

NLC

LICENSEE HANDBOOK



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Introduction

Newfoundland Labrador Liquor Corporation (NLC) controls the importation, sale, and distribution of alcoholic beverages within the province of Newfoundland and Labrador under the authority of the Liquor Corporation Act, Liquor Control Act (LCA) and Liquor Licensing Regulations (LLR).

A primary responsibility of NLC, under the Regulatory Services department, is to oversee the administration of the law and ensure compliance with the legislation that governs the sale and distribution of alcoholic beverages. The functions associated with this line of business include: authorizing and issuing liquor licences, educating licensees and the general public, promoting compliance with the law through investigation and enforcement, and recommending legislative changes where appropriate. A key component of NLC's Regulatory Services' mandate is to facilitate and promote social responsibility in the sale and consumption of alcoholic beverages for all stakeholders in the province.

To that end, we have developed this handbook as a reference to assist you, the licensee. Please note that it is intended to be used solely as a learning and teaching aid for you and your staff and it does not replace the legislative authority of the Liquor Corporation Act, LCA, LLR or Smoke-free Environment Act. Wherever definitions, words or expressions used in this handbook differ from the wording of the Liquor Corporation Act, LCA, LLR, or Smoke-free Environment Act the legislation shall prevail.

It is your responsibility as a licensee to ensure you and your staff are informed of the laws, regulations and any conditions affecting your liquor licence.

The relevant Acts and Regulations are listed below.

LIQUOR CORPORATION ACT

LIQUOR CONTROL ACT

LIQUOR LICENSING REGULATIONS

SMOKE-FREE ENVIRONMENT ACT, 2005

ROLE OF NLC

NLC's Regulatory Services team is comprised of two units: the Licensing and Administration unit, which is responsible for issuing licences and responding to licensee inquiries; and the Regulatory Compliance unit, which is responsible for the inspection process and includes enforcement of legislation when violations are identified, as well as licensee education.

ROLE OF INSPECTORS

Liquor Control Inspectors conduct regular inspections of all licensed premises to ensure they comply with the Liquor Control Act, Liquor Licensing Regulations and the Smoke-free Environment Act. These inspections are done by appointment and the Liquor Control Inspectors may conduct other unannounced inspections from time to time to monitor compliance or to follow-up on a complaint and/or report of questionable activity.

YOUR ROLE AS A LICENSEE

All licensees are responsible for knowing and following the rules set out in the Liquor Control Act, Liquor Licensing Regulations, the Smoke-free Environment Act and the specific terms and conditions of their licence.

Please note that cooperating with Licensing and Administration staff and Liquor Control Inspectors will help ensure your licence is maintained in good standing.



Types of Licences

A Liquor Establishment Licence authorizes the licensee to sell alcoholic beverages for consumption on their licensed premises in accordance with the conditions of the class of licence. Each liquor licence type has its own eligibility requirements and its own licence terms and conditions which are outlined in the Liquor Control Act and Liquor Licensing Regulations. Upon receiving your liquor licence from NLC's Regulatory Services department you accept the legal responsibilities that come with it, including the responsibility to be familiar with the Act and Regulations, as well as the Smoke-free Environment Act.

There are a number of different licence types available through NLC. The following section provides a brief description of each.

LOUNGE

A premises provided with the facilities and equipment prescribed in regulations where, in consideration of payment, alcoholic liquor is served for consumption. A lounge operates solely for the sale of alcoholic liquor to the public, where food and entertainment may or may not be available.

CLUB

A corporation, society or association of persons organized or carried on for purposes of a social, fraternal, athletic nature or as a military mess, but not for monetary gain, and includes the premises occupied or used for that purpose.

RESTAURANT

An establishment which is exclusively engaged in the serving of regular meals to the public in consideration of payment.

RESTAURANT/LOUNGE

A Restaurant/Lounge Licence authorizes the licensee to sell to guests at meals, for consumption on the licensed premises, alcoholic beverages by the glass or opened bottle during the hours of 9:00 a.m. to 8:30 p.m. This type of licence also authorizes the licensee to sell to the public, for consumption on the licensed premises, alcoholic beverages by the glass or opened bottle during the hours of 9:00 p.m. to 2:00 a.m. (or 3:00 a.m. depending on the day of the week) with or without food.

HOTEL

An establishment where temporary lodging is regularly provided to the public in consideration of payment.

RECREATIONAL FACILITY

Includes a facility that is, in the Board's opinion, equipped, operated and maintained as:

- an indoor stadium or indoor arena
- a golf club
- a ski resort
- a curling club
- a multi-purpose recreation centre
- a tennis club
- an arts and culture centre
- an outfitters' facility
- another facility that is, in the opinion of the board, a recreational facility

TOUR BOAT OPERATION

An operation by a seagoing vessel primarily for the recreation or education of the passengers and not for their conveyance from place to place.

SPECIAL EVENT

Authorizes any charitable or non-profit organization raising funds for charitable purposes to sell alcoholic beverages at a function on the premises and on the date(s) prescribed in the licence. Organizations holding a permanent licence do not qualify.

TRANSPORTATION SERVICE

A service provided primarily for the conveyance of passengers by ship or aircraft.

MILITARY MESS

Includes a canteen or an institute in a building or camp used for the accommodation of the active or reserve units of the naval, military or air forces of Canada or of NATO forces stationed at Canadian forces stations and bases located in Newfoundland and Labrador, or a canteen or an institute in a building or camp used by the Royal Canadian Mounted Police or the Royal Newfoundland Constabulary.

BONDED WAREHOUSE

Authorizes the licensee to store liquor on licensed premises, duty and tax free, until it is exported or consumed domestically.

INSTITUTE

A corporate body or organization instituted and organized for an educational, medical or similar purpose and includes the designated premises used for any of those purposes.

AIRPORT ESTABLISHMENT

Authorizes the licensee to sell, for consumption on the licensed premises to passengers of the airlines using the airport where the licensed premises are located, at all hours and on all days throughout the year.

BREWER'S AGENT

Authorizes the sale of locally produced and packaged beer, identified on a posted price list which is approved and provided by the NLC. Brewer's Agents must, if requested by the customer at the time of transacting a sale, accept empty beer bottles equal to the amount being purchased.

BREWER'S DISTRIBUTOR

Authorizes a person who has been recommended as a distributor by one or more brewers who are licensed under the Liquor Corporation Act, to sell beer to the Corporation or to a licensee. Brewer's Distributors must accept all empty beer bottles presented.

FERMENT-ON-PREMISES (FOP)

A ferment-on-premises facility licence authorizes the licensee to provide, for a fee, equipment, ingredients, instruction and storage to individuals for the making of wine or beer for personal consumption.

GIFT BASKET

A gift basket licence may be issued to the owner or operator of a retail store that is maintained, equipped and operated in a manner satisfactory to the board. A 'retail store' includes a grocery store, a gift shop, a florist shop, and another premises approved by the board. A gift basket licence authorizes the licensee to prepare and sell gift baskets which contain alcoholic liquor in addition to other products.

MANUFACTURER LICENCES

A Manufacturer Licence may be issued to a Brewery, Distillery or Winery.

- BREWERY
  A person or company licensed under the laws of Canada to produce beer.
- DISTILLERY
  An establishment licensed under the laws of Canada to produce spirits.
- WINERY
  An establishment licensed under the laws of Canada to produce wine by: the fermentation of the natural sugars contained in fruit, vegetable or vegetable products or honey, or the like; the importation of wine concentrate for blending; the importation of bulk wine for blending; and bottling and packaging wine for sale to the Corporation or to other provincial liquor authorities.

BREWER'S RETAIL

A Brewer's Retail licence may be granted to a brewer, who is licensed under the Liquor Control Act, to sell packaged beer, approved by the NLC, for the purpose of off-premise consumption.

MANUFACTURER'S RETAIL

A Manufacturer's Retail licence may be granted to a distillery or winery licensed under the Liquor Control Act. It authorizes the holder of the licence to sell alcoholic liquor produced by the licensee for consumption off the premises.

DELIVERY SERVICE

Authorizes the licensee or an employee of the licensee to deliver alcoholic liquor to persons who purchased the liquor with a meal prepared by a licensed establishment.

Alcoholic Liquor Delivery and Take-Out with a Meal



NLC may temporarily allow the following licence classes the ability to sell and deliver alcoholic liquor with meals:

- Restaurant
- Restaurant/Lounge
- Lounge
- Hotel
- Club or Military Mess

Please note the following conditions:

- Location shall hold a Food Establishment licence from Government Modernization and Service Delivery
- Alcoholic liquor shall be sold with a meal prepared by the licensee from the licensed premises (items from the menu)
- Alcoholic liquor shall be purchased from NLC Corporate Stores, NLC Liquor Express outlets or licensed distributors
- Alcoholic liquor sold shall be unopened and in its original container
- Price of alcoholic liquor shall be above minimum pricing
- The delivery person (employee of licensee) shall be at least 19 years old
- The delivery person (employee of licensee) shall have completed the Serve Responsible NL program offered by Hospitality NL
- Third party deliveries are permitted, as long as they hold a Delivery Service licence with NLC
- Licensees are not required to charge for delivery, but may do so if they choose
- The delivery person shall verify proof of identification (ID). The acceptable forms of ID include a valid passport, valid driver's licence or valid government-issued identification card that includes a photo
- If the customer is not available for receipt of delivery and/or does not provide proof of age, the alcoholic liquor shall be returned to the licensed premises
- The licensee shall not deliver and/or sell alcoholic liquor to a person who appears to be intoxicated



LICENCE FEES AND RENEWALS

Liquor licences are issued annually for the period of April 1 to March 31. A licensee who fails to renew their liquor licence(s) by NLC's deadline date will be subject to a penalty fee, suspension and/or cancellation of their licence(s).

Annual fees for Licensed Establishments are based on the amount of liquor the licensee purchased from NLC's Corporate or Liquor Express stores in the previous calendar year (January to December). Additional fees are required for patio and catering licences.

With respect to new licensed establishments, annual fees for the first year will be prorated based on the date the licence was issued. All licences issued will be subject to this prorated fee (current year) and a licensing fee for the following fiscal year.

Annual renewal fees for Manufacturers, Brewer's Agents, Brewer's Distributors, Bonded Warehouses, Ferment-on-Premises, Gift Basket, Brewer's Retail, Manufacturer's Retail and Delivery Service are set at a flat rate.

Please visit nlliquorcorp.com/doing-business-with-nlc/alcohol/alcohol-licensees/licence-fee-schedule for the current licence fee schedule.

Renewals can be completed online nlliquorcorp.com/doing-business-with-nlc/alcohol/alcohol-licensees/licence-renewals, by mail or in-person.

TRANSFER OF A LIQUOR LICENCE

A liquor licence may be transferred from one licensee to another upon receipt and approval of an application nlliquorcorp.com/doing-business-with-nlc/alcohol/alcohol-licensees/transfer-liquor-licence-with-nlc and all related documents including written consent from the current licensee.

If it is the applicant's intention to operate the business while the application is being processed, a letter from the current licensee allowing use of the licence is also required. Once the application is submitted, applicants have 30 days to forward all required documentation to NLC. It is important to note that while the application is being processed, the current licensee maintains full responsibility and liability for the licence.

A fee nlliquorcorp.com/doing-business-with-nlc/alcohol/alcohol-licensees/licence-fee-schedule is required by NLC to process an application for transfer.

Changes to your Licence



ALTERATION OR RENOVATION OF YOUR LICENSED PREMISES

If you would like to conduct structural changes to your licensed premises you must submit a completed application **nlliquorcorp.com/doing-business-with-nlc/alcohol/alcohol-licensees/supplement-licences** and a floor plan, drawn to scale on paper no larger than 8.5" x 14", of the proposed changes. The following documentation is also required:

- written municipal approval;
- written approval from the Provincial Fire Commissioner's Office;
- approval from Buildings Accessibility and Fire and Life Safety.

Please note that when minor repairs are made to a licensed premises (for example, cosmetic repairs or updates that do not alter the structure), documentation as outlined above will not be required.

A fee nlliquorcorp.com/doing-business-with-nlc/alcohol/alcohol-licensees/licence-fee-schedule is required by NLC to process an application for approval to change a licensed premises.

EXTENSION OF LICENSED PREMISES

If you wish to extend your licensed establishment's footprint by attaching an area to your existing premises for a particular date(s), you must submit a completed application. Please note that the following requirements must be satisfied before an application is processed:

- a detailed plan of the proposed area to be extended must accompany an application;
- all applications must be signed by the fire, municipal and police authority in the area;
- the extension of premises must be attached to the existing licensed premises and must be fenced in with double snow fencing;
- access to the extension of premises must take place from the licensed premises;
- only cans or disposable drinking containers are permitted to be used for the sale and consumption of alcoholic beverages within the extended premise; sufficient lighting shall be provided for evening functions; and all other requirements of the Liquor Control Act and Liquor Licensing Regulations with respect to the sale and consumption of alcoholic beverages will apply.

Please note that the capacity of your licensed premises does not necessarily increase with the extension of premises in place. A fee nlliquorcorp.com/doing-business-with-nlc/alcohol/alcohol-licensees/licence-fee-schedule is required by NLC to process an application for approval to extend a licensed premises.

CHANGE IN OWNERSHIP OR COMPANY DIRECTORS

Licensees must advise NLC if there are any changes to ownership and/or directors of the company. Personal data sheets and Certificates of Conduct may be required for new directors.

Alter or renovate link: nlliquorcorp.com/doing-business-with-nlc/alcohol/alcohol-licensees/supplement-licences



Secondary Licences
- Patios and Catering

PATIO LICENCES

If you are a current licensee and wish to add a patio to your licensed premises, you must submit an application for Approval to Alter or Renovate Licensed Premises (including Patios and Outside Areas): nlliquorcorp.com/doing-business-with-nlc/alcohol/alcohol-licensees/supplement-licences

In addition to a completed application and applicable fee, the following documentation is required:

- One set of detailed plans, drawn to scale, showing the proposed patio and the adjacent premises, which is initialled by the licensee, and approved by the Provincial Fire Commissioner's Office;
- Letter of approval issued by the applicable Municipality permitting the patio to be used; and
- Written approval from Buildings Accessibility and Fire and Life Safety.

Applications for the use of outdoor patios or areas from licensees who are presently the holders of existing licensed establishments, or from applicants for such licences will be considered by NLC based on the following guidelines:

- The patio or proposed area should be located adjoining the existing licensed establishment. If it is not adjoined ('detached'), proof of possession of the outside area is required to ensure that the licensee has control of the location. If there is separation, only employees are permitted to transport alcohol between the licensed areas.
- A clearly defined boundary, using permanent or portable barriers such as ropes, railings, planters or similar items, shall surround the patio or outside area. All materials used in the construction of the patio or boundary shall conform to the Fire Prevention, Life Safety, and Building Codes In cases where licensed establishments are adjacent, there must be at least a 7 foot buffer between their approved outside licensed areas.
- All regulations and conditions governing the main licence will apply in respect to the operation of the approved patio or outside area. If the licensed area is age restricted, it must be supervised.
- Sufficient lighting shall be installed to allow for nighttime operation.
- The type of containers used in the serving of beverages on the patio or balcony is at the discretion of the licensee. However, for safety purposes, it is recommended that plastic containers be used.
- Notwithstanding these guidelines, each application will be considered on its own merit, and if deemed necessary by the Board, further specific restrictions may be imposed having regard to safety and/or neighborhood impact.

CATERING LICENCES

A Catering Licence is a secondary licence which authorizes a current licensee to sell for consumption, on any premises during the period prescribed in the licence, alcoholic beverages by the glass or opened bottle with a meal supplied by way of an off premises catering service.

Please note that if you hold a Catering Licence you must complete and submit a Notification of use of Catering Licence form as notification of all functions for which your Catering Licence is being used. This form must be forwarded to NLC for approval and signature two weeks prior to the date of the proposed function(s), and must be accompanied by the following information for the premises the catering will take place on:

- Copy of Verification of Food Establishment Licence (food provider);
- Copy of Capacity Card obtained from the Provincial Fire Commissioner's Office; and
- Written approval from the applicable Municipal Authority.

This signed notification is to be posted when you use your Catering Licence for off-site catering.

Premises used and functions operated under Catering Licences shall be inspected when deemed necessary. If it is found that a Catering Licence is being operated in a manner that is not in keeping with the intent of the licence, it will be subject to suspension or cancellation.

Please visit nlliquorcorp.com/doing-business-with-nlc/alcohol/alcohol-licensees/supplement-licences for an application to apply for a Catering or Patio Licence, and nlliquorcorp.com/doing-business-with-nlc/alcohol/alcohol-licensees/licence-fee-schedule for the applicable fees.

SAMPLING EVENTS

Free alcoholic liquor cannot be provided to a patron or guest on a licensed premises and minimum drink prices must be adhered to. However, if you are interested in holding a Sampling Event that is sponsored by a supplier or sales representative at your licensed establishment, you may apply to NLC for permission (please note that a fee is required as per nlliquorcorp.com/doing-business-with-nlc/alcohol/alcohol-licensees/licence-fee-schedule)

To apply for permission, the following information must be submitted, via email or letter, to corporateservices@nlliquor.com:

- Your licence information (name and licence number)
- Date, time and location of the event
- Supplier name and list of products (including NLC SKU) to be sampled.
- If your sampling event is approved, a representative of the manufacturer must be present on your licensed premises at all times during the sampling, and no more than 2 standard servings of alcoholic liquor may be provided to each patron or guest during the event.

The holder of a Restaurant or Hotel Licence may be granted permission to provide alcoholic liquor free or at a reduced price on their licensed premises as part of an event for which one fee is charged for alcoholic liquor, and overnight accommodation and a meal. NLC may also approve the serving of free or reduced price alcoholic liquor for other promotional purposes and functions. Written permission is required.

PERMISSION FOR MINORS

If you currently hold a Lounge, Restaurant/Lounge or Club licence and wish to have minors on your licensed premises, you must submit a completed application nlliquorcorp.com/doing-business-with-nlc/alcohol/alcohol-licensees/supplement-licences. Please see section "Minors on Your Licensed Premises" for further information.



Operational Guidelines



RESPONSIBLE ALCOHOL SERVICE: STAYING COMPLIANT WITH THE LIQUOR CONTROL ACT AND REGULATIONS

In order to ensure that alcohol is sold and served responsibly, the Liquor Control Act and Liquor Licensing Regulations are in place to govern the sale, service and distribution of alcoholic beverages in Newfoundland and Labrador. While it is encouraged for you to read and understand all of these laws, we have highlighted some key areas in the following section.

SERVING INTOXICATED PATRONS AND PERMITTING DRUNKENNESS

Licensees shall not sell or supply liquor or permit liquor to be sold or supplied to any person who is, or appears to be, intoxicated. We understand that detecting intoxication can be challenging, especially when it affects so many individuals differently. Therefore, we have provided some guidance for all licensees in the section below. The higher the number of these indicators observed, the more confident you can be that the person is intoxicated and should not be sold or provided any additional alcohol.



INDICATORS OF INTOXICATION

- The number of drinks that a person has consumed;
- An increase in the speed and rate of consumption of alcohol;
- Doubles being ordered as opposed to singles;
- The individual is loud, overly friendly, argumentative, bragging and/or using foul language;
- The person complains about the strength and price of drinks;
- The person makes irrational statements or is behaving irrationally;
- Is annoying other patrons and making sexual advances;
- Being careless with money;
- Buying drinks for strangers;
- Slurred speech;
- Drowsiness, falling asleep or nodding off at the table or the bar;
- Individual has difficulty keeping his/her head upright;
- Individual sways while seated or standing;
- Staggering, stumbling, having difficulty standing upright;
- Vomiting

SERVE RESPONSIBLE NL

To assist in the responsible service of alcohol, NLC has partnered with Hospitality NL for the "Serve Responsible NL" program. This on-line program educates servers and managers, and changes views of alcohol service in the tourism/hospitality industry. For more information, or to complete the program, please visit hnl.ca/training/serve-responsible-nl/.



MINIMUM PRICING - UPDATED!

A standard serving size means: 341 ml of beer; 355 ml of a "ready to drink" beverage; 4 ounces of wine; and 1 ounce of spirits. As the holder of a liquor licence, you shall not:

- Provide free alcoholic beverages to a patron or guest on your licensed premises (see section on Sampling Events);
- Provide alcoholic beverages to a patron or guest on your licensed premises for less than **$2.65** per standard serving inclusive of applicable taxes, or in a larger or smaller serving without an increase or decrease in the price in the same proportion as the increase or decrease in the volume of alcoholic liquor.

PURCHASING UNDER LICENCE

All alcoholic liquor must be purchased from NLC or one of its designated Liquor Express Stores and all beer must be purchased from the Corporation, a Liquor Express Store or a brewer's distributor. All alcoholic beverages must be purchased under your licence number and all invoices and receipts for such purchases must be retained.

CONTRABAND ALCOHOL

Contraband alcohol includes alcoholic liquor that is not purchased, possessed, acquired, transported, stored or sold in accordance with the Liquor Control Act. Possession or sale of contraband alcohol may result in the permanent loss of licence.

ALCOHOL LEAVING PREMISES

Once alcohol is bought for consumption at a licensed establishment, it must not leave the premises. If a licensee allows an individual to remove alcoholic beverages from the licensed footprint, it would be considered in breach of the Licensing Regulations.

HOURS OF SALE AND CONSUMPTION

Alcohol can only be sold and consumed during the prescribed hours in the Regulations. The hours of sale are from 9:00 a.m. until 2:00 a.m. on Monday, Tuesday and Wednesday, and 9:00 a.m. until 3:00 a.m. on Thursday, Friday, Saturday and Sunday with consumption permitted one half hour after sale.

MANDATORY EXIT

A licensee who is authorized to sell alcoholic beverages under a Restaurant/Lounge Licence or Lounge Licence must ensure that all patrons vacate the licensed premises by 3:00 a.m. on weekdays and 4:00 a.m. on weekends. Mandatory exit is not applicable to licensees that offer a full service food menu 24 hours a day on a regular basis.

OVERCROWDING

Licensees shall ensure that the number of persons on the premises to which the licence applies, including employees of the licence holder, does not exceed the capacity of the licensed premises as stated on the capacity card.

MINORS ON YOUR PREMISES

As per Section 47 of the Regulations, no one under the age of 19 is permitted on a licensed premises. However, there are circumstances when NLC may grant approval.

If you currently hold a Lounge, Restaurant/Lounge or Club licence and wish to have minors on your licensed premises, you must submit a completed application nlliquorcorp.com/doing-business-with-nlc/alcohol/alcohol-licensees/supplement-licences.

Upon receipt of required documentation, authorization may be granted by NLC to have minors on your licensed premises for the purpose of or when:

1 Consuming a meal between the hours of 9:00 a.m. and 8:30 p.m. and only in the company of a parent or guardian.

If you, as the operator of a Lounge or Club, serve meals on a regular basis, an additional licence condition may be granted if the following criteria are met:

- Minor must be accompanied by a parent or legal guardian; and
- Minor is only permitted on the licensed premises between 9:00 a.m. and 8:30 p.m.; and
- Minor is only permitted on the premises for the purpose of having a meal.

Any licensee who obtains this level of permission will be issued a new licence identifying the new condition.

2 Attending a bona fide community function, when accompanied by a parent or guardian, while sale and consumption is taking place.

If you host an activity which is part of a community function, and you wish for minors to attend while sale and consumption is taking place, permission may be granted provided you complete and disclose the Application for Approval for Minors on Licensed Premises.

3 Entertaining, provided the minor has written permission from, or is accompanied by, their parent or legal guardian.

An entertainer who is under the age of 19 years is permitted on your licensed premises provided that the minor is accompanied by a parent/legal guardian, or has a current letter of permission from their parent/legal guardian. It is your responsibility as the licensee to ensure the letter of permission is available at all times to be viewed by an NLC official or police officer. Once the entertainer is finished performing, they must leave the licensed premises immediately.

4 The minor is an employee of an emergency or essential service and is required to enter a licensed premises in the performance of his/her duties.

In an emergency situation where a person under 19 years of age is required to be on your licensed premises for an essential service, that minor is permitted in the licensed premises in order to perform the essential service or to address the emergency situation. It is not necessary to obtain prior approval in this situation. It is your responsibility as the licensee to demonstrate an emergency exists or an essential service was required. The minor in question shall leave the licensed premises immediately upon completion of their work.

5 Alcoholic Beverages are not available for sale and no consumption is taking place.

Should you, as the operator of a Lounge, Restaurant/Lounge or Club, rent or provide use of your facilities to various organizations (e.g., recreational leagues, Scouts, Girl Guides) on a regular basis, and no alcoholic beverages are available for sale and/or consumption, minors may be permitted on your licensed premises with the written permission of NLC. If, for example, every Monday, and Wednesday nights your facilities are being used by individuals or organizations that involve minors and you identify the days, date and location in your Application for Minors on Licensed Premises, a single letter of authorization may be issued giving approval, for up to a year, to have minors on the licensed premises during the dates and times identified. No fee is required.

6 Attending a function which is closed to the general public.

In the majority of cases, functions which are closed to the general public are singular events. Permission may be granted provided you complete and disclose the Application for Approval for Minors on Licensed Premises.

7 Weddings

Section 48(c) of the Regulations authorizes minors to be on a licensed premises to attend a wedding. No further authorization is required.

Compliance and Enforcement



INSPECTIONS

Liquor Control Inspectors are appointed and authorized to carry out the Liquor Control Act. This is accomplished through conducting scheduled inspections of all licensed premises to ensure compliance with the Act and Regulations. Inspections are generally prearranged with the licensee. Inspectors may also conduct unannounced visits to monitor compliance or follow-up on a complaint or report of questionable activity.

Should a Liquor Control Inspector determine that a licensee has failed to comply with the Liquor Control Act, Liquor Licensing Regulations and/or the Smoke Free Environment Act, the Inspector may issue an unsatisfactory inspection report in the form of a receipt, explaining the violations identified. This receipt is signed by the licensee and a copy is left with this person at the time of visit.

Contraventions include, but are not limited to:

- Sale to Minors
- Minors on Premises
- Sale and Consumption after hours
- Contraband
- Removing alcohol from licensed premises
- Serving to the intoxicated and permitting drunkenness
- Overcrowding
- Mandatory exit (before/after hours)
- Failure to purchase liquor under licence number
- Sale not in original container
- Purchasing practices

NON-COMPLIANCE CONSEQUENCES

If an Inspector concludes that enforcement action is warranted, one or all of the following measures may apply:

- Unsatisfactory Inspection Receipt issued
    - Contraventions of minimal consequence may be handled at the Inspector's discretion by working directly with the licensee to remedy the matter. An Inspection Receipt will be issued outlining the details.
- Letter of Warning:
    - If the contravention is more serious in nature, or if it is a repeat offence, a Letter of Warning may be issued.
- Referral to NLC Tribunal and/or Charges laid in Provincial Court of Newfoundland and Labrador:
    - If the contravention is significant, Inspectors may consider pursuing charges in Provincial Court of NL and/or a hearing of the NLC Tribunal.
- Suspension of licence:
    - An Inspector shall immediately suspend a licence when failure to act would result in danger to life; the duration of such a suspension shall only be that period necessary to ensure that the licensed premises is operating in a manner satisfactory to the Inspector. In circumstances governed by Section 46 of the Liquor Control Act, the suspension must be ratified by the NLC Tribunal within 48 hours.

INFORMATION FOR LICENSEES APPEARING BEFORE A DISCIPLINARY TRIBUNAL

Notice of Show Cause Hearing
Licensees appearing before a disciplinary Tribunal will be issued formal written notice that a show cause hearing has been ordered. The reason(s) the hearing has been ordered will be outlined in the notice. The purpose of the hearing is to provide the licensee with the opportunity to address the allegation(s) which will be presented to a Tribunal of the Board of Directors of the Newfoundland Labrador Liquor Corporation.

A copy of all documentation that will be presented to the Tribunal will be disclosed with the formal notice.

The Hearing
The hearing is a quasi-judicial proceeding and is adjudicated by a Tribunal of the Board of Directors of the Newfoundland Labrador Liquor Corporation.

In addition to the licensee and/or their legal counsel, other participants in the hearing may include, but are not limited to, legal counsel for the Corporation, the liquor control inspectors, police officers, fire authorities and/or any other witnesses that the licensee or the prosecutor may call.

Licensees wishing to call witnesses must notify the Corporation seven full days prior to the date of the hearing.

All testimony is given under oath or affirmation.

All witnesses at a show cause hearing are subject to cross-examination.

The Decision
When considering what action, if any, to take, the Tribunal may consider:

- the seriousness and particular circumstances of the violation(s);
- previous history of the licensee;
- whether the licensee has taken steps to prevent a reoccurrence of the violation(s);
- public safety; and
- any other relevant information or evidence presented at the hearing.

Disciplinary Actions
Upon hearing all of the evidence offered, the Tribunal may:

- dismiss the allegation(s);
- determine that no further action is required;
- order a letter of reprimand to be forwarded to the licensee;
- suspend the liquor licence(s);
- disqualify a person from holding a licence(s);
- disqualify a person from managing and/or working in a licensed premises;
- disqualify the premises as being eligible as a licensed premises;
- impose those conditions upon the licensee or licence that the circumstances require; or
- adjourn the proceeding pending further investigation.

Appeals
A licensee/person aggrieved by a decision of the Tribunal may appeal to a Judge of the Trial Division, Supreme Court of Newfoundland and Labrador within 30 days after receiving the decision of the Tribunal. The written notice of the intention to appeal shall be served on the Vice President of Regulatory Services and shall be signed by the person appealing or by his/her solicitor or agent. The grounds of the appeal shall be set out in the notice and a copy shall be filed in the office of the Registrar of the Trial Division.

LICENCE FILE REVIEWS

Once a year Liquor Control Inspectors conduct file review inspections of all licensed establishments to ensure licensee information is current and accurate. Other issues include updated:

- Floor plans, drawn to scale with measurements
- Certified copy of Notice of Directors (Form 6)
- Current copy of the lease or proof of ownership of the licensed premises

Inspectors will complete a risk assessment of each licensed premises during this file review to determine a risk ranking which will help define the frequency of future inspections. This will be discussed directly with the licensee.

If you have any questions or concerns, take the opportunity to discuss them with your Liquor Control Inspector when they visit your establishment.

RISK RANKING

All licensees' level of risk will be reviewed during the annual file review inspection.

The following criteria are used when determining the level of risk associated with a licence:

1. History

- Review of previous 3 years, including infractions:
  - Serving to the intoxicated and permitting drunkenness
  - Minors
  - Overcrowding
  - Mandatory exit (before/after hours)
  - Improper purchasing practices
  - Contraband
  - Sale and consumption of alcohol outside prescribed hours
- Includes establishment and licensee history (Police records, internal records, level of purchases, etc.).

2. Geographical Location

- Establishment location and history of area (e.g., Crime rate, public frequency/traffic)

3. Nature of Business

- Licence type
  - Considers the premise of the operation. For example, a "Lounge" primarily sells open alcohol, whereas a "Brewer's Agent" primarily sells commodities and packaged local beer at a set price.

4. Major Events

- Magnitude of special events, outdoor concerts, community festivals, etc.

EDUCATION/SOCIAL RESPONSIBILITY

Inspectors are readily available to provide the service and training necessary to ensure that licensees operate efficiently and effectively in accordance with the Liquor Control Act.

QUICK TIPS!

Below are some key Do's and Don'ts to help ensure the responsible sale and service of alcohol.

DO

√ Ensure you understand the Act and Regulations

√ Ensure the number of patrons in your establishment is within its lawful capacity

√ Train your staff in responsible serving practices

√ Sell only liquor that was purchased, using your licence number, from the NLC or a designated outlet (you may be asked by an Inspector to produce invoices at any time)

√ Ensure you monitor consumption of liquor by patrons on your premises to avoid over-service

√ Check the identification of people entering your premises who you suspect are under 19 years of age

√ Ensure you abide by all conditions set out in your licence

DO NOT

x Let people under 19 enter, or consume alcohol in, your establishment

x Encourage excessive consumption or serve alcohol to anyone you suspect to be intoxicated

x Permit drunken, quarrelsome, violent or disorderly conduct in your establishment

x Permit anyone in your establishment to hold, sell, distribute or use illegal drugs

x Serve homemade or altered liquor

x Allow overcrowding in your establishment

x Give away free alcohol

x Sell liquor for less than the minimum price

CONTACT US

For more information on anything in this handbook,
or other matters relating to your licence, please contact us at:

Phone: 709-724-1159

Fax: 709-753-8625

Email: corporateservices@nlliquor.com

Website: nlliquorcorp.com/doing-business-with-nlc/alcohol/alcohol-licensees

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