

**MINISTRY OF JUSTICE
POLICING AND SECURITY BRANCH
BRIEFING NOTE**

PURPOSE: For INFORMATION for the Honourable Suzanne Anton QC,
Attorney General and Minister of Justice

ISSUE: Proposed actions to address public concerns about alcohol consumption in "party buses" and limousines for discussion at a meeting February 17, 2014, between Minister Anton and Minister of Transportation and Infrastructure Todd Stone.

SUMMARY:

- Public concern about safety, including alcohol consumption in party buses and limousines, has been brought to the attention of the Ministry of Transportation and Infrastructure (MoTI). Underage drinking is also alleged to be a frequent practice in these vehicles, especially during spring graduation season.
- The *Passenger Transportation Act* establishes the licensing framework for transportation services and regulates licensees; it doesn't regulate the conduct of passengers in vehicles.
- Police are aware of the issues and concerns regarding these vehicles and agree that an integrated enforcement approach, involving police, Commercial Vehicle Safety Enforcement (CVSE) to address structural integrity issues and the Passenger Transportation Branch (PTB) to ensure effective regulation of licensees, is the most viable and immediate option to address illegal behaviours and sanction those found to be promoting or participating in these activities.
- The Ministries of Justice, and Transportation and Infrastructure should work together with road safety partners to: promote public and fleet awareness that it is illegal to consume alcohol in a vehicle; and support police and enforcement agencies in their efforts to curb the illegal consumption of liquor in vehicles.

BACKGROUND:

- Commercial passenger vehicles, known as party buses, operate under the authority of a general authorization passenger transportation licence – there is no category of passenger transportation licensing that refers specifically to party buses. General authorization licence holders can provide charter services using vehicles with a seating capacity of 12 or more passengers plus the driver.

- The buses and limousines are rented to provide services in accordance with a rental agreement with the company, which generally reflect provincial laws by specifying that alcohol is prohibited in the vehicles. Passengers are responsible for adhering to the terms and conditions of the agreement.
- Party bus is an industry created term. These vehicles are in the general passenger vehicle category of licensing along with tour buses, charter buses and sightseeing buses.
- On November 9, 2013, a 17 year old girl was among a group of underage people drinking in a party bus. She alleges she was assaulted by a passenger and then left in a parking lot by the vehicle driver. This latest incident follows two incidents last year, when one youth died after being removed from a party bus where alcohol was found (a Coroner's report found that drugs or alcohol were not a factor in the youth's death), and another incident when a youth was taken to hospital after being found heavily intoxicated on a party bus.
- There are approximately 36 party buses operating in the lower mainland. On March 21, 2013, PTB met with licensees to clarify their responsibilities and emphasize that under no circumstances can liquor form part of their services. Offences include:
 - Consuming alcohol in a public place, including commercial vehicles;
 - Operating a motor vehicle while there is liquor in the motor vehicle; and
 - Permitting a minor to consume liquor in a place under his/her control.
- The PTB has reviewed various companies' rental agreements, noting policies relating to chaperoning minors, open liquor in vehicles, etc. The companies generally reflect provincial laws by specifying that alcohol is prohibited in the vehicles and that illegal consumption of alcohol and/or use of narcotics in or around the vehicle are prohibited.
- MoTI has no authority to search for and/or seize alcohol found on board passenger transportation licensed vehicles, and has no authority to fine anyone contravening provincial liquor laws.
- Ontario and Alberta have licensing schemes that enable drivers and the fleet owners to obtain special permits to allow liquor on a case by case basis, much like special occasion permits in BC. There were no recommendations associated with this issue coming from the recently completed review of liquor licensing in BC.
- Liquor laws are the responsibility of the Ministry of Justice, and are enforced by local law enforcement.

- At a meeting of the BC Association of Chiefs of Police Traffic Safety Committee held February 11, 2014, road safety partners, including representatives of police and CVSE, agreed that an integrated approach, including focussed police

enforcement for driving infractions and liquor violations, combined with CVSE for structural integrity, and the PTB for regulatory and licensing issues, is the most viable and immediate option of identifying and addressing illegal behaviours.

OTHER MINISTRIES IMPACTED/CONSULTED:

- Ministry of Transportation and Infrastructure, municipal governments and police.

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**MINISTRY OF JUSTICE
LIQUOR DISTRIBUTION BRANCH
BRIEFING NOTE**

PURPOSE: For INFORMATION for the Honourable Suzanne Anton
Attorney General and Minister of Justice

ISSUE: Background for meeting with BC Government and Service Employees' Union (BCGEU).

SUMMARY:

- The BCGEU is meeting with Minister Anton on February 26, 2014 to discuss potential changes to liquor retailing in BC coming out of the liquor policy review, and specifically grocery store liquor sales.
- This briefing note summarizes issues that the BCGEU will likely wish to discuss, and provides relevant background information.

BACKGROUND:

- In Parliamentary Secretary Yap's BC Liquor Policy Review Final Report, recommendation 19 states:
"The Province should develop and implement a retail model that meets consumer demands for more convenience by permitting the sale of liquor in grocery stores."
- When the BCGEU meets with Minister Anton, they can be expected to raise concern about their members who may be impacted by changes to the existing liquor retail model, as well as ways that the current model could be enhanced to meet consumer demands for greater convenience.

1. Potentially Impacted BCGEU Members

- BCGEU's membership includes approximately 3,800 employees of the LDB. These members work in the 195 BC Liquor Stores (BCLS) across the province,¹ as well as two wholesale customer centres in Vancouver and Victoria, two distribution centres in Kamloops and Vancouver, and the BC Liquor Distribution Branch (LDB) head office in Vancouver.
- BCGEU will likely submit that if Government approves liquor in grocery stores based on a store-within-a-store model, those liquor stores should be LDB stores. Concerns about stores-within-a-store being LDB stores include ensuring staff is trained and experienced, and protecting BCGEU membership.
 - Note that Parliamentary Secretary Yap recommended that the provincial Government's responsible beverage service program, Serving it Right,

¹ Note that the Brentwood BCLS is closing on February 22, 2014 which will temporarily take the number of BCLSs down to 194.

be expanded and enhanced for all liquor sales and service staff (Recommendation 7). This may address concerns about inadequate training in the private sector.

- Note also that BCGEU members in direct government service, including LDB members, recently ratified a new collective agreement which will expire on March 31, 2019.
 - This agreement includes maintained and improved employment security provisions (e.g. provisions regarding expanded recall areas for employees who have been laid off).
 - A provision guaranteeing that the number of BCLSs will not drop below 185 has also been maintained.
 - However, the BCGEU will likely be concerned about the long term impact liquor in grocery will have on the current retail model.

2. Potential Enhancements to Current Model that Could Increase Customer Convenience

- In their press release on February 4, 2014 (see Appendix A), the BCGEU states that it “continues to call on the government to modernize the public liquor store system by allowing Sunday openings of public stores, expanded hours and offering refrigerated products for sale.”
 - In its submission to the Liquor Policy Review, the BCGEU noted these measures as ways to “enhance consumer convenience, support local producers, and increase revenue to the provincial government” (at p. 3).

(a) Sunday Openings/Longer Hours

- Currently, 23 of 195 BCLS stores are open on Sundays. Twenty-two of these stores are Signature Stores. The hours of all of those stores are 11:00 am to 6:00 pm.
 - Attached at Appendix B is a table showing BCLSs open Sundays and/or statutory holidays, and the hours of those stores.
 - There is some variation in the hours of other BCLSs around the province, but 11:00 am to 6:00 pm is reflective of the average.

s.13, s.17

(b) Refrigeration

- Currently, of the 195 BCLSs, ten have limited refrigeration in the form of four-to-six-door reach-in coolers (see Appendix C). Very limited, non-standard refrigeration facilities (mostly two-door fridges) are also present in ten additional BCLSs, but these provide for only a very small selection of chilled product (see Appendix D). The refrigeration facilities in these BCLSs were either installed many years ago, or were existing fixtures when the BCLS moved into the location.

- In addition, three walk-in refrigerated rooms or "cold-zones" were opened on September 27, 2013 in the Duncan, Salmon Arm and Byrne Road (Burnaby) BCLs.

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s.13, s.17

grocery stores.

- While expanding refrigeration in BCLs may have positive revenue implications, it is difficult to conclusively assess. For instance, the cold-zones installed to date have been installed in stores that were either net new or relocated. Those factors have an impact on sales, as do other factors such as installation costs, any shift in business from the private sector and whether there is a shift in the blend of business.
- In any event, the LDB sees expanding refrigeration in BCLs as a strong opportunity to increase customer service and convenience. Customer feedback on the new cold-zones has been overwhelmingly positive.

OTHER MINISTRIES IMPACTED/CONSULTED:

- N/A

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Attachment(s)

Appendix A: BCGEU Press Release – Feb. 4, 2014

Appendix B: BCLs Open Sundays & Statutory Holidays

Appendix C: BCLs with Reach-in Coolers (4 – 6 Doors)

Appendix D: BCLs with Very Limited Non-Standard Refrigeration (2 Door Fridges)

Appendix A

BCGEU PRESS RELEASE – FEB. 4, 2014

BCGEU calls on government to develop public retailing model in grocery store liquor sales

"B.C.'s public liquor stores have a long history of responsible retailing and continue to sell most of the beer, wine and liquor sold in our province today. This is also an important source of provincial revenue to fund public services," says BCGEU President Darryl Walker. "If the government is determined to move to a store-within-a-store model, these should be public stores with trained, experienced staff."

<image001.jpg>Vancouver (04 Feb. 2014) - The British Columbia Government and General Employees' Union (BCGEU/NUPGE) is calling on the provincial government to maintain a public retailing model as it develops and implements a move to allow grocery stores to sell liquor. Grocery store sales is one of 73 recommendations included in a provincial liquor policy review released today by Parliamentary Secretary John Yap.

Provinces' Liquor stores responsible retailer

"B.C.'s public liquor stores have a long history of responsible retailing and continue to sell most of the beer, wine and liquor sold in our province today. This is also an important source of provincial revenue to fund public services," says BCGEU President Darryl Walker. "If the government is determined to move to a store-within-a-store model, these should be public stores with trained, experienced staff."

Union applauds move to modernize regulations

The BCGEU/NUPGE applauds the government's plans to modernize liquor regulations, emphasize enforcement of regulations and its plan to modernize the Liquor Distribution Branch warehousing and distribution systems. The union continues to call on the government to modernize the public liquor store system by allowing Sunday openings of public stores, expanded hours and offering refrigerated products for sale.

"Our public stores offer the best selection, the best prices, knowledgeable staff and have a long history of serving the province responsibly," says Walker. "There is nothing convenient for shoppers by having these stores closed on Sundays and using an outdated retailing model."

The BCGEU/NUPGE is requesting a meeting with Attorney General and Minister of Justice Suzanne Anton to discuss the recommendations.

Appendix B

BCLSs OPEN SUNDAYS & STATUTORY HOLIDAYS

STORES OPEN SUNDAYS & STAT HOLIDAYS				
Original 5 Sunday Stores				
	Open Sundays Open Stat Holidays	Open Sundays Closed Stat Holidays	Signature Stores	Hours
129 - Alberni & Bute	X		X	11:00 am - 6:00 pm
160 - 39th & Cambie	X		X	11:00 am - 6:00 pm
167 - Kelowna Orchard Park	X		X	11:00 am - 6:00 pm
228 - Park Royal	X		X	11:00 am - 6:00 pm
302 - Whistler Village	X			11:00 am - 6:00 pm
076 - Richmond Brighthouse		X	X	11:00 am - 6:00 pm
077 - Northgate		X	X	11:00 am - 6:00 pm
079 - Kamloops Columbia Place		X	X	11:00 am - 6:00 pm
089 - Nicola Station		X	X	11:00 am - 6:00 pm
120 - Richmond Ironwood		X	X	11:00 am - 6:00 pm
125 - Westshore		X	X	11:00 am - 6:00 pm
130 - Penticton Plaza		X	X	11:00 am - 6:00 pm
135 - Vernon		X	X	11:00 am - 6:00 pm
148 - Kelowna Mission Park		X	X	11:00 am - 6:00 pm
149 - Abbotsford		X	X	11:00 am - 6:00 pm
158 - Langley		X	X	11:00 am - 6:00 pm
163 - Westwood		X	X	11:00 am - 6:00 pm
165 - Meadowtown		X	X	11:00 am - 6:00 pm
174 - Prince George Pine Centre		X	X	11:00 am - 6:00 pm
182 - Fleetwood		X	X	11:00 am - 6:00 pm
218 - Fort Street		X	X	11:00 am - 6:00 pm
220 - HighGate Village		X	X	11:00 am - 6:00 pm
241 - Nordel Crossing		X	X	11:00 am - 6:00 pm
Signature stores - Total: 22				
Sunday stores - Total: 23				

Appendix C

BCLSs WITH REACH-IN COOLERS (4 – 6 DOORS)

Park Royal, West Vancouver

Ocean Park, Surrey

Summerland

Seafair, Richmond

Fort Street, Victoria

Alberni & Bute, Vancouver

Peninsula Village, Surrey

Prince George College Heights

Broadway & Lillooet, Vancouver

Tsawwassen

Appendix D

**BCLSs WITH VERY LIMITED NON-STANDARD REFRIGERATION
(2-DOOR FRIDGES)**

Ashcroft

Keremeos

Princeton

Gold River

Creston Valley Mall

Madeira Park

Port Alice

Nakusp

Chase

Radium

**MINISTRY OF JUSTICE
EMERGENCY MANAGEMENT BC
BRIEFING NOTE**

PURPOSE: For INFORMATION for the Honourable Suzanne Anton QC
Attorney General, Minister of Justice

ISSUE: Status update on the Sediment Removal Management Program (the Program).

SUMMARY:

- Sediment removal is conducted to help maintain the existing flood profile of a river by removing the annual influx of sediment to prevent the rising of the river bed.
- Flood protection benefit from sediment removal is only realized if practiced in conjunction with other flood protection measures such as construction or maintenance of dikes and pump stations.
- The value and benefit of removing sediment in large, dynamic rivers such as the Fraser is difficult to quantify.
- Scientific evidence suggests that the benefit of sediment removal is not as high as previously understood and that any benefits are localized.
- Sediment removal on the Fraser River is contentious involving a wide range of stakeholders and advocacy groups promoting and opposing gravel removal.
- The last sediment removal undertaken in the Fraser River Gravel Reach occurred in 2010 and no sediment removal is scheduled for 2014/15.
- Emergency Management BC (EMBC), in conjunction with the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) is reviewing the efficacy of the Program.
- The efficacy review will include an analysis and evaluation of sediment removal for erosion control and protection of the existing diking system on the Fraser River.

BACKGROUND:

The Program

The Program was initially operated by the private sector and was assumed by the provincial government in 2004 and transferred to EMBC in 2007.

The Program aims to remove only the annual influx of sediment (previously estimated at 230,000 cubic metres per annum). The annual influx is called the "sediment budget" and was determined through rigorous scientific analysis led by Dr. Michael Church and colleagues from the University of British Columbia.

The Program was developed and informed by scientific information gathered by technical experts. A Technical and Management Committee (the Committee), consisting of representatives from the program delivery and regulatory agencies, oversees planning and implementation of the Program. Entities represented on the Committee, include EMBC, FLNRO as well as the federal Departments of Fisheries and Oceans (DFO) and Transport.

Removal Status:

Removal of sediment has not taken place since 2010 due primarily to issues related to permitting, environmental considerations and First Nations concerns.

Sediment removal was scheduled to take place from January through March, 2013; however, the works were cancelled due to environmental and First Nations concerns.

As the 2013 sediment removal cancellation took place the day prior to the scheduled works beginning, the Province was obligated to provide a cash settlement to the contractor.

Dredging:

Sediment removal for flood protection benefit is quite different from dredging. The primary purpose of dredging is to maintain navigable channels for water transport.

Dredging removes large volumes of sediment or silt via large "clam shell" excavators or by essentially vacuuming up silt to deepen a channel. Dredging in main water courses can increase flood risk in tributary channels. For example, dredging in the lower Fraser River for navigation has contributed to silt build up in tributary channels. The recent partnership with Ministry of Transportation and Infrastructure and Port Metro Vancouver to dredge the Ladner Harbour addresses this issue.

Authorization to conduct dredging is under the FLNRO, and the DFO. The approvals process for dredging differs from sediment removal due to the methods used, location of removal, permitting processes and anticipated outcomes.

DISCUSSION:

Sediment removal on the Fraser River is contentious involving a wide range of stakeholders and advocacy groups promoting and opposing gravel removal. Local governments in the area strongly support sediment removal. First Nations also strongly support sediment removal for erosion control and flood mitigation as the federal government has not supported the construction of permanent mitigation works on First Nations lands. The First Nations also have a commercial and economic interest in gravel removal. Environmental groups and sport fisherman groups are strongly opposed to removal. Several large, sophisticated environmental groups such as the Suzuki Foundation publically oppose removal.

It is within this context that the Program has monitored emerging data on the efficacy of gravel removal on the Fraser River. Two information sources have become available which challenge the viability of the Program's effectiveness on a water body as large and dynamic as the Fraser River:

- FLNRO is in the process of completing a new flood plain model for the Fraser River. Preliminary information provided through the new model indicates that sediment removal in the Fraser Gravel Reach provides minimal value for flood protection.
- Dr. Michael Church, a Fraser River hydrology expert, and also the key expert who helped develop the previous targets for sediment removal for the Program has completed new research (published May 2013) that indicates that sediment accumulation is declining and is much lower than previously thought. As EMBC's rationale for removal is based on Dr. Church's previous work, EMBC has the obligation to explore this new information in full prior to determining next steps.

Erosion along the Fraser River can threaten the integrity of the existing diking system and may present a higher flood threat than river-bed build up. EMBC and partners will be evaluating the potential benefit of sediment removal for erosion control as an alternative to sediment removal for flood profile maintenance.

EMBC will not be undertaking any sediment removals until the review of the new technical information is completed. Program efforts will instead be directed to working with the regulatory entities, hydrologists and environmental technical specialists as well as key stakeholders to confirm the initiative's future viability – and potential design parameters.

Stakeholders have been notified that sediment removal will not take place in 2014. The website for the Sediment Program was updated in August 2013 to publicly share this information.

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