishment - class 5, standard hours liquor establishment - class 6, extended hours liquor establishment - class 5, or extended hours liquor establishment - class 6 must ensure that one employee who has first aid certification is on duty in the liquor establishment from and after the earlier of:
 - (i) 9 p.m., and
 - (ii) the number of customers exceeding 500,until closing.
- (6) The licensee of an extended hours liquor establishment - class 3, extended hours liquor establishment - class 4, extended hours liquor establishment - class 5 or extended hours liquor establishment - class 6 must:
 - (a) between 9 p.m. and closing, at each entrance, screen, by use of a metal detector, every person who wishes to enter or re-enter the liquor establishment, and that person's belongings;
 - (b) if using a hand-held metal detector, complete a full, front and back, head to toe body scan of each person; and
 - (c) if a metal detector positively indicates metal in connection with a person or his or her belongings and if the person cannot eliminate the positive indication, refuse the person entry to the liquor establishment.
- (7) The licensee of an extended hours liquor establishment, except for an extended hours liquor establishment - class 1, must submit, with the application for a license, an acoustical report, prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise or sound levels in the liquor establishment will comply with the noise

or sound level requirements of the Noise Control By-law that apply to the liquor establishment.

- (8) If the Inspector or Council suspends a license for an extended hours liquor establishment, and states that the suspension results from or is in connection with the extended hours of that establishment or would not have occurred but for such extended hours:
- (a) the licensee may apply for a license for a standard hours liquor establishment of the same class for the balance of the calendar year in which the suspension occurs, and, if the suspension carries over into the next calendar year, may apply for a license for a standard hours liquor establishment of the same class for the next calendar year as well;
 - (b) Council deems any license for a standard hours liquor establishment referred to in subsection (a) to take effect immediately after the date and hour the suspension of the license for the extended hours liquor establishment takes effect; and
 - (c) once the suspension ends, the licensee may surrender any then current license referred to in subsection (a), and resume operating under the license for the extended hours liquor establishment.
- (9) If Council revokes a license for an extended hours liquor establishment, and states that the suspension results from or is in connection with the extended hours of that establishment or would not have occurred but for such extended hours, the licensee may apply for a license for a standard hours liquor establishment of the same class for the balance of the calendar year.
- (10) If:
- (a) a person applies for a license for a standard hours liquor establishment under subsection 8 or 9, and
 - (b) in the case of a suspension that carries over into the next calendar year, also applies and pays the fee set out in Schedule A for the suspended extended hours license,

then, despite anything to the contrary in this By-law, the fee for the temporary license for the standard hours liquor establishment will be \$75.00.

CONSIDERATION G (IDENTIFICATION SCANNERS)

1. Insert the following after section 19.2A

1. The licensee of an extended hours liquor establishment - class 1, extended hours liquor establishment - class 2, extended hours liquor establishment - class 3, extended hours liquor establishment - class 4, extended hours liquor establishment - class 5, or extended hours liquor establishment - class 6 must:
 - (a) between 9 p.m. and closing, at each entrance, scan, by use of a barcode identification scanner, the identification of every person who wishes to enter or re-enter the liquor establishment; and
 - (b) retain the scanned information for at least 21 days.