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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** February 8, 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 February 8, 2006 from the Planning and Corporate Services Department outlining follow-up to Council's requested clarification (more precise amendments) for 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 endorses the following recommendations as amendments to Council Policy #315 with regard to the issuance of Special Occasion Licenses in the "Yellow Zone":

- a) No Special Occasion Liquor Licenses are to be granted on holiday weekends (long weekends) between May 1<sup>st</sup> and October 1<sup>st</sup>.
- b) No Special Occasion Liquor Licenses are to be granted where liquor it is to be served beyond 11:00pm unless the licensee makes arrangements with the RCMP to have additional officers on duty to police the extra traffic (at the licensee expense).
- c) No Special Occasion Liquor Licenses are to be granted where the proposed event is intended to cater to youth or where youth (under the age of 19) will be present.
- d) SOL licensees are to retain qualified private security personnel to monitor access to and from licensed events.
- e) The RCMP have the authority to place additional restrictions on SOL's should they have public safety concerns associated with the event.

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 advising 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.

At their January 23, 2006 meeting, Council asked that staff prepare a report detailing more precise amendments to Council Policy #315 that provide for conditional issuance of special occasion licenses and which take into account the concerns of the RCMP. Staff has listed below a series of proposed amendments to Council Policy #315 which would apply to any Special Occasion Licensee in the "Yellow Zone".

- a) No Special Occasion Liquor Licenses are to be granted on holiday weekends (long weekends) between May 1<sup>st</sup> and October 1<sup>st</sup>.
- f) No Special Occasion Liquor Licenses are to be granted where liquor it is to be served beyond 11:00pm unless the licensee makes arrangements with the RCMP to have additional officers on duty to police the extra traffic (at the licensee expense).
- g) No Special Occasion Liquor Licenses are to be granted where the proposed event is intended to cater to youth or where youth (under the age of 19) will be present.

- h) SOL licensees are to retain qualified private security personnel to monitor access to and from licensed events.
- i) The RCMP have the authority to place additional restrictions on SOL's should they have public safety concerns associated with the event.

#### 4.0 SPECIAL OCCASION LICENSING – Criteria/Regulations

Provided below is a chart detailing additional information regarding Special Occasion Liquor Licenses for Council's consideration:

What is a special Occasion License?	A Special Occasion License (SOL) permits you to serve, sell and consume alcohol at your special event, celebration or community festival. Licenses are regulated by the Liquor Control and Licensing Branch, Ministry of Public Safety and Solicitor General, and issued by the Liquor Distribution Branch. When you apply for an SOL you agree to be responsible for the safety and sobriety of your guests.
Why type of events can be licensed?	Both public and private special events can apply for an SOL. A private special event includes: a social, cultural, recreational, religious, sporting or community event including tastings for wineries/breweries and the celebration of family occasions.
Who can apply for a license?	It is the host's responsibility to apply for an SOL. This could be an individual or representative from a club, business or group. Event coordinators, caterers or managers cannot apply on the host's behalf. The host must be 19 years of age.
What are the permitted hours for a SOL?	9am to 2am the following day unless otherwise restricted by a local government or the RCMP.
Are minors allowed at an event with and SOL?	Persons under 19 years of age are allowed at licensed special events, but must not drink, serve liquor, or sell drink tickets. The host is responsible for enforcement of this rule.
What is the role of the RCMP and Local Government?	Local government and policy approval are needed for all public special events, and may be necessary for some private special events depending on local police policy. Local police and government may place additional restrictions or alter the terms and conditions that apply to the license should they identify potential enforcement concerns.
How far in advance should an applicant apply for and SOL.	LCLB recommends that applications be made at least one month in advance.
How many licenses can an individual or group apply for in a year?	Max number of SOL's granted to any organization or individual is 24 per year or 2 per month.
Who can profit from and SOL event?	SOLs are not issued for events that are intended to make a profit, unless the Liquor Control and Licensing Branch is satisfied that the purpose of the special occasion is to raise funds for a bona fide charitable purpose.

	When applying for this license to hold an event for an organization, you may be required to provide documents showing that your club or group is genuine. If the event is raising money for charity, appropriate documentation on that charity may also be required.
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#### 5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The proposed amendments to Council Policy #315 listed above are a hybrid created from amendments proposed to Council in staff's original report relating to this issue. Staff recommends that Council amend Council Policy #315 to reflect these amendments and report back to Council in six months time to determine the success of the policy changes.

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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.