



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 3, 2015
SUBJECT/REPORT NO:	Revised Lottery Licensing By-law (PED15013) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Ken Leendertse (905) 546-2424 Ext. 3059
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That By-law 04-134, being a by-law to license Lotteries, be repealed and replaced with the by-law attached hereto as Appendix "A" to Report PED15013, which has been prepared in a form satisfactory to the City Solicitor.

EXECUTIVE SUMMARY

The draft revised by-law has more clarity in how lottery licenses are issued and shifts the responsibility of issuing lottery licenses to the Licensing Division away from the City Clerk's office, where the function formerly resided. The by-law follows the provisions of the Business Licensing frame work for the administration, enforcement and appeal process through the Licensing Tribunal.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The City of Hamilton is authorized to license lottery schemes as permitted under Provincial Order-in-Council 1413/06. The Registrar of Alcohol and Gaming, Alcohol and Gaming Commission of Ontario (AGCO) has oversight over municipal licensing of lottery schemes and publishes detailed requirements to be followed by municipalities.

HISTORICAL BACKGROUND

- June 9, 2004 – Council approved By-law 04-134 for the issuance of Lottery Licenses.
- April 25, 2007 – Council approved an amendment to By-law 04-134 by amending it with By-law 07-147.
- August 7, 2008, an additional amendment to By-law 04-134 was made by approving By-law 08-186.

The proposed by-law will clarify all the amendments and streamline the process for the administration and issuance of Lottery Licenses.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Legal Services was consulted in the preparation of this Report.

In addition, the Hamilton Police Service and the Ontario Provincial Police, who are responsible for various aspects of enforcement with respect to lottery schemes, were consulted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The administration of Lottery Licenses by the City has changed over time; however, the Lottery Licensing By-law has not. In conjunction with Legal Services, staff reviewed the current administration of the by-law, along with the Registrar of Alcohol and Gaming, current requirements for lottery schemes. The Hamilton Police Service, as well as the Ontario Provincial Police, were consulted. The proposed by-law provides clarity as well as best practices in dealing with the issuance of licenses.

The noteworthy changes in the proposed by-law are as follows:

- The person responsible for administering the by-law is correctly identified as the “Issuer of Licenses” instead of the Administrator of Licenses (Section 1).
- The conditions attached to each lottery license are listed comprehensively, as well as each licensee’s obligations (Sections 10, 11 and 12).
- There is now an offence for contravening the by-law which will assist in gaining compliance when conditions on a lottery license are breached or a lottery scheme is operated without a license (Sections 13 and 14).

The proposed by-law allows for lottery licensing to be administered more effectively and efficiently.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner

Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in the service that is provided through the enforcement of this By-law.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED15013 – Draft By-law

KL/cb