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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** February 1, 2005

**To:** City Manager

**From:** Planning and Corporate Services Department (RS)

**Subject:** Increased Dispersal Times and Liquor Primary Establishments

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**1.0 RECOMMENDATION**

THAT the report dated February 1, 2005 from the Planning and Corporate Services Department outlining recommended action for increased dispersal times for liquor primary licensed establishments be received for Council's information;

AND THAT Council support a half hour extension to dispersal times (from 2:30am to 3:00am) during a six month trial period for all liquor primary licensed establishments listed in Schedule "A" of this report;

AND THAT Council direct staff to forward the appropriate resolution to the Liquor Control and Licensing Branch in Victoria.

**2.0 BACKGROUND**

During the spring and summer of 2003, the Mayor's Entertainment District Task Force reviewed the operation of cabarets and pubs in downtown Kelowna. Subsequently, the task force created a policy document (*The Mayor's Entertainment District Task Force Report – June 16, 2003*) providing guidelines to be referenced when considering applications for pubs and cabarets (liquor primary) within the city. The policy was adopted by Council in June of 2003.

The policy includes the recommendation that the Liquor Control and Licensing Branch allow the extension of the dispersal period from 30 minutes (2:00am to 2:30am) to one hour (2:00am-3:00am) therefore providing more time for patrons to vacate liquor primary establishments. The Liquor Control and Licensing Branch are supportive of the proposed 1 hour clearing provided that establishments wanting to increase their dispersal time enter into a Good Neighbour Agreement with the City of Kelowna. Under the provisions of the Good Neighbour Agreement (attached), liquor primary license holders will be expected to address and monitor issues relating to the following:

- **Noise and Disorder**
- **Criminal Activity**
- **Minors**
- **Sale and Consumption of Alcohol**

- **Hours of Operation and Liquor Service**
- **On-Duty Employees**
- **Cleanliness**
- **Enforcement**

### 3.0 SUMMARY

During the spring of 2004 Council directed staff to explore the possibility of allowing an extra 1/2hr. of dispersal time for liquor primary license holders. At this time staff consulted with the Liquor Control and Licensing Branch and discovered that this would be possible but would require an individual resolution from Council for each liquor primary licensed establishment. Interested liquor primary licensed establishments would then be required to make application to the LCLB as well. In order to grant the additional dispersal time (not to include additional liquor service) the LCLB also required that Liquor Primary License holders enter into a Good Neighbour agreement with the City of Kelowna.

After the above noted information was gathered, staff sent an informational letter containing an explanation of the process required to achieve the extra dispersal time (from 2:30am to 3:00am) to all liquor primary licensees in the City of Kelowna (letters sent on April 30, 2004). The letter requested that all interested licensees contact the City of Kelowna Planning and Corporate Services Department by May 31, 2004. Only two establishments expressed interest at this time and of those two, only one establishment was able to return a completed Good Neighbor Agreement by the May 31<sup>st</sup> deadline. A second establishment had expressed interest; however, also expressed concern with regard to the content of the Good Neighbor Agreement.

### 4.0 RCMP

The RCMP have no concerns with the extended dispersal time if implemented on a trial basis. The RCMP currently has a committee examining the issue.

### 5.0 Planning and Corporate Services Department

The Planning and Corporate Services Department is seeking to revisit the increased dispersal period and Good Neighbour Agreement with Liquor Primary License holders (which may currently serve liquor until 2 a.m.) with the goal of a six month trial period where as many establishments as possible are involved.

After further consultation with the Liquor Control and Licensing Branch it has been determined that the easiest way to facilitate the extension of dispersal times involved the following:

- Council passes a resolution supporting the extension of dispersal times of all liquor primary licensed establishments in Kelowna (all must be named in the resolution)
- Staff will forward this resolution to the Liquor Control and Licensing Branch
- Staff contacts all liquor primary licensees to inform that they must make application to the LCLB should they wish to seek the extended dispersal time and enter into a Good Neighbor Agreement with the City of Kelowna
- Staff will arrange with the LCLB to have all extended dispersal times run concurrently with a review in 6 months time. Staff suggests that the trial period run between May and October of 2005.

Staff are recommending that Council support an half our increase to the dispersal time for the 10 liquor primary licensed establishments in Kelowna which are currently licensed to end liquor service at 2 a.m..

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Andrew Bruce  
 Manager of Development Services

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP  
 Director of Planning & Corporate Services

RM/AB/rs  
Attach.

## Table “A” – Liquor Primary Establishments With 2 A.M. Liquor Service

Liquor Primary Establishments	Zone	Address (Street/Legal)
Cheetah’s	<b>C7LP</b>	220 Lawrence Avenue, Lot 9, Block 13, D.L. 139, Plan 462, ODYD
Doc Willoughby’s Downtown Grill	<b>C7LP</b>	353 Bernard Avenue, Lot 9, Block 14, D.L. 139, Plan 462, ODYD
Flashback’s	<b>C10</b>	1268 Ellis Street, Lot 1, D.L. 139, Plan 660, ODYD
Gotcha Nightclub	<b>C7LP</b>	234-236, 238 Leon Ave, Lot 7, Block 10, D.L. 139, Plan 462, ODYD
Rose’s Pub	<b>C8LP</b>	1310 Water Street, Lots A & B, Plan KAP47378, ODYD
OK Corral Cabaret	<b>C10LP</b>	1978 Kirschner Road Lot A, Plan 23146, ODYD
Rascals Nightclub	<b>C4 LP</b>	150-154 Hwy.33 W Lot 1, Sec.26, Twp. 26, Plan 2073
Champagne Charlies	<b>C7 LP</b>	274 Lawrence Ave Lot 13, Blk,13, DL.139, Plan 462
Splash’s Nite Club	<b>C7LP</b>	275 Leon Avenue Lot 1, DL.139, Plan 32713, ODYD
Tonics Neighbourhood Pub	<b>C7LP</b>	1630-1654 Ellis Street Lot 1, Plan 462, BLK 8, DL 139 Lot 2, Plan 462, BLK 8, DL 139