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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** January 16, 2006

**To:** City Manager

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

**Subject:** **Follow-Up Re:** Request for Clarification on Mayor's Entertainment District Task Force Policy contained in Council Policy #315 Liquor Licensing Procedures (LP) and Retail Liquor Sales (RLS)

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### 1.0 RECOMMENDATION

THAT the report dated January 16, 2006 from the Planning and Corporate Services Department outlining following-up to staff's requested clarification for Council's position regarding the issuance of special occasion liquor licenses for businesses in the "yellow area" and related amendments to Council Policy #315 be received for Council's information;

AND THAT Council direct staff to monitor the Habitat Banquet/Entertainment facility with regard to conformity to City Bylaws and Provincial Liquor Licensing Regulations and report back in six months time;

### 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 and later incorporated into Council Policy #315 - Liquor Licensing Procedures (LP) and Retail Liquor Sales (RLS). This policy makes the recommendation that:

*No additional Liquor Primary Establishments be located within the "yellow area" and no expansion shall be approved to existing Liquor Primary establishments with the "yellow area".*

### 3.0 SUMMARY

In December of 2005 the Planning and Corporate Services Department forwarded a request to Council with regard to a policy interpretation for the Mayor's Entertainment District Task Force Report whose recommendations were encapsulated into Council Policy #315. At this time the Planning and Corporate Services Department in conjunction with the RCMP recommended that Council restrict the issuance of any further Special Occasion Licenses in the "Yellow Zone" and amend Council Policy #315 accordingly.

Staff initiated the report for policy clarification after receiving several complaints about a banquet hall in the "Yellow Zone" using Special Occasion Liquor Licenses for events and encourage clients renting the facility to do the same. At the conclusion of the December discussion, Council directed staff and the RCMP to continue to work with the business in question towards a solution to staff's concerns rather than imposing further restrictions on liquor licensing in this area.

The concerns of city staff and the RCMP relate to the fact that this business appears to be circumventing the liquor primary licensing process by having its clients apply for Special Occasion Liquor Licenses in order to serve liquor at some events. This creates a situation where this establishment may act as an additional liquor serving venue in the "yellow area" which is of great concern to the RCMP, City Staff and other liquor primary licensees in the area. Other liquor primary licensees in the area have also been concerned that the rules for Special Occasion Licenses are being infringed during some events.

City staff and the RCMP met with management of the Habitat banquet hall/entertainment venue on Tuesday, January 10<sup>th</sup> to discuss the issues mentioned above. In order to address the concerns mentioned above, staff was pleased to see that Habitat had committed to contracting security personnel to supervise patrons entering and exiting the establishment and to consistently enforce the provisions of Special Occasion Liquor Licenses with regard to ticket selling etc... The RCMP will also liaise with Habitat's security personnel in order address any concerns on-going concerns.

In addition the following issues were discussed and agreed upon:

- Habitat is to attempt to limit conflicts between events that require SOL's and high traffic nights for liquor primary licensees in the "yellow area".
- On occasions when the Habitat's clients receive an SOL where liquor service extends beyond midnight and may conflict with typical bar/nightclub hours, Habitat is to liaise with the RCMP in order to arrange for extra officers on duty during this time (at Habitat's expense).
- The City of Kelowna will hold Habitat responsible for adhering to City of Kelowna Bylaws and Provincial Liquor Licensing regulations with regard to Special Occasion Licenses through their Business License. In addition, Habitat will be held responsible with regard to their clients use of Special Occasion Liquor Licenses while using their premises.

## 5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

In light of the commitments by Habitat mentioned above, staff are willing recommend that Council adopt a trial period of six months during which the effectiveness of these recommendations is assessed. At this time staff will consider feedback from the RCMP and the applicant and re-assess the effectiveness of these measures. Staff would also like to note that by and large the operations of the "Habitat" banquet hall/entertainment venue pose no concern at all to staff; however, it is the small portion of their events that involve the sale/consumption of liquor which is of great concern. Staff are not seeking to discourage new business owners from locating in this area, but merely to discourage any further expansion of liquor licenses as per the recommendations of the Mayor's Entertainment District Task Force.

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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.

