

Jurisdiction of Alberta Gaming, Liquor and Cannabis for Liquor Stores

Although Alberta has a private liquor model, Alberta Gaming, Liquor and Cannabis controls the importation, manufacture, sale, possession, storage, distribution, and use of liquor in Alberta through the Gaming, Liquor and Cannabis Act and the Gaming, Liquor and Cannabis Regulations. Alberta Gaming, Liquor and Cannabis develops policy, conducts hearings, and makes licencing and registration decisions.

The following information was provided to Administration by Alberta Gaming, Liquor and Cannabis:

To gain a better understanding of the policies it operates under, Alberta Gaming, Liquor and Cannabis identified its mission, vision and values:

Mission - Ensuring responsible gaming, liquor and cannabis choices for the benefit of Albertans.

Vision - Driven by a balanced approach, Alberta Gaming, Liquor and Cannabis will be a leader in creating gaming, liquor and cannabis experiences trusted by Albertans.

Values - Commitment to operating according to the following values:

- Integrity - We play by the rules, do the right thing and do what we say we'll do.
- Respect - We create an environment where each individual is valued and heard, and celebrate the diversity that makes us stronger.
- Collaboration - Together we are better. Working as a team and with our partners, we achieve extraordinary results.
- Innovation - We imagine the possibilities. We challenge ourselves to look beyond what is to what can be.
- Excellence - We are all leaders. We work with passion, pride and purpose and own our part in the success of the team.

Further, Alberta Gaming, Liquor and Cannabis identified their strategic direction:

- Responsible Growth - responsibly generate and grow revenue for the benefit of Albertans.
- Effective Regulation - ensure a relevant and balanced regulatory environment that manages risk and allows gaming, liquor and cannabis businesses to operate efficiently.
- Culture of Moderation - foster a culture of moderation by promoting responsible gaming experiences and responsible liquor and cannabis consumption.

- Organizational Strength - increase employee engagement and improve the technology and processes we use to serve Albertans.

From this Alberta Gaming, Liquor and Cannabis licence and regulate the retail liquor store industry in accordance with the Gaming, Liquor and Cannabis Act, the Gaming, Liquor and Cannabis Regulations, and the Retail Liquor Store Handbook.

The Retail Liquor Store Handbook provides information specific to liquor stores and includes information about applicable legislation, board policies, licensee responsibilities, staff requirements, business and facility requirements, premise management, liquor purchases and returns, advertising, promotion of products, special event licencing, inspections, and disciplinary actions.

Alberta Gaming, Liquor and Cannabis highlighted the following sections in the Retail Liquor Store Handbook that relate to their jurisdiction. As portions of this document have not been updated since 2012, the references to the Act and Regulations are as follows:

- Gaming, Liquor and Cannabis Act
- Gaming, Liquor and Cannabis Regulations

Section 1.1 - Introduction

Policies:

Section 1.1.2 - Alberta Gaming, Liquor and Cannabis is the province's liquor and gaming authority, responsible for administering and regulating the liquor and gaming industries in Alberta.

Section 1.4 - Legislation and Board Policies

Policies:

Section 1.4.1 - Licensees and their staff must comply with:

- a) the Gaming, Liquor and Cannabis Act;
- b) the Gaming, Liquor and Cannabis Regulations;
- c) Board policies; and
- d) all federal, provincial and municipal legislation.

Section 1.4.2 - Non-compliance with the legislation or Board policies may result in disciplinary action by the Board pursuant to Part 4 of the Gaming, Liquor and Cannabis Act.

Section 1.5 - Licensee's Responsibilities

Policies:

Section 1.5.1 - Licensees and their staff must ensure the licensed premises operate in accordance with all federal, provincial and municipal legislation.

Section 9.1 - Inspections - General Information

Guideline:

Section 9.1.6 - Alberta Gaming, Liquor and Cannabis Inspectors visit licensed premises to:

- a) check for compliance with the Gaming, Liquor and Cannabis Act, Gaming, Liquor and Cannabis Regulations and Board policies;
- b) confirm no structural changes have been made to the premises affecting compliance with the licence;
- c) advise licensees who want to apply for a new class of licence, a licence endorsement or a licence extension;
- d) investigate complaints;
- e) conduct audits on licensee books and records;
- f) conduct training seminars; and
- g) respond to licensee concerns about the operation of the licensed premises.

Section 10.1 - Licencee Discipline - Incident Reports

Guidelines:

Section 10.1.1 - An Alberta Gaming, Liquor and Cannabis Inspector who observes an alleged violation may prepare an Incident Report detailing the circumstances.

- a) The Incident Report will be dated when all evidence has been obtained and the investigation is finalized.
- b) A copy of the Incident Report will be hand delivered or mailed to the licensee within 17 working days of the date it is finalized.
- c) If a licensee or manager is not on the licensed premises when an Inspector observes the alleged violation or when a covert undercover (secret) inspection is carried out, the Inspector will attempt to notify the licensee, manager or employee in charge within two (2) working days of completing the Incident Report.

Section 10.1.2 - The Chief Executive Officer or delegate may propose a penalty or refer the Incident Report to the Board for review and decision where circumstances warrant (see Subsection 10.2).

Section 10.1.3 - On reviewing an Incident Report, the Board may decide to impose a penalty with or without a hearing (see Subsections 10.2 and 10.3).

Sections 10.2 and 10.3 discuss the Administrative Tribunal process Alberta Gaming, Liquor and Cannabis follows with respect to violations of the Gaming,

Liquor and Cannabis Act, Gaming, Liquor and Cannabis Regulations and Commission policies.

Operations and Facility Requirements

The Retail Liquor Store Handbook also identifies a number of policies and guidelines that relate to staff training and premise management. To ensure that customers are not overserved, liquor store staff and management are required to be ProServe certified. Alberta Gaming, Liquor and Cannabis also provides staff training to help liquor store operators and employees better understand their responsibilities and authority regarding liquor sales and the operation of a licensed premise. Alberta Gaming, Liquor and Cannabis also requires that liquor stores do not sell products to intoxicated individuals or minors, and report any crimes to police. Whether operators are doing so, and the police are acting on these complaints is another matter.

The handbook also provides guidelines for a safe and secure facility. Some of the guidelines are similar to the special land use provisions Zoning Bylaw 12800 requires for liquor stores including:

- ample windows and interior/exterior lighting to allow surveillance from the street;
- landscaping around the store should be low-growing shrubs or deciduous trees with a high canopy at maturity. Foliage should be kept trimmed back to prevent loss of natural surveillance;
- all customer parking areas should be in front of buildings and be well lit;
- customer access to the store should be limited to a storefront that is visible from the street, shopping centre parking lot or mall access.

Unfortunately, these are guidelines and not policy. In consideration of stakeholder feedback received as part of the engagement undertaken for CR_5604, Administration notes that the operations and management of liquor stores could be improved by shifting some of the guidelines to policies, or by having Alberta Gaming Liquor and Cannabis consider other mechanisms to improve compliance with its policies as stated in the Retail Liquor Store Handbook. Due to the inability to retroactively apply new zoning regulations to existing liquor stores, changes to the policies managed by Alberta Gaming, Liquor and Cannabis would have a greater and more immediate and long-lasting effect on improving the management and safety of existing liquor stores operating in Edmonton.