
CITY OF KELOWNA
MEMORANDUM

Date: March 12, 2007
File No.: 2380-01

To: City Manager

From: Sport & Recreation Manager

Subject: Update to Liquor Licenses in Parks, Stadiums and Facilities

RECOMMENDATION:

THAT City Council approve the revised Council Policy 223 - Liquor Licenses in Parks and Stadiums as attached to the report from the Sport and Recreation Manager dated March 12, 2007.

BACKGROUND:

Council Policy 223 outlines the locations and administration of the City's Liquor Primary licenses and consideration for a Special Occasion License in City parks.

DISCUSSION:

Staff has recently conducted a review and is recommending a number of changes to clarify current practices and make other appropriate adjustments. The recommended changes include:

- Add "FACILITIES" to the subject title.
- The addition of Kinsmen Softball Complex and Kelowna Community Theatre to the locations where a Liquor Primary license is maintained.
- Annual fee from operators of the Liquor Primary Licenses in the Stadiums be not less than 10% of gross sales and eliminate the base amount of \$2,000, or whichever is greater.

The 10% will maintain a relationship that is a direct reflection on sales and becomes our standard practice. There may be occasions and circumstances where the percentage may change to reflect a broader partnership and facility objectives. An example of this is the current discussions with the Kelowna Adult Softball Association regarding the operation of the Liquor Primary license at the Kinsmen Softball Complex and the joint desire to direct a higher percentage of net profit to facility development.

- Addition of key clauses to be covered in a letter of understanding with the authorized tenant, these include:
 - The authorized tenant is to operate in accordance with all regulations set out in the Liquor Control and Licensing Act and as set out by the City;
 - Not less than 10% of annual gross sales at each stadium location is paid to the City and placed in a reserve account and used for future facility improvements;
 - The authorized tenant is responsible for all financial aspects of operating the Liquor Primary license;
 - The authorized tenant is to maintain comprehensive general liability insurance as required by the City;
 - The authorized tenant is to provide financial reporting records in a format as determined by the City.
- Revised wording that provides for the Director of Recreation, Parks and Cultural Services (or designate) to be authorized to sign on behalf of the City, all ongoing management of the City's Liquor Primary licenses;
The Liquor Control and Licensing Branch requires signature on all documents from a designated authority acting on behalf of the City. Appropriate signatures are required for such documents as annual application renewals, change of directorship of our third party operator and extension of Liquor Primary license area.
- Deleted temporary extensions of the Liquor Primary License daily fee of \$2,000 or 10% of gross liquor sales, whichever is greater.
This section is covered in the City's Bylaw 9609 - Fees and Charges Bylaw for Recreation, Parks and Cultural Services. The fee structure to extend the Liquor Primary license area is a flat fee of \$2,000 per day. Wakefest and the Dragon Boat Festival are examples of instances in which an extension has been completed.

Other articles in Council Policy 223 will remain the same.



Jim Gabriel, Sport & Recreation Manager

Cc: Director of Recreation, Parks and Cultural Services
City Clerk
Cultural Services Manager
Facilities Supervisor

Attachment



CITY OF KELOWNA

POLICY: 223

PAGE: 1 of 2

COUNCIL POLICY MANUAL

APPROVAL DATE: 2004/08/09

RESOLUTION #: R768/04/08/09

REPLACING #: R530/00/06/12; R399/1998/05/25, R290/1997/05/05; S1314/1992/11/23

DATE OF LAST REVIEW: April 2006

SUBJECT: LIQUOR LICENSES IN PARKS, STADIUMS AND FACILITIES

THAT the City of Kelowna allow outdoor licensed liquor beverage areas in conjunction with organized events at Waterfront Park, City Park, Knox Mountain Park, Parkinson Recreation Centre, Mission Recreation Park, Apple Bowl Stadium, Elks Stadium, King Stadium, Rutland Sportsfields, Ellison Softball Park and the East Kelowna Sportsfields Park;

AND THAT City owned Liquor Primary licenses for King Stadium, Apple Bowl Stadium, Elks Stadium, Kinsmen Softball Complex and Kelowna Community Theatre be maintained;

AND THAT the City authorize, in each individual case in writing, the appropriate major tenant to operate the City owned Liquor Primary licenses at each of King Stadium, Elks Stadium, Apple Bowl Stadium and Kinsmen Softball Complex, on the following conditions:

- The authorized tenant is to operate in accordance with all regulations set out in the Liquor Control and Licensing Act, and as set out by the Liquor Control and Licensing Branch, and the City;
- Not less than 10% of annual gross liquor sales at each stadium location are to be paid to the City and placed in a reserve account and used for facility improvements;
- The authorized tenant shall be responsible for all financial aspects of operating the Liquor Primary license, including but not limited to payment of application or license fees, all necessary criminal record check fees, and all operational and associated costs;
- The authorized tenant shall maintain a comprehensive general liability insurance, as well as a release and indemnity of the City, as required by the City's Risk Manager, and shall provide proof of same;
- The authorized tenant shall provide financial reporting records in a format determined by the City;

AND THAT the Director of Recreation, Parks and Cultural Services (or designate) be authorized to sign on behalf of the City with regard to all ongoing management issues related to the City owned Liquor Primary licenses;

AND THAT all outdoor licensed events allowed in City parks and stadiums are subject to the following conditions:

- a) event organizers are required to apply through the outdoor event approval process to present a request for the licensed area including:
 - i. a site plan of the venue which shows the size and capacity of the licensed area and its location within the venue, the provision of washroom facilities;
 - ii. proposed hours of operation of the licensed area, not to be later than 11:00 pm, and the provision for 6 foot high rigid fencing;
 - iii. the maximum capacity of the licensed area;
 - iv. a security plan submitted by organizers must be approved by the Kelowna Detachment of the R.C.M.P.
 - v. any other information required by the Outdoor Event Committee for a review process;



CITY OF KELOWNA

POLICY: 223
PAGE: 2 of 2

COUNCIL POLICY MANUAL

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SUBJECT: LIQUOR LICENSES IN PARKS, STADIUMS AND FACILITIES

- b) all regulations of the Liquor Licensing Branch and the Liquor Control Licensing Act of British Columbia must be met;
- c) any incremental costs as required by the Outdoor Event Committee arising out of the licensed area will be paid by the event organizers;
- d) the operation of the licensed area does not have an undo negative impact on neighbours and businesses;
- e) the issuance or extension of the license is approved by the Outdoor Event Committee.

REASON FOR POLICY: To establish parameters for licensed outdoor events in parks and stadiums.

LEGISLATIVE AUTHORITY: *Liquor Control and Licensing Act*; Parks Bylaw No. 6819-91, Outdoor Event Bylaw 8358

PROCEDURE FOR IMPLEMENTATION: Applications processed by the Director of Recreation, Parks and Cultural Services.