

Memo



Date: September 30/09
To: City Manager
File: 4322-00
From: Land Use Management Department
Subject: Liquor Control Review Committee
Report Prepared by: Luke Turri

1.0 Recommendation:

THAT Council direct staff to proceed with the establishment of the Liquor Control Review Committee as submitted;

AND THAT the Terms of Reference for the Liquor Control Review Committee, as attached to the Land Use Management Department's report dated September 23, 2009, be endorsed by Council;

AND THAT the Liquor Control Review Committee report back to Council with their findings by Spring 2010.

2.0 Background:

2.1 Former Mayor's Entertainment District Task Force (2002-2004)

The Mayor's Entertainment District Task Force (MEDTF) originated in August 2002, when Terms of Reference were adopted by Council. In total the MEDTF had nine regular meetings and one special public meeting. Members included the general public, downtown stakeholders, the RCMP and the BC Liquor Control and Licensing Branch (LCLB), chaired by then Mayor Walter Gray. The first meeting was held in January of 2003, with a formal report issued on the findings of the Task Force prepared in June 2003. Council Policy #315 summarized a number of the findings from the Task Force Report and outlined application procedures for all liquor primary and retail liquor sales establishments. This policy was formally adopted on May 17, 2004, and has since guided staff and Council evaluation of liquor license applications.

2.2 Council Policy #315

As a result of the findings from the MEDTF, Council Policy #315 was established to formulate criteria for evaluating Liquor Primary License applications throughout the City:

- No new, expanded or relocated Liquor Primary Establishment shall be permitted with a person capacity of greater than 500 persons.
- Any new, expanded or relocated Liquor Primary License application with a person capacity of 350 persons or more shall not be located closer than 300 m (shortest travel distance) to an existing Liquor Primary Establishment with a person capacity of greater than 350

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persons and no closer than 100 m (shortest travel distance) to another Liquor Primary Establishment with a person capacity between 150 and 350 person capacity and not abutting or adjacent to another Liquor Primary Establishment with a person capacity of less than 150 persons.

- Any new, expanded or relocated Liquor Primary License application with a person capacity of between 150 and 350 persons shall not be located closer than 100 m (shortest travel distance) to an existing Liquor Primary Establishment with a person capacity greater than 150 persons and shall not be located abutting or adjacent to another Liquor Primary Establishment with a person capacity of less than 150 persons.
- Any new, expanded or relocated Liquor Primary License application with a person capacity of less than 150 persons shall not be located adjacent or abutting an existing Liquor Primary Establishment.

Through the MEDTF's review, an area identified as the "Yellow Zone" (Leon/Lawrence between Water and Abbott Street) from the Downtown Plan (2000) was considered to be the area of greatest concern, and additional guidelines were adopted in dealing with this area:

- No additional Liquor Primary establishment shall be considered within the Yellow Area identified by the Downtown Plan.
- No additional capacity for existing Liquor Primary Establishments shall be considered within the Yellow Area identified by the Downtown Plan.

Concern was also raised regarding the location of Retail Liquor Sales establishments, as during the time of the MEDTF, a moratorium was lifted by the LCLB on new liquor stores in the province. Issues were also expressed regarding liquor stores located in close proximity to large liquor primary establishments. Specific policies in this regard were adopted:

- No Retail Liquor Sales shall be approved for (in conjunction with) Liquor Primary Establishments with person capacity that exceed 150 persons
- Any new or relocated Retail Liquor Sales establishment shall not be located within 300 m of an existing Liquor Primary establishment with a person capacity greater than 350 persons.

Notwithstanding the specifics listed in Council Policy #315, Council was always able to make decisions on specific applications based on individual merit, regardless of whether the request contravened the MEDTF's findings.

2.3 New Review Process

During public meetings of Council in the past few months, several liquor license applications have called into question the existing Council Policy #315 (including a large scale downtown cabaret, and 3:00 am hours of sale extension on Leon Avenue for two cabarets). Consequently the following recommendations were passed:

THAT Council work with staff, the Downtown Kelowna Association, and any other stakeholders with respect to a review of the Mayor's Entertainment District Task Force's recommendations and in particular, a review of the hours of operation (soft closings), the possibility of implementing the TreoScope or Bar Watch programs.

The Land Use Management Staff to include in the Terms of Reference research of other community initiatives for late hour openings, and perspectives from RCMP, businesses, citizens and owners/operators.

3.0 Terms of Reference

At Council's direction, the scope of the review would encompass the entire City. While the Downtown has the highest concentration of liquor primary establishments, the potential for other entertainment areas also exists in Uptown Rutland and South Pandosy neighbourhoods. Future development in these areas may create demand for additional liquor primary establishments, and as such, the review would incorporate these areas as well as Downtown.

The proposed Liquor Control Review Committee (LCRC) would assess the content of Council Policy #315 and its validity to the current conditions and resource implications. At a broader level, it is anticipated that the LCRC would determine enhanced methods to deal with liquor license applications and to help create a more vibrant, safe, fun environment at and around all liquor establishments - for businesses, residents and tourists alike. The existing Downtown Plan and guidelines from the proposed CD21 zone are to be used as a reference point in terms of creating a livable downtown. Analysis would include a comparison of liquor license statistics from both 2003 and present day to help determine the extent of change since the work of the MEDTF.

Without limiting its extent, the LCRC should specifically consider (at Council's request):

- The impacts of permanently extending hours for cabarets past 2:00am, and experiences in other municipalities.
- The potential for "soft closings" (one hour dispersal time following the end of liquor sales).
- An analysis of the use of patron identification systems (i.e. Treoscope)
- 'BarWatch' Programs in other jurisdictions
- Late-night transportation availability

Staff also recommends that the LCRC also consider:

- The potential of establishing specific entertainment districts throughout the City
- Policies in comparable communities (Nanaimo, Kamloops, Prince George, etc.)
- Experiences in other 'bar friendly' communities (St. John's, Halifax)
- Review of policing costs and Business License fees
- Review of existing Good Neighbour Agreement
- Review of existing zoning regulations and definitions for liquor primary establishments
- Review of existing liquor primary license application process

Staff is recommending the following framework for facilitating this review:

A select committee to be established by Council with approximately 7-10 members, which would include:

- Member of the Liquor Control and Licensing Branch
- Member of the Kelowna RCMP
- Member of the Downtown Kelowna Association
- Member of Uptown Rutland Business Improvement Association
- Member representing the South Pandosy Urban Centre
- Member representing local neighbourhood pubs
- Member representing local cabarets/night clubs
- Two members from the community at large (Chair/Vice-Chair)

The select committee members would participate at each meeting, with a Chair and Vice-Chair appointed by Council prior to the inaugural meeting.

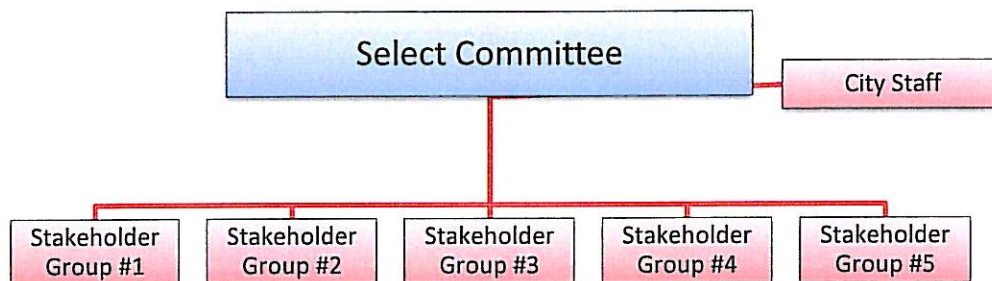
The committee would meet at regular intervals to hear from various stakeholders, sub-groups and interest groups individually. In addition, the Committee could also hear from the general public (through an advertised public meeting) for any members of the public to express their opinions.

Staff would provide each stakeholder/interest group a background package in advance of their particular meeting date. The information would clearly outline the scope of the input which would be presented to the Committee.

Invited stakeholders/special interest groups could include:

- Downtown Kelowna Association
- Kelowna Chamber of Commerce
- Kelowna RCMP & Bylaw Enforcement
- Uptown Rutland Business Improvement Association
- Kelowna South-Central Association of Neighbourhoods
- North End Residents Association
- Urban Development Institute
- Local hotel/motel association
- Local neighbourhood pub owner's association
- Local restaurant association
- Representatives from local cabarets
- Kelowna Transit
- Representative from Kelowna Cab Companies

The Committee would hear from 2-4 groups per meeting, with the agenda established by City staff in advance. There would also be an opportunity for open discussion with each stakeholder.



The Committee would be supported in an advisory capacity by City staff, including Land Use Management, City Clerk's, and Bylaw Enforcement. Staff would also provide administrative, technical and secretarial support.

Following a series of meetings, a final report would be presented to Council by the Chair/Vice-Chair, citing specific recommendations which Council could choose to endorse.

It is anticipated that this framework would be able to provide Council a greater understanding of the current situation relating to liquor establishments within the City, allowing any changes to existing policy to be made in the interests of maintaining a safe, vibrant community.

A proposed Terms of Reference for the Liquor Control Review Committee is attached.

4.0 Existing Policy:

Council and staff are currently guided by Council Policy #315 (summarized above) for all liquor license applications.

5.0 Financial/Budgetary Considerations:

The former Mayor's Entertainment District Task Force was funded by allocations from the Planning & Development Service Department budget. Using similar committee work as a guide, initial cost estimate for the LCRC would range between \$3000-\$4000.

Should Council support the recommendations above, a supplemental report will be provided detailing budget implications.

Internal Circulation:

City Clerk

Considerations not applicable to this report:

Public Representation/Consultation:

Legal/Statutory Authority:

Legal/statutory Procedural Requirements:

Technical Requirements:

External Agency/Public Comments:

Communications Considerations:

Personnel Implications:

Alternate Recommendation:

Submitted by:



S. Gambacort
Director, Land Use Management

Approved for inclusion:



J. Paterson
GM, Community Sustainability

CC: City Clerk
Director, Policy & Planning
Community Policing Coordinator, RCMP

Attachments:

Terms of Reference - Mayor's Entertainment District Task Force (August 2002)

Proposed Terms of Reference - Liquor Control Review Committee

Council Policy #315 - Liquor Licensing Procedures

CITY OF KELOWNA
TERMS OF REFERENCE
LIQUOR CONTROL REVIEW COMMITTEE

INTRODUCTION

The Liquor Control Review Committee is formed at the request of Council for the purposes of effectively dealing with applications for liquor establishments to help achieve the goals of safe, vibrant, livable urban centres.

The Liquor Control Review Committee is a **Select Committee** of Council.

OBJECTIVE

The objective(s) of the Committee is to:

- Investigate and report on the status of “entertainment zones” within the City.
- Assess Council Policy #315 and its validity to the current conditions and resource implications.

SCOPE OF WORK

To achieve these objectives, the Liquor Control Review Committee will undertake the following activities:

- Receive input from various interest groups and stakeholders, which may include (but is not limited to) representatives from:
 - Downtown Kelowna Association
 - Kelowna Cab/Taxi companies
 - Kelowna Chamber of Commerce
 - Kelowna Transit operator
 - Kelowna RCMP and Bylaw Enforcement
 - Kelowna South-Central Association of Neighbourhoods
 - Neighbourhood pub owner’s association
 - Nightclub/Cabaret Establishments
 - Public at large
 - North End Residents Association
 - Uptown Rutland Business Improvement Association
 - Urban Development Institute
- Review existing policies relating to liquor establishments, including Council Policy #315.

Without limiting their scope, the Liquor Control Review Committee should specifically consider:

- The impacts of permanently extending hours for cabarets past 2:00am, and experiences in other municipalities.
- The potential for “soft closings” (one hour dispersal time following the end of liquor sales).
- An analysis of the use of patron identification systems (i.e. Treoscope)
- ‘BarWatch’ Programs in other jurisdictions
- Late-night transit availability
- The potential of establishing specific entertainment districts throughout the City
- Policies in comparable communities (Nanaimo, Kamloops, Prince George, Ontario)
- Review of policing costs and Business License fees
- Review of existing Good Neighbour Agreement
- Review of existing zoning regulations and definitions for liquor primary establishments
- Review of existing liquor primary license application process

MEMBERSHIP

In order to provide representation from the community, the membership of the committee is as follows:

2 Representatives of the community at large (Chair/Vice Chair)

7 Representatives from specific organizations or groups:

- Liquor Control and Licensing Branch
- Kelowna RCMP
- Downtown Kelowna Association
- Uptown Rutland Business Improvement Association
- South Pandosy Urban Centre
- Local neighbourhood pubs
- Local cabarets/night clubs

APPOINTMENT AND TERM

Members shall be appointed by Council for the duration of the review.

Council may, at any time, remove any member of the Committee and any member of the Committee may resign therefrom at any time upon sending written notice to the Chairperson of the Committee.

Committee members who are absent for three consecutive meetings shall forfeit their appointment, unless such absence is authorized by motion of the Committee.

Members of the Committee shall serve without remuneration.

In the event of a vacancy occurring during a regular term of office, the vacancy may be filled for the remainder of that term upon resolution of Council.

The Committee may appoint sub-committees to deal with any special matters coming within the scope and jurisdiction of the Committee. Any sub-committee so created will report to the Committee.

CHAIR

Council shall elect a Chairperson and a Vice-Chairperson prior to the first meeting (from the members at large). The Chairperson and Vice Chairperson shall be the executive of the Committee.

The Chair and Vice Chair shall be provided a training session by the City on procedures for Committees of Council.

MEETING PROCEDURES

The Chairperson shall call meetings of the Committee every 2-4 weeks, in order to deal with the business of the Committee.

The Committee will recognize that each meeting can require a significant commitment of staff resources and meetings should therefore be held when there are clear items of business to address in accordance with the scope of work.

A special meeting may be called by the Chairperson or at the request of any three members of the Committee. Notice of the day, hour, and place of special meeting shall be given at least three days prior to the meeting, by leaving a copy of the notice for each member of the Committee and by delivering a copy of the notice to the Office of the City Clerk for posting.

Unless otherwise authorized by the *Community Charter* or City of Kelowna Council Procedures Bylaw No. 9200 all meetings will be held in open session and in a location accessible to the public.

Unless otherwise authorized by the Committee, the public shall only address the Committee when they are a scheduled delegation on the Committee meeting agenda.

A majority of the Committee shall represent a quorum. A meeting shall not proceed if a quorum cannot be achieved. Members must notify the City at least two (2) working days before the meeting if they are unable to attend.

The order of business is to be as set out in an agenda package to be provided to the Committee members in advance of the meeting date. Items for the agenda, including presentation materials, will be forwarded electronically to the Office of the City Clerk three complete working days prior to the meeting date to be posted for the public. Minutes of the meetings will be prepared by the Office of the City Clerk and signed by the Committee Chair. Originals of the minutes will be forwarded to the City Clerk for safekeeping.

Committee members have a responsibility to make decisions based on the best interests of the City-at-large.

Conflict of Interest

Committee members must abide by the conflict of interest provisions of the *Community Charter* and City of Kelowna Council Procedure Bylaw No. 9200. Members who have a direct or indirect pecuniary interest in a matter under discussion are not permitted to participate in the discussion of the matter or to vote on a question in respect of the matter. They must declare their conflict and state the general nature of their conflict, and then leave the meeting or that part of the meeting where the matter is under discussion. The member's declaration must be recorded in the minutes, and the Committee member must not attempt in any way, whether before, during or after the meeting to influence the voting on any question in respect of the matter.

Voting

All members of a committee, including the Chair, vote on every question unless they have declared a conflict and left the meeting.

Any member who does not indicate their vote, or has left the meeting without declaring a conflict, is counted as having voted in favour of the question.

If the votes are equal for and against, the question is defeated.

Comments in Public or to the Media

When speaking in public or to the media on an issue, Committee members must distinguish whether they are speaking as a member, a representative of another agency or community group, or as an individual. Committee members need to convey the public interest and remember that they represent the Corporation of the City of Kelowna. This means they must be consistent with the City's position on specific issues.

REPORTING TO COUNCIL

Recommendations of the Committee must be adopted by Committee motion prior to presentation to Council.

The Committee Chairperson, Vice Chair, or a Committee member appointed by the committee, will, accompanied by the staff liaison, report to Council on behalf of the Committee upon completion of the review.

The Office of the City Clerk will ensure Committee Agendas and Minutes are available in the "Committee Meetings" binder for reference by all Council members.

BUDGET

The routine operations and any special initiatives of the Committee will be funded by allocations within the Land Use Management Department budget.

STAFF SUPPORT

Staff shall be assigned by the City Manager to serve as administrative liaison to the Committee.

The Land Use Management Department shall provide support for the Committee to undertake work assigned by Council within the Committee's scope of work. Support functions may include the following:

- Formulating meeting agenda topics, in conjunction with the Committee Chair and staff liaison;
- Distributing the agenda packages to Committee members;
- Forwarding the agenda to the Office of the City Clerk for posting as a public notice;
- Receiving all correspondence, and preparing correspondence and reports on behalf of the Committee;
- Reviewing the draft minutes and returning them to the Office of the City Clerk to finalize prior to adoption by the Committee;
- Managing the files of the Committee, as necessary; and
- Maintaining a list of outstanding issues for committee action in accordance with the Committee's scope of work and Council's direction.

The staff liaison shall initiate recommendations to Council for committee appointments and maintain an updated list of appointees, the date they were appointed whenever changes occur, and provide a copy of the updated list to the Office of the City Clerk.

The Office of the City Clerk shall provide secretarial support for the Committee. Support functions include the following:

- Organizing and preparing the meeting agendas, in conjunction with the Committee Chair & staff liaison;
- receiving and organizing all agenda-related presentation materials and/or hand-outs prior to the meeting date for inclusion in the Agenda package;
- posting all meeting notices and agendas for the public in accordance with the statutory timelines;
- taking and preparing draft minutes, and providing the final minutes to the Office of the City Clerk and Committee staff liaison; and
- maintaining the records of the Committee, including posting and filing of minutes for the public record.

Endorsed by Council:
Revised:



CITY OF KELOWNA

POLICY: 315
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APPROVAL DATE: 2004/05/17
RESOLUTION #: R153/06/02/20
REPLACING #: R568/04/06/07; Council Policy #255
DATE OF LAST REVIEW: November 2008

SUBJECT: LIQUOR LICENSING PROCEDURES LIQUOR PRIMARY (LP) AND RETAIL LIQUOR SALES (RLS)

Background:

City of Kelowna Municipal Council has an interest to hear from the public prior to Council's decision on all new liquor license applications for Liquor Primary establishments. Council is also concerned with changes to existing Liquor Primary licenses such as increases to seating capacity, transfer in location, changes in operating hours or temporary changes to any of the aforementioned items. The following policy document presents an overview of the application process for liquor license applications. In addition, Council adopted a 2003 report from the Mayor's Entertainment District Task Force relating to liquor licensing policy. The relevant policy from this document is listed below.

Liquor Primary Policy (LP) - Mayor's Entertainment District Task Force Policy

- No new, expanded or relocated Liquor Primary Establishment shall be permitted with a person capacity of greater than 500 persons.
- Any new, expanded or relocated Liquor Primary License application with a person capacity of 350 persons or more shall not be located closer than 300 m (shortest travel distance) to an existing Liquor Primary Establishment with a person capacity of greater than 350 persons and no closer than 100 m (shortest travel distance) to another Liquor Primary Establishment with a person capacity between 150 and 350 person capacity and not abutting or adjacent to another Liquor Primary Establishment with a person capacity of less than 150 persons.
- Any new, expanded or relocated Liquor Primary License application with a person capacity of between 150 and 350 persons shall not be located closer than 100 m (shortest travel distance) to an existing Liquor Primary Establishment with a person capacity greater than 150 persons and shall not be located abutting or adjacent to another Liquor Primary Establishment with a person capacity of less than 150 persons.
- Any new, expanded or relocated Liquor Primary License application with a person capacity of less than 150 persons shall not be located adjacent or abutting an existing Liquor Primary Establishment.

Liquor Primary Establishments (LP) within the Downtown Plan Area – Mayor's Entertainment District Task Force Policy

- No additional Liquor Primary establishment shall be considered within the Yellow Area identified by the Downtown Plan
- No additional capacity for existing Liquor Primary Establishments shall be considered within the Yellow Area identified by the Downtown Plan

Retail Liquor Sales (RLS) – and Mayor's Entertainment District Task Force Policy

Municipal Council has approved changes to the zoning bylaw which will require new or relocated Licensee Retail Sales establishments to apply for a rezoning application. The zoning bylaw recognises that any establishment selling liquor falls under a use category of Retail Liquor Sales. In considering rezoning applications for Retail Liquor Sales, Municipal Council will give due consideration to the proximity and relationship to existing Liquor Primary Establishments as follows:



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- No Retail Liquor Sales shall be approved for (in conjunction with) Liquor Primary Establishments with person capacity that exceed 150 persons
- Any new or relocated Retail Liquor Sales establishment shall not be located within 300 m of an existing Liquor Primary establishment with a person capacity greater than 350 persons.

Policy for New Liquor License Applications:

- a) All new liquor license applications and all proposed changes to existing liquor licenses for Liquor Primary establishments shall only be considered by Council (or the Director of Planning and Corporate Services in the case of applications for temporary changes) by way of a City of Kelowna Liquor License Application
- b) All liquor license applications for Liquor Primary establishments will be subject to a public meeting (or a Public Hearing where the application is being considered concurrently with a rezoning application). Applications for temporary changes to liquor primary licenses will be considered by the Director of Planning and Corporate Services and will only be considered by Council should the applicant wish to appeal the decision of the Director.
- c) For all new and proposed changes to Liquor Primary licenses, an application must be made in writing to the Director of Planning and Development Services. In cases where the application is for a new license, pre-clearance, (Preliminary Site and Applicant Approval), from the Liquor Control and Licensing Branch, must be granted prior to any municipal considerations. As well, if approval is required by the Land Reserve Commission, this must be presented in writing to City Staff at the time of application to the Director of Planning and Corporate Services.
- d) Staff reviews the application and determines what other municipal procedures (i.e. zoning, development permit, etc.) are required. If a zoning and/or development permit is required, the applicant is requested to make the appropriate application(s) to the Planning & Development Services Department. If a rezoning application is submitted, Municipal Staff will attempt to ensure that the Public Hearing to review the Liquor Licensing Application will be completed concurrently with the rezoning proposal. If rezoning is not required then a Public Meeting of Council shall be held to determine the community opinion.

At the discretion of the Director of Planning and Corporate Services Department the applicant may be required to discuss the development proposal plans with neighbours and the local resident's association prior to proceeding to Municipal Council. The applicant should consider accomplishing this by hosting a neighbourhood information meeting to provide an informal opportunity to discuss and resolve the neighbourhood concerns with the proposal prior to the Public Hearing (or Public Meeting) which will be hosted by Council.



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SUBJECT: LIQUOR LICENSING PROCEDURES LIQUOR PRIMARY (LP) AND RETAIL LIQUOR SALES (RLS)

- e) For temporary changes to existing Liquor Primary licenses that concern either a change in capacity or hours of operation the applicant is required to provide the same documentation as is required for a new liquor primary license application. Staff will review the proposed change with the RCMP, Fire Department, Inspection Services Department, Liquor Control and Licensing Inspector and the Director of Planning and Corporate Services. Staff will then provide a recommendation to the Director of Planning and Corporate Services and forward the appropriate documentation to the Liquor Control and Licensing Branch in Victoria. The Director of Planning and Corporate Services will only consider three temporary changes to a Liquor Primary license in any 365 day period beginning with the first temporary change application from a liquor primary licensee. Council consideration of temporary change applications shall be at the discretion of Council and the applicant should the Director of the Planning and Corporate Services Department choose not to support the application.
- f) The applicant must make an information sheet available to the public, as well as Municipal Staff. This information sheet must contain the following:
1. The street/civic address of the proposed site;
 2. The person capacity of the proposed establishment permitted under the legislation;
 3. The proposed days and hours of operation permitted under the legislation for the liquor primary license;
 4. Information about any other factors of interest to local residents, (e.g. patio extension and/or hours of operation);
 5. A map of the area, specifically noting the location of the proposed establishment serving liquor, in relation to schools, playgrounds, day cares and other facilities of this nature.

Procedures for New Liquor License Applications:

- (a) The applicant will be required to place "Liquor Primary License Proposal" sign on the property in accordance with Development Application Procedures Bylaw No. 8140, (at least ten days prior to the Public Hearing meeting date, and fill out the appropriate affidavit after having erected the sign(s).
- (b) Notification to abutting property owners, within a distance of 100 metres in Town Centres as defined in the Official Community Plan and 400 metres in all other areas, shall be the responsibility of Municipal Staff.
- (c) Newspaper advertisements must take place in a least two consecutive issues, with the last publication to appear not less than three and not more than ten days before the Public Hearing or Public Meeting. Municipal Staff shall be responsible for the placement of the notification with the appropriate papers. The applicant is responsible to pay for costs of the Public Hearing or Public Meeting related to the Liquor License application.



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- (d) Municipal Council shall give due consideration to the following while reviewing the information which accompanies a liquor license application:
1. Pertinent input from the R.C.M.P.
 2. Traffic patterns for area and current zoning.
 3. Availability of on-site and off-site parking.
 4. Proximity of playgrounds and schools.
 5. General impact on the local neighbourhood.
 6. If a patio component is proposed, potential limitation on hours for patio use in relation to potential impact to nearby residential uses.
 7. Any correspondence received from abutting property owners.
 8. Past compliance and performance issues as may be provided by the local Liquor Inspector.
- (e) Municipal Council will give due consideration to the impact of the proposed Liquor Primary establishment in the context of any relevant plans and policies. Specific consideration will be given to the size (capacity) and proximity of the proposed Liquor Primary establishment to existing Liquor Primary establishments. Based on current plans and policies, the following guidelines will be used in the applicable areas of the City as noted;
- (f) The Planning & Development Services Department shall make a recommendation to Municipal Council regarding the proposal. Council shall make its decision based on this recommendation as well as the information received at the Public Hearing or Public Meeting.
- (g) The decision rendered by Municipal Council is then forwarded to the Liquor Control and Licensing Branch by the Planning and Corporate Services Department for their final review and to the Land Reserve Commission for their information where required.

Procedures for Special Occasion Liquor Licenses in the "Yellow Zone"

- a) No Special Occasion Liquor Licenses are to be granted on holiday weekends (long weekends) between May 1st and October 1st.
- b) No Special Occasion Liquor Licenses are to be granted where liquor 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.



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COUNCIL POLICY MANUAL

APPROVAL DATE: 2004/05/17
RESOLUTION #: R153/06/02/20
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DATE OF LAST REVIEW: November 2008

SUBJECT: LIQUOR LICENSING PROCEDURES LIQUOR PRIMARY (LP) AND RETAIL LIQUOR SALES (RLS)

- 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.

REASON FOR POLICY: To establish procedures for processing Liquor Primary License Applications and for dealing with retail liquor sales.

LEGISLATIVE AUTHORITY: *Liquor Control and Licensing Act*

PROCEDURE FOR IMPLEMENTATION: As outlined in policy



CITY OF KELOWNA

TERMS OF REFERENCE

MAYOR'S ENTERTAINMENT DISTRICT TASK FORCE

INTRODUCTION

The Task Force is set up to investigate existing public safety problems related to the sale and consumption of alcohol in the Downtown, its impact on existing and future residential development as well as examining the need to establish a downtown entertainment district. The investigation will concentrate on the area of the Downtown Plan.

The Mayor's Entertainment District Task Force is a **select committee** of Council. (Sec. 238 LGA)

OBJECTIVE

The objective of the Task Force is to:

- To make recommendations to Kelowna City Council regarding liquor licensing, land use and business license policy.

SCOPE OF WORK

To achieve this objective, the Task Force will undertake the following:

- Receive input from the various downtown stakeholders including but not limited to Liquor License holders (cabaret, restaurant and hotel), the Downtown Kelowna Association, Social Services agencies, residents of the downtown and the public at large.
- Review proposed changes to Provincial Liquor Licensing regulations
- Review the Kelowna Downtown Plan and the Cultural District strategy.

Without limiting their scope the Task Force should specifically consider:

- The adjacency of cabarets and similar businesses (i.e. The proximity of other cabarets)
- The impact of the proposed 4:00 a.m. closing times
- Control of negative impacts through Business or Liquor License restrictions.

MEMBERSHIP

1. Mayor
2. RCMP Senior Member
3. BC Liquor Control & Licensing Branch representative
4. Stakeholder representing Downtown Businesses
5. Stakeholder representing Downtown Entertainment Establishments
6. Stakeholder representing Downtown Residents
7. One representative of the community at large

Staff Advisors:

Director of Planning & Development Services
Legislative Services Supervisor
Urban Design Planner

APPOINTMENT AND TERM

Members shall be appointed by Council for a six-month term.

Committee members may stand for re-appointment at the conclusion of their term.

Members of the Committee shall serve without remuneration.

In the event of a vacancy occurring during a regular term of office, the vacancy may be filled for the remainder of that term upon resolution of Council.

CHAIR

The Mayor shall be Chair of the Committee.

MEETING PROCEDURES

The Chairperson shall call meetings of the Committee as required

Unless otherwise authorized by Section 242.2 of the *Local Government Act* or City of Kelowna Council Bylaw No. 7906 all meetings will be held in open session and in a location accessible to the public.

Unless otherwise authorized by the Committee, the public shall only address the Committee when they are a scheduled delegation on the Committee meeting agenda.

A majority of the Committee shall represent a quorum.

The order of business is to be as set out in an agenda package to be provided to the committee members in advance of the meeting date. A copy of the agenda will be forwarded electronically to the City Clerks Department at least three complete working days prior to the meeting date. Minutes of the meetings will be prepared by the clerical staff from the Clerk's Office and then signed by the Committee Chair. Originals of the minutes will be forwarded to the City Clerk for safekeeping.

Committee members have a responsibility to make decisions based on the best interests of the City-at-large. Committee members must abide by the conflict of interest provisions of the *Local Government Act* and City of Kelowna Council Bylaw 7906. Members who have a direct or indirect pecuniary interest in a matter under discussion are not permitted to participate in the discussion of the matter or to vote on a question in respect of the matter. They must declare their conflict and state the general nature of their conflict, and then leave the meeting or that part of the meeting where the matter is under discussion. The member's declaration must be recorded in the minutes, and the Committee member must not attempt in any way, whether before, during or after the meeting to influence the voting on any question in respect of the matter.

Voting:

- All members of a committee, including the chair, vote on every question unless they have declared a conflict and left the meeting
- Any member who does not indicate how they vote, or has left the meeting without declaring a conflict, is counted as having voted for the question
- If the votes are equal for and against, the question is defeated:

When speaking in public or to the media on an issue, Committee members must distinguish whether they are speaking as a member, or as a representative of another agency or community group, or as an individual. Committee members need to convey the public interest and remember that they represent the Corporation of the City of Kelowna. This means they must be consistent with the City's position on specific issues.

REPORTING TO COUNCIL

Recommendations of the Committee must be adopted by Committee resolution prior to presentation to Council. The Committee will regularly report to Council regarding current activities and recommendations.

The Chairperson or his designate will report to Council on behalf of the Committee.

BUDGET

The routine operations and any special initiatives of the Committee will be funded by allocations within the Planning and Development Services Department budget.

STAFF SUPPORT

The staff advisors listed under the Membership section shall attend the meetings in an advisory capacity only and shall not have a vote.

The Planning and Development Services Department shall provide administrative and technical support for the Committee.

The Planning and Development Services Department shall provide secretarial support for the Committee. Typical support functions include the following:

- organizing and preparing the agenda, in conjunction with the Committee Chair & staff liaison
- distributing the agenda packages to Committee members
- forwarding the agenda to the City Clerk for posting as a public notice
- mailing or delivering all meeting notices and agendas
- receiving all correspondence, and preparing correspondence and reports on behalf of the Committee
- taking and preparing draft minutes, and providing the final minutes to the City Clerk and Committee members
- managing the files of the committee, as necessary
- maintaining a list of outstanding issues for committee action

Endorsed by Council: August 26, 2002
Revised: