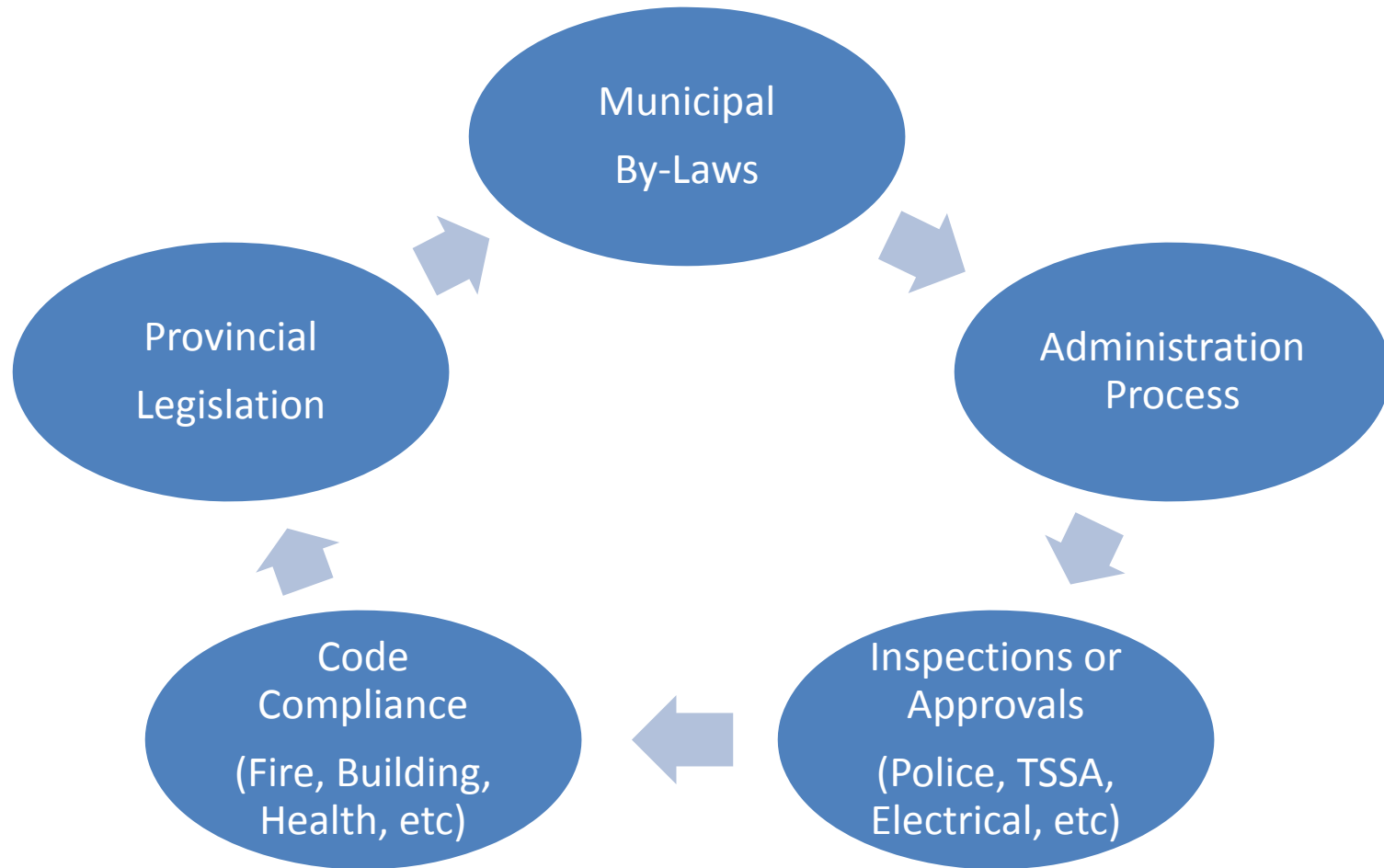


Educating/ Engaging New Councils about Licensing Enforcement Issues

**Tanya Daniels,
Manager, Licensing & Administrative Services / Deputy Clerk
City Clerk/Returning Officer for the 2018 Municipal Election**



Licensing Program Drivers



Council should

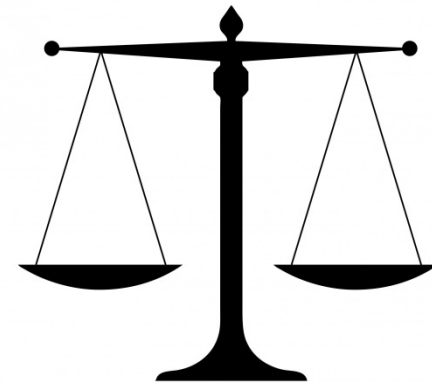
Steer the boat vs row the boat!



Guiding Principles

When designing or updating Licensing programs:

- Give yourself roots = leverage later
- Provide for pillars or principles that the program can stand on



City of Brantford Principles Business Licensing Program

Health and Safety

What are we getting out of a licensing program that protects the community?

- Individuals
- Community
- Infrastructure and Environment

Consumer Protection

How will the community benefit by having licensing regulate?

- Police Checks?
- Insurance?
- Vendor on record?

Nuisance Control

Will the licensing program reduce or aim to eliminate a nuisance behavior or business?

- Smell? Garbage/Waste?
- Number of operators / business type?

Licensing Overhaul Experience

Converting over 30 different by-laws with 70+ types of licences into 2 by-laws

- 1) Adult Entertainment
- 2) General Business Licensing

Created an overarching General Provisions that addresses:

- Application Process
- Refusals or Revoking of Licences
- Appeal hearings (relative to refusal / revoke)

- Attached Schedules identify the specific requirements for each type and the licences that can be issued

Schedule 'A-5'- Food Service Vehicles

Title	Food Service Vehicles
Applicable Licence	Food Cart Food Truck/Trailer Food Service Vehicle 3 Day Event – Food Cart Food Service Vehicle 3 Day Event – Food Truck/Trailer
Exceptions	<p>This Schedule shall not apply to the following:</p> <ul style="list-style-type: none"> (a) churches, service clubs and fraternal organizations that: <ul style="list-style-type: none"> i. prepare and serve meals for special events and fellowship solely for their members and invited guests; or ii. do not receive any form of monetary compensation from other groups or the general public from the sale of prepared and served meals; (b) assisted meal programs; (c) the sale of pre-packaged candy, chips and pop.
Reasons for licensing	Health and Safety Consumer Protection

Careful what you catch in your Net

What you need to consider when asked for Licensing involvement:

- Licensing should not be a tool to solve a singular issue
- When looking at licensing an activity, be careful not to catch more in your net than you intend or is needed
- What principle will a licensing program achieve

Purpose of Licensing

Appropriate Use

- Promote Food trucks that offer charitable events ... not the purpose (but?)
- Collect info on Plumbers who want to offer Lead Pipe work Maybe (can you?)
- Regulate business activity YES

Non-Compliance Update Requests

- Interference
 - As the Officer / Investigator, you must be comfortable and understand your approach
- Give updates vs all evidence in not your entire case file
 - Rely on requirements, principles, processes

Common Calls for “Assistance”

- Licensee Failing to Plan or Does Not Agree With Program
 - Business Operators have a duty to understand what impacts their operations and to comply
 - Make your program information publically available and stand behind this
 - Education - website, social media, partners in community
 - Compliance – work with community, notices of compliance
 - Enforcement – Short form wording/Set fines (last resort)
- Civil Complaint
 - Licensing is not a catch for civil matters. CAUTION

Is there another way to gain
Compliance?

Letter of the law vs. Spirit of the law

BONUSING

When the Fee Waive ask comes in!

Municipal Act reference

- **Assistance prohibited**

106 (1) Despite any Act, a municipality shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose. 2001, c. 25, s. 106 (1).

- **Same**

(2) Without limiting subsection (1), the municipality shall not grant assistance by,
(a) giving or lending any property of the municipality, including money;
(b) guaranteeing borrowing;
(c) leasing or selling any property of the municipality at below fair market value; or
(d) giving a total or partial exemption from any levy, charge or fee. 2001, c. 25, s. 106 (2).

Food Truck Experience

- Implementation in 2018
 - Previously had no applicable zoning to operate
- Business is not the non-profit organization
 - Community Groups or Non-Profit agencies are the organizer and NOT the business operator
 - What is in your legislation – Event organizer or Business Operator?

It happens

- Provide false information to Councillors or the public



Clothing Donation Bins Experience

- 2014 Implementation program
- 2015 – Eagle Country Community Association (ECCA)
 - Refusal to issue Licence
 - Applicant Appealed decision
 - Hearing commenced
 - Council SUPPORTED decision



In case you are interested in more ...

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