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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** October 11, 2006  
**To:** City Manager  
**From:** Planning and Development Services Department / Crime and Safety Task Force  
**Subject:** Increased Dispersal Times For Downtown Liquor Primary Establishments

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### 1.0 RECOMMENDATION

THAT the report dated October 6, 2006 from the Planning and Development Services Department / Crime and Safety Committee outlining recommended action for increased dispersal times for downtown 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

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 (note: 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 Neighbour 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 Neighbour Agreement. In the end, no local liquor primary licensed establishments ended up pursuing the additional ½ hr. of dispersal time.

### 3.0 SUMMARY

The Crime and Safety Task Force has recently revived the concept of increased dispersal time for nightclubs and has opted to target the most problematic liquor primary licensees, those being 5 establishments in the downtown area. The Committee has spoken with representatives from four of the five establishments in questions and there appears to be general support for the concept of increased dispersal time for the nightclubs in the downtown core. At the direction of the Crime and Safety Task Force, Planning and Development Services staff is seeking Council support to revive and implement the additional half hour dispersal time for the designated nightclubs for a six month trial period. In order to ensure that all establishments participate, the Planning and Development Services Department will lead the process by coordinating submissions to the Liquor Control and Licensing Branch from each of the establishments.

Initially staff will co-ordinate a 6 month trial period in order to evaluate the impact of the longer dispersal period on the crime and safety concerns the downtown area just after the current 2:00 a.m. closing. After this trial period, the Crime and Safety Task Force will evaluate the results with the RCMP and Planning staff to determine its effectiveness.

In addition, the RCMP has recommended to the Crime and Safety Task Force that the City amend its Good Neighbour Agreement to require that participating nightclubs adopt mandatory video surveillance during business hours. The Crime and Safety Committee has supported this recommendation and staff is proceeding with changes to the agreement and will initiate discussions with the nightclubs.

## 5.0 Planning and Development Services Department

The Planning and Development Services Department had been seeking the opportunity to revive the concept of increased dispersal times and supports the recommendations of the Crime and Safety Task Force. 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 for liquor primary licensed establishments included in Table “A” attached to this report (all must be named in the resolution).
- Staff will arrange a meeting with all of the licensees included in this table and coordinate the submission of their applications to the Liquor Control and Licensing Branch along with Council’s resolution of support. Staff will also have each of these licensees sign a revised Good Neighbour Agreement.
- Staff will arrange with the LCLB to have all extended dispersal times run concurrently with a review in 6 months time.

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Shelley Gambacort  
Acting Manager of Development Services

Approved for inclusion ☐

Mary Pynenburg, MRAIC MCIP  
Director of Planning & Development Services

MP/SG/rs  
Attach.

**Table “A” – Liquor Primary Establishments Recommended for Increased Dispersal Time:**

<b>Liquor Primary Establishments</b>	<b>Zone</b>	<b>Address (Street/Legal)</b>
Cheetah’s	<b>C7LP</b>	220 Lawrence Avenue, Lot 9, Block 13, 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
Liquid Zoo	<b>C7 LP</b>	274 Lawrence Ave Lot 13, Blk,13, DL.139, Plan 462
Level Nite Club	<b>C7LP</b>	275 Leon Avenue Lot 1, DL.139, Plan 32713, ODYD