

SPECIAL PREMISES LICENSING POLICY

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Approved By: JP Landry, A/Executive Director

I. POLICY OBJECTIVE

This Policy is intended to provide guidance regarding the eligibility of applicants for a Special Premises Liquor License.

II. DEFINITIONS

“Special Premises License” means a type of permanent liquor license that may be issued when the premises are unique in operation and cannot conform to the requirements applicable to any other categories of licenses. Special Premises licenses are not typically issued to privately owned companies; however, when granting a license to such an applicant, the premises are conditioned to operate in a private and/or restricted manner.

III. APPLICATION

This Policy applies to all applicants seeking to obtain a Special Premises License pursuant to Section 14 of the Nova Scotia *Liquor Licensing Regulations*.

IV. POLICY

The Alcohol, Gaming, Fuel and Tobacco Division (AGFT) may consider the eligibility of an application for a Special Premises License if the following information is provided:

- A detailed explanation as to why the applicant is seeking this license type and the intended use for the space for which the license is sought.
- A clear outline of the area that the applicant is requesting to be covered by the Special Premises License; and
- A clear undertaking from the applicant that they are aware of and understand restrictions that may be placed on a Special Premises License.

A Special Premises License may be considered where the applicant business is not eligible to obtain another form of liquor licensing (e.g., beverage room, cabaret, lounge, etc.). This form of licensing may only be granted to applicants operating premises that maintain restricted access to the general public and/or the primary purpose of the establishment is an activity other than the service of alcohol, including, but not limited to:

- Businesses that provide cosmetology/health treatments by a certified professional. For greater clarity, the applicant business must employ a licensed member in good standing with Massage Therapist Association of Nova Scotia, the Nova Scotia Registered Barbers Association, the Cosmetology Association of Nova Scotia, or other acceptable accredited professional associations; and
- Resorts, hotels, inns, private clubs and vessels, and community facilities.

Notwithstanding the above, venues that may be viewed as permitting broader access to the general public, such as: sporting/recreation centres, college/university facilities, cultural/theatrical venues, and trade and convention centre complexes may also be considered. Please note, these premises are conditioned and typically operate in a manner that access and service to the general public is restricted (i.e., through ticketing memberships or invitation only).

Conditions that have been historically associated with a Special Premises License are more prohibitive and prescriptive than other liquor licenses. This is due to its' broad application and the risk of creating unfairness between competing businesses licensed pursuant to the *Liquor Licensing Regulations*. Common conditions may include:

- Liquor service is restricted to members and guests only, and not open to the general public.
- Hours of service are restricted.
- All advertising and entertainment must be approved.
- Licensee must advertise that the event will include in seat consumption during ticket sales.
- The sale of alcohol is only permitted to patrons who are attending previously booked private functions.
- The licensee is permitted to sell beer and wine only.
- Liquor service in cosmetology/health treatment facilities requires proof of licensing/membership with the appropriate governing authority for the business type (e.g., Massage Therapists' Association of Nova Scotia, Cosmetology Association of Nova Scotia, Nova Scotia Registered Barbers Association, etc.).
- Alcohol service is restricted to clients of the facility who are accessing services of the designated professional.
- This license shall be valid only on days when live theatre performances are held.
- Although persons under 19 years of age are permitted in licensed areas, it is the responsibility of the licensee to ensure that minors are not sold or served and do not consume alcohol while on the licensed premises.
- This license is for the benefit of club members and green fee players only and not the general public.
- Conditions may be imposed to restrict the number of licensed events; and
- If events are open to individuals under the age of 19, there must be an appropriate physical division between the licensed and unlicensed areas which satisfies the Investigation & Enforcement Division of AGFT.



If the eligibility of the of the application is not in accordance with this Policy and/or the *Liquor Licensing Regulations*, the Executive Director may deny the application, seek further clarification, issue the license with conditions, or defer to the Board.

V. ACCOUNTABILITY

The applicant is responsible for ensuring they are compliant with the Nova Scotia *Liquor Control Act*, the *Nova Scotia Liquor Licensing Regulations*, and associated policies/directives.

VI. REFERENCES

- *Nova Scotia Liquor Control Act*
- *Nova Scotia Liquor Licensing Regulations*
- *Board Order- LC/08011 (Denial)*
- *Board Order - LC/05/063 (Approved)*
- *NSUARB Directive - Application for a Special Premises Licenses (06/11/08)*

VII. INQUIRIES

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