

Memo



Date: November 24, 2010
File: Liquor Policy Review
To: City Manager
From: Land Use Management Department, Community Sustainability Division
Subject: Liquor Policy Review Report

Recommendation:

THAT Council receives for information the Liquor Policy Review Report as attached to the report from the Land Use Management Department, dated November 24, 2010;

AND THAT Council directs staff to circulate the report to affected stakeholders for their review;

AND THAT staff receives all stakeholder input on the Liquor Policy Review report by January 15, 2011;

Purpose:

To submit the Liquor Policy Review report, as per previous Council direction for staff to review liquor licensing policies and other items related to entertainment districts.

Background:

Previous Council direction in late 2009 and 2010 provided direction for a new process to review liquor licensing policies within the City of Kelowna:

“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.

THAT Council direct staff to proceed with a Liquor Control Review by establishing Committee of the Whole Meetings as per Council Procedures Bylaw 9200, directing staff to review and report back with a recommendation at a future Council meeting.”

The Committee of the Whole meetings were held in May 2010 as forums for public input on the Liquor Policy Review. Since that time, staff has completed additional research to develop the final report and associated implementation strategies.

This document is intended to guide the development and promotion of vibrant, active Urban Centres through improving the “late night economy.” This goal is to be achieved through

enhanced collaboration with pertinent stakeholders, which includes the liquor industry, the RCMP, the LCLB and the City of Kelowna.

Prior to moving forward with implementation, staff are proposing to circulate the Liquor Policy Review report to affected stakeholders for input, prior to moving forward with the implementation. All input is to be received by January 15, 2011.

Internal Circulation:

Legislative Services
City Clerk
Community & Media Relations

Existing Policy:

Council Policy #315

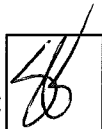
Considerations not applicable to this report:

Legal/Statutory Authority:
Legal/Statutory Procedural Requirements:
Financial/Budgetary Considerations:
Personnel Implications:
External Agency/Public Comments:
Community & Media Relations Comments:
Alternate Recommendation:

Submitted by:


L. Turri, Land Use Planner

Approved for inclusion:



S. Gambacort, Director, Land Use Management

Attachments:

Liquor Policy Review - Final Report

cc: General Manager, Community Sustainability
City Clerk
Director, Community & Media Relations
Community Policing Coordinator, RCMP
Manager, Cultural Services
Manager, Regional Programs
Council Services Supervisor, Legislative Services



Liquor Policy Review Final Report

November 2010

Land Use Management
1435 Water Street
Kelowna, BC V1Y 1J4
TEL 250 469-8626
FAX 250 862-3320
landuse@kelowna.ca

kelowna.ca/landuse

Table of contents

Executive Summary	2	Appendix A: Implementation Strategy	21
Introduction	3	Appendix B: Consultation & Research	23
Background	3		
Existing Council Policy #315	4		
New Review Process	5		
Kelowna’s Liquor Licensing Profile	6		
Enhancing the Late-Night Economy	9		
Revised Civic Policy & Procedures	10		
Enhanced Industry Operations	13		
Coordinated Approach	17		
Next Steps	20		

Executive Summary

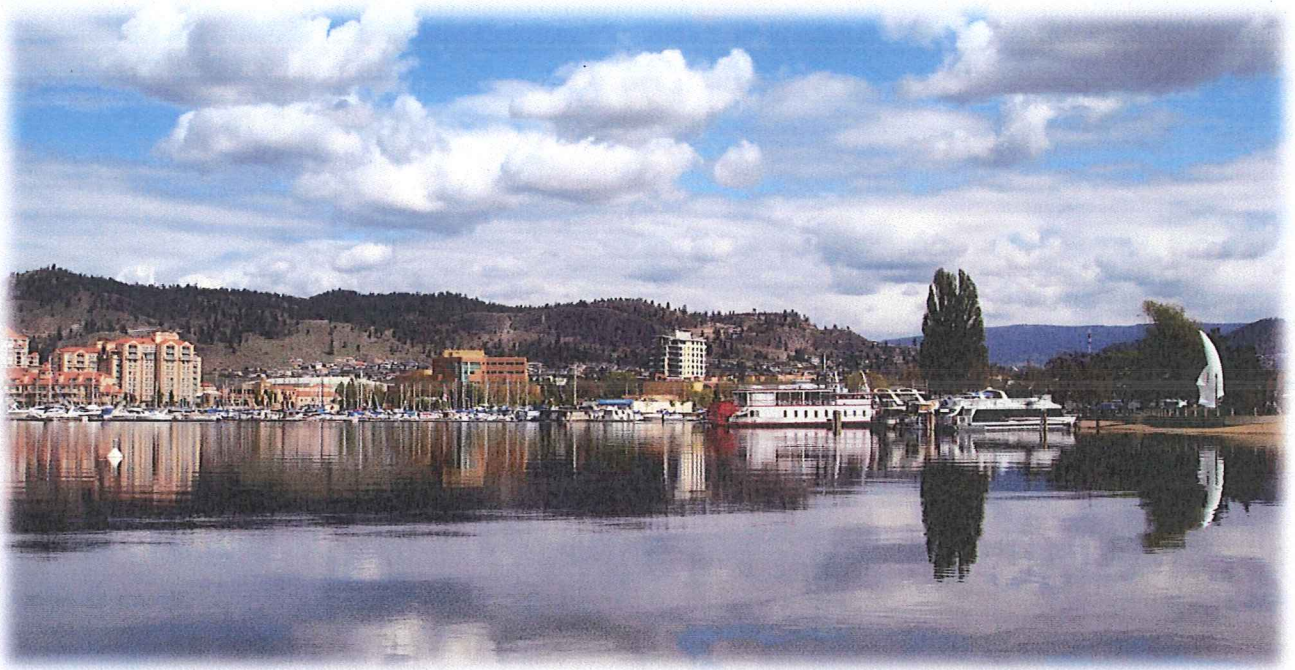
Kelowna City Council directed staff to undertake a review of the City's existing liquor licensing policies, as well as other items specific to the "late-night economy." Through public consultation and research of best management practices from other jurisdictions, a number of strategies have been identified to improve on existing conditions. This work builds on the positive work already being undertaken by members of the hospitality industry, public agencies, and other members of the community. Given the current density of liquor establishments in the area, the review draws heavily from the Downtown experience. However, this work is also intended to guide future liquor licensing applications in other Urban Centres.

In general, areas of opportunity include: revised civic policy & procedures, enhanced industry operations, and greater coordination for the overall late-night economy. Key implementation areas are detailed in Appendix A, including:

- New Council Policy for reviewing liquor licensing applications, to replace Council Policy #315.
- Enhanced application process.
- Support an increase in alternative entertainment venues, both licensed and non-licensed.

- On-going consultation with LCLB, RCMP, and Industry.
- Support the development of a Bar Owner's Association, and BarWatch program.
- Reintroduce "soft closings" for 2011 tourist season.
- Support the use of "TreoScope" system for large cabarets and pubs.
- Reinforce Kelowna's Good Neighbour Agreement and Business License Bylaw.
- Continue the development of a collaborative, "hospitality zone" policing model.
- Lobby for increased late-night taxi service and pursue improvements to taxi stand program.
- Explore feasibility of late-night public transportation options.
- Increase public awareness of Kelowna's entertainment areas as safe, vibrant areas.

A common theme through these strategies is the need to collaborate with a number of different stakeholder groups, which may have competing objectives. It is envisioned that this work will assist these groups in moving towards the shared objective of creating vital, livable Urban Centres.



Introduction

Background

Kelowna Context

The City of Kelowna is home to approximately 120,000 residents. Kelowna continues to be one of the fastest growing cities in BC with manufacturing, high technology, health care, tourism and post-secondary education sectors in particular attracting new business and residents to the area. The city's vibrant retail and commercial base attracts a trading area of approximately 450,000 residents, making it the largest centre for urban development, business, commercial, retail, and health care services between the Lower Mainland and Calgary.¹

Mayor's Entertainment Task Force (2004)

A previous Council undertook a review of liquor licensing and community disturbance issues through the Mayor's Entertainment District Task Force (MEDTF). The MEDTF originated in August 2002 when a Terms of Reference was adopted by Council. In total, the MEDTF had nine regular meetings and one special public meeting. Members included downtown stakeholders, the RCMP, the BC Liquor Control and Licensing Branch (LCLB), and public-at-large, chaired by then Mayor Walter Gray. The first meeting was held in January 2003, with a formal report issued on the findings of the Task Force prepared in June 2003. Council Policy #315 (see next section) 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 in the evaluation of liquor license applications.

¹Central Okanagan Economic Development Commission

Existing Council Policy #315

As a result of the findings from the 2004 MEDTF, Council Policy #315 was established to summarize the Task Force's findings, including providing criteria for 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 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, with a high concentration of liquor seats. 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. This included 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 has been able to make decisions on specific applications based on individual merit, regardless of whether the request contravened the MEDTF's findings.

Assessing the merits of Council Policy #315 within the existing liquor establishment climate is a key component to the Liquor Policy Review.

New Review Process

Council Direction

Council recommendations in late 2009 and early 2010 provided direction for a new process to review liquor licensing policies, specifically:

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.

THAT Council direct staff to proceed with a Liquor Control Review by establishing Committee of the Whole Meetings as per Council Procedures Bylaw 9200, directing staff to review and report back with a recommendation at a future Council meeting.

Comprehensive Vision

While the initial focus of the Review was to evaluate the effectiveness of Council Policy #315, a broader scope was developed through Council, stakeholder and public consultation.

Liquor establishments and entertainment venues play a vital role in the creation of vibrant, mixed-use urban centres. This is reinforced by policy within Kelowna's Official Community Plan that seeks to "encourage the private-sector provision of entertainment venues within designated Urban Centres." [Policy 15.1.15]

In recent years there has been on-going public discussions regarding redevelopment of Kelowna's Downtown core south of Bernard Avenue. This

area includes a high concentration of licensed establishments (particularly: west of Ellis Street, south of Queensway and north of Harvey Avenue). While these venues are an important part of any urban fabric, due attention must be paid to their operation and compatibility with surrounding land-uses.

The continuing development of the late-night economy requires a harmonious relationship with surrounding residents and businesses. This principle is echoed by the Responsible Hospitality Institute (RHI), a leading non-profit resource for entertainment district planning:

"Sociable cities attract conventions, tourists, residents, and a creative class of talented professionals who provide an economic base that helps emerging industries that are clean and sustainable. Planning for people in a 24/7 economy requires adaptation and efficient management of resources through common vision, communication and collaboration."²

Entertainment venues must support, not hinder, future planning initiatives for Kelowna's Urban Centres (Downtown, South Pandosy, Highway 97 and Uptown Rutland).

Community Consultation

Industry stakeholders and the general public were invited to provide input directly to the Land Use Management Department, or to City Council at one of three special public meetings. These meetings were held in May 2010. In addition, various industry and community stakeholders were canvassed for input. See Appendix B for a detailed list of participating stakeholders.

² "Got Nightlife?" RHI, 2010.

Kelowna's Liquor Licensing Profile

To assist in this review, the distribution of Liquor Primary establishments in the City of Kelowna was examined from data provided by the LCLB. The following data shows number of licenses, capacity and closing times for Liquor Primary operations throughout Kelowna, and specifically, each Urban Centre.

Liquor Primary Establishments in Kelowna Urban Centres* [see Map A]

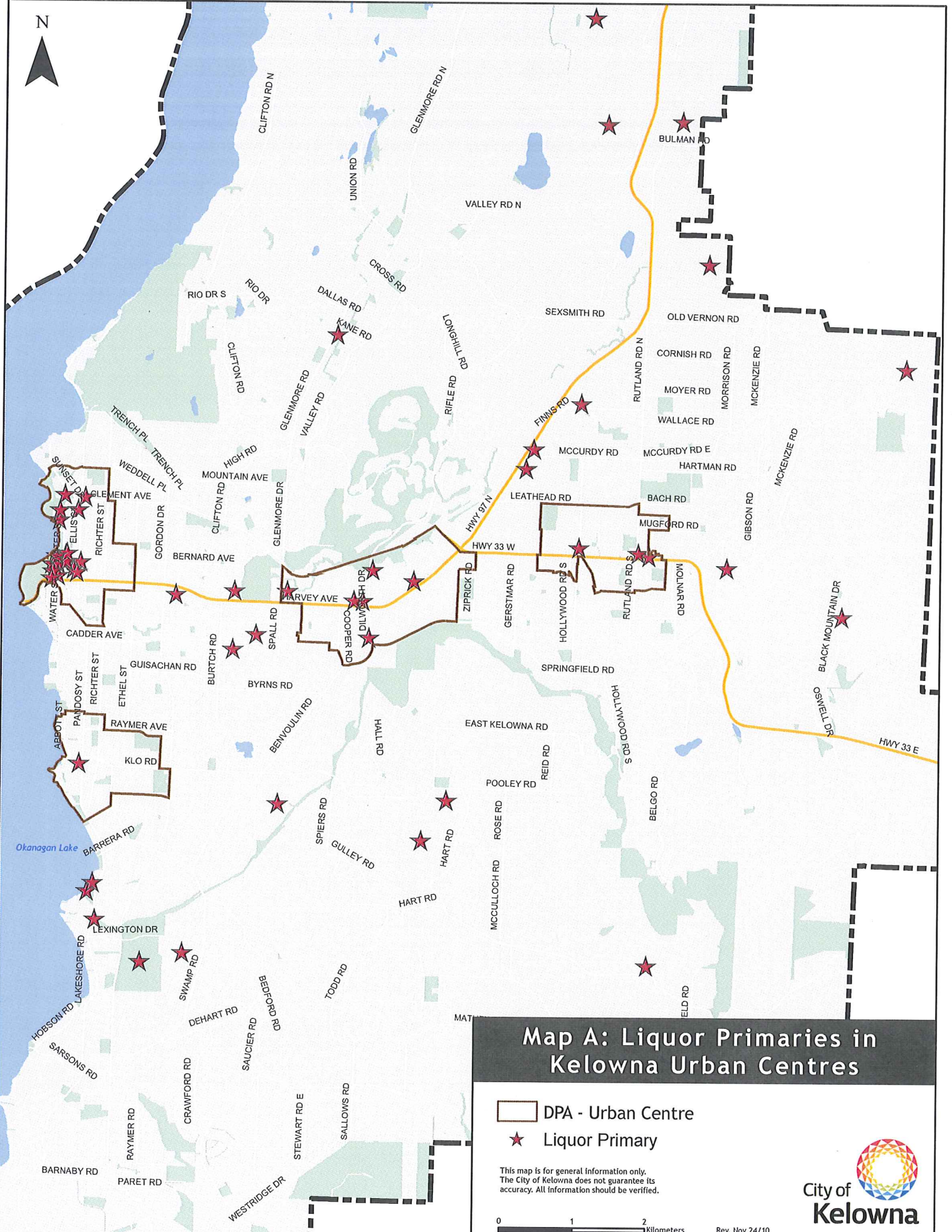
Urban Centre	Number of Licenses	Licensed Capacity	% of total City capacity
Downtown	16	3813	40%
Highway 97	7	1102	12%
Uptown Rutland	4	611	6%
South Pandosy	1	169	2%
Other Areas	22	3749	40%
Total	50	9444	100%

Closing Times for Liquor Primary Establishments*

	12:00am	1:00am	1:30am	2:00am
Downtown	1	5	2	8
Other Areas	11	15	0	8
Total	12	20	2	16

Downtown "Barflush": LP's Closing at 2:00am in the Downtown [see Map B]

Establishment Name	Type	Capacity
Flashback's Nite Club	Cabaret	490
Gotcha	Cabaret	473
Level Nite Club	Cabaret	464
Rose's Waterfront Pub	Neighbourhood Pub	321
Cheetah's Show Lounge	Adult Entertainment	232
Doc Willoughby's Pub	Neighbourhood Pub	180
Tonics Pub	Neighbourhood Pub	163
The Blue Gator	Cabaret	102
Total		2425



N

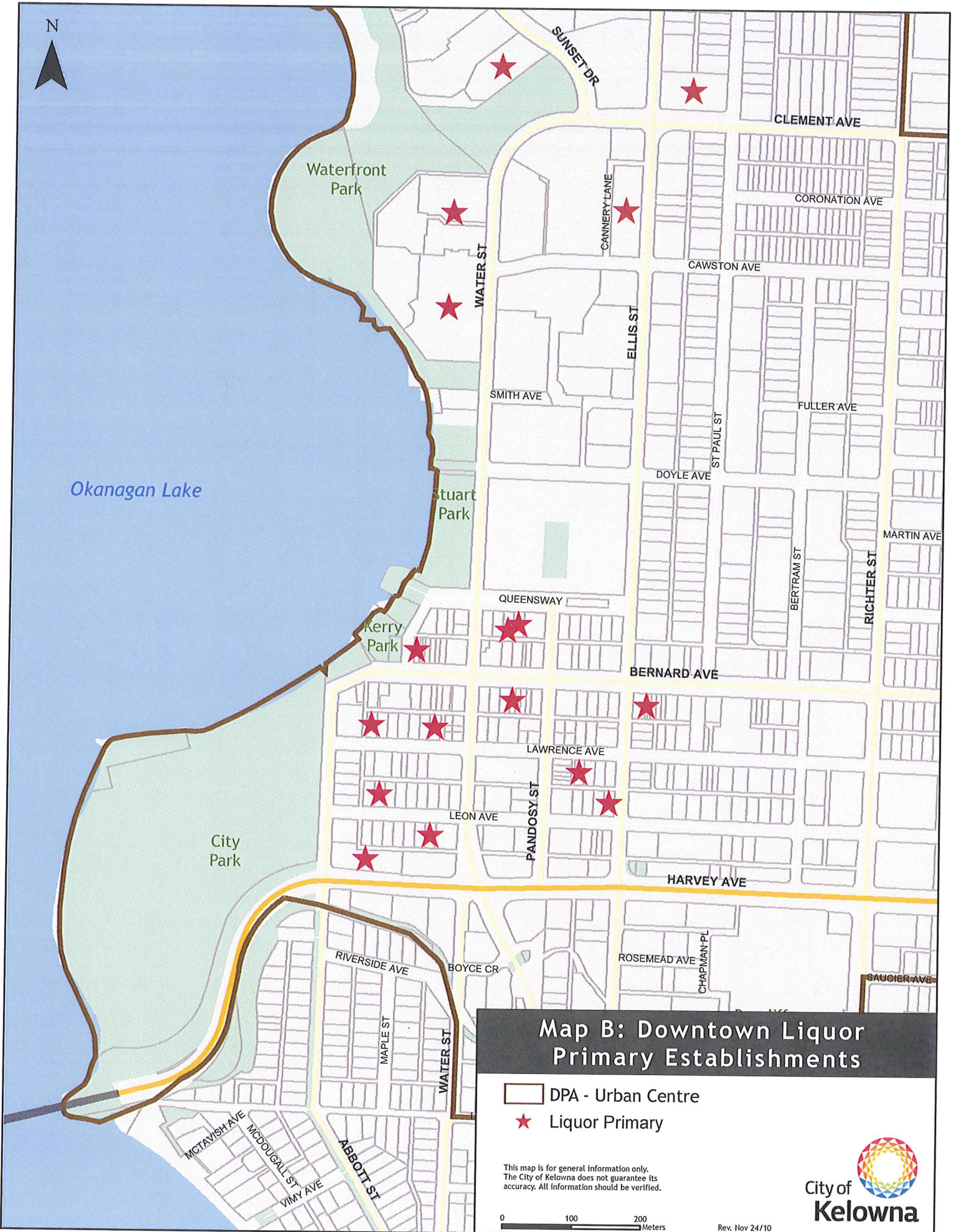
Okanagan Lake

Map A: Liquor Primaries in Kelowna Urban Centres

- DPA - Urban Centre
- ★ Liquor Primary

This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

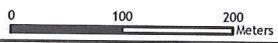




Map B: Downtown Liquor Primary Establishments

- DPA - Urban Centre
- ★ Liquor Primary

This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



Rev. Nov 24/10



Enhancing the Late-Night Economy

In the interests of building on Kelowna's existing hospitality industry, integrated strategies are required to achieve a high level of collaboration between all stakeholders. The Liquor Policy Review process revealed three main areas of opportunity:

A) Revised Civic Policy & Procedures

1. New Council Policy
2. Application Process & Criteria
3. Business Licensing
4. Provincial Licensing Process

B) Enhanced Industry Operations

1. Bar Owner's Association
2. "BarWatch"
3. Hours of Service
4. "Soft Closings" (Extended Dispersal)
5. Patron Identification Systems
6. Good Neighbour Agreements

C) A Coordinated Approach

1. Ambassador Policing
2. Late-Night Transportation
3. Public Awareness

A) Revised Civic Policy & Procedures

The Review examined areas of improvement with regards to liquor licensing policy and application procedures. Developed through public consultation and additional research, several enhancements are proposed.

Key findings & feedback:

Strategies from 2004 Mayor's Entertainment District Task Force have been successful.
Controlling density of liquor establishments is beneficial.
Alternative entertainment options/venues should be encouraged.
Provincial licensing process is lengthy.

1. New Council Policy

As supported by the industry and further research, it is recommended that the general principle of controlling density of liquor primary establishments should be upheld.³ However, new proposed policy would respond to changes in the late-night economy since 2004, and would create better clarity for future applications:

Revised Siting Regulations

In consideration of new, expanded or relocated Liquor Primary Establishments (cabarets/nightclubs, pubs, lounges), the following guidelines should be considered:

- No establishment with a person capacity greater than 500 persons should be permitted.
- Large establishments (with person capacity greater than 249 persons):
 - Should only be located within an Urban Centre.

- Should be located a minimum of 250m from another Large establishment.
- Should be located a minimum of 100m from a Medium establishment.
- Should not be located beside a Small establishment.
- Medium establishments (with person capacity between 100-249 persons):
 - Should only be located within an Urban or Village Centre.
 - Should be located a minimum of 100m from a Large or Medium establishment.
 - Should not be located beside a Small establishment.
- Small establishments (with person capacity less than 100 persons):
 - Should not be located beside any Large or Medium liquor establishment.
 - For the purposes of determining proximity, shortest walking distance (door-to-door) will be used.

The above siting guidelines are summarized in the following table:

Establishment Type	Siting requirements from:			Location
	Small (<100 persons)	Medium (100-249 persons)	Large (250+ persons)	
Small (<100 persons)	None	Not beside	Not beside	Not restricted
Medium (100-249 persons)	Not beside	Minimum 100m separation	Minimum 100m separation	Urban or Village Centre
Large (250+ persons)	Not beside	Minimum 100m separation	Minimum 250m separation	Only Urban Centre

³ RHI, 2006; Livingston et. al, 2006; Centre for Additions Research BC, 2010; Matthews, 2009.

These revised siting regulations recognize that smaller establishments are less of a concern than larger establishments. While there is a place for larger establishments within the late-night economy, it is important to support a manageable density to protect general community interests.

“Yellow Zone” - Leon/Lawrence Avenues

- **Remove policy wording which references the “Yellow Zone” - generally described as the 200 block of Leon & Lawrence Avenues.**

Given the LCLB’s recent cancellation of a 300 seat Liquor Primary license on the 200 block of Lawrence Avenue, and the revised siting regulations proposed, the additional regulations on the Yellow Zone are considered unnecessary. Through the proposed policy, Small Liquor Primary establishments (less than 100 patrons) could potentially locate in the former “Yellow Zone”. Based on the location of existing establishments, Large and Medium establishments would not be supported in the area at this time.

Retail Liquor Sales (RLS)

The existing policy wording with regards to Retail Liquor Sales (RLS) establishments are deemed to be appropriate. No concerns were raised through the Review process, and in addition, the LCLB currently has a moratorium on new RLS licenses. As such, no changes are proposed.

Additional Proposed Policies

- Patios associated with Liquor Primary establishments should be located and designed to limit potential impacts on surrounding property owners. Generally, no patio should be licensed past 11:00pm.
- Where appropriate, support alternative entertainment options which are less focused on alcohol consumption (including event-driven establishments, and food primary establishments with the Patron Participation Entertainment Endorsement) to add a mix of entertainment options in Urban Centres. Limit potential community impacts via license terms and conditions (hours, capacity, etc).

2. Application Process & Criteria

The LCLB requires Local Government comment on all Liquor Primary applications, as well as some Food Primary applications. Regulatory criteria are provided to Local Governments to guide this referral process. The City’s obligations to this process include adequate public consultation and ensuring that all pertinent criteria are considered. However, the City has flexibility with regards to the application process, submission requirements, notification process, etc.

Currently, the application process is the same for all types of license applications. In the interests of balancing community objectives and encouraging the diversification of late-night entertainment options, enhancements to the existing application process could be pursued. Suggested areas of improvement include the following:

- Consider a progressive application fee structure (e.g. new license vs. amended licenses; small vs. large establishments).
- Consider streamlining options for smaller, low-risk establishments in Urban Centres (e.g. under 100 patrons, shorter hours of service), including reduced notification process area or reduced application fees.
- For large establishments, create a formal consultation process for affected Business Improvement Associations (DKA, URBA).

In addition, the following application criteria could be considered for larger establishments to ensure community impacts are mitigated:

- Noise abatement measures, which could include a certified acoustical report, ensuring buildings are designed to limit impacts on surrounding properties.
- To limit loud music from carrying into surrounding neighbourhoods, require two sets of doors (i.e. vestibule) at patron entrances for Large establishments (new or expanded).
- Proof of consultation with neighbouring businesses and residents.

Staff propose that these suggestions be examined by appropriate departments and stakeholders, and formal recommendations be provided at a later date.

3. Business Licensing

As suggested by Kelowna's MEDTF in 2004, strategies to limit the overall policing requirement for entertainment areas would negate the need to increase Business License fees for Liquor Primary Establishments. It is generally agreed that issues of community disturbance have improved since 2004, but opportunities for progress still exist. In the future, staff could undertake a business license fee review for liquor establishments as part of an overall business license fee review. Business license fees are not recommended for increase at this time.

However, the Business Licensing Bylaw could be augmented to include conditions for licensed establishment operation, as is the case within other municipalities. Depending on the type of establishment, these items could include:

- Mandatory Good Neighbour Agreement (See Section B).
- Minimum drink prices.
- Required security standards, including surveillance equipment, metal detection and lighting.
- Staff training requirements (e.g. liquor service, security management).
- Management of building exterior, including queues, and after hours clean-up.
- Controls on the service of glass bottles.

4. Provincial Licensing Process

The LCLB conducts on-going consultation with Local Governments to refine the licensing and referral process. Current areas identified for improvement by the LCLB include:

- Lengthy Liquor Primary application processing times.
- Inflexible application process for all establishment types.
- Specific criteria required for local government comment.

It is hoped that improvements can be achieved through information sharing between the LCLB and local governments.

Staff also note the limitation of the existing Provincial licensing hierarchy, which has only two license categories (Food or Liquor Primary). This may limit the ability for business operators to pursue alternative entertainment options (as opposed to more traditional pub/cabaret models). One such solution could be the potential for "dual-licensing", which could allow venues to operate as a Food Primary establishment during daytime/early evening hours, and a Liquor Primary in late-night hours. Staff will continue to provide input to the LCLB regarding the status City of Kelowna's licensed establishments to suggest improvements to Provincial legislation.

B) Enhanced Industry Operations

The hospitality industry is a vital component of any tourist destination, and helps add to the quality of life for all residents. In working with other stakeholders, the City must continue to support these establishments and provide incentive for these businesses to improve. The following discussion focuses on internal operations of entertainment areas.

Key findings & feedback:

“Soft closings” should be reintroduced.
Organized crime can be a visual deterrent for patrons.
A BarWatch program would help protect patron safety in Kelowna.
The use of patron identification systems should be explored.

1. Bar Owner’s Association

Notwithstanding previous efforts to do so, local Liquor Primary owners have recently began the development of a formal association to represent their industry. The development of a Bar Owner’s Association would be very beneficial in coordinating efforts between the industry, the RCMP and the City to enhance Kelowna’s night-time economy. There are numerous benefits of such an association, not only for the industry, but also from the City’s perspective. Through the association, the industry could pursue group training, insurance and business service rates, while providing increased advocacy power and overall collaboration for a variety of initiatives. The City would also gain improved communication and efficiency for future industry consultation.

Staff recommends that the City continue to encourage and support the establishment of a Bar Owner’s Association for Liquor Primary establishments.

2. “BarWatch”

It is anticipated that a future Bar Owner’s Association could also lead to the development of a “BarWatch” program in Kelowna. BarWatch has gained positive reviews from evidence in cities such as Vancouver for enhancing hospitality zones and increasing public safety. Similar program locations include Nanaimo, Victoria and Edmonton, while many other jurisdictions have considered implementing the program. BarWatch creates a

minimum code of standards for member establishments, and operates in conjunction with police, municipalities and local inspectors. While program requirements vary, standard practice typically includes:

- The use of Patron Identification Systems, such as TreoScope’s “EnterSafe” (see discussion below).
- Minimum security requirements such as metal detection and CCTV cameras surveillance.
- A working agreement with local police detachment to remove any known members of organized crime - eliminating the need for the bar staff to do this on their own.
- A “no gang-colour” policy.
- Signage posted outside of establishments signifying program membership.
- Communication between establishments on a nightly basis to announce problem patrons engaging in unlawful/uncivil behavior (assisted through the use of TreoScope).

It should be noted that experiences in other jurisdictions show that the development of a BarWatch program needs to be championed by the bar owners themselves, and not run or mandated by local police/municipalities. While Kelowna RCMP and Municipal staff endorse and will support the development of BarWatch, the onus is on the industry to make this a reality.

Staff recommends support and endorsement of an industry-led BarWatch Program for Liquor Primary establishments.

3. Hours of Service

Permanent Change of Hours

Currently, hours of service for all Liquor Primary establishments are limited to 2:00am at the latest (see Licensing Profile for listing of closing hours). As mandated by the LCLB, this means that all patrons are required to leave an establishment by 2:30am, half an hour after the end of service. In previous years, some nightclubs have requested to extend closing hours to 3:00am, with the establishment being clear of patrons by 3:30am.

Supporters of later hours suggest that the typical “barflush” issues that occur between 2:00am and 3:00am would be mitigated, as patrons would have a longer period to leave the establishment. However, additional research suggests that additional hours merely encourages more excessive drinking and would exacerbate late-night community disturbance issues.⁴

Staff recommends that closing hours remain no later than 2:00am.

Temporary Change of Hours

Through existing council policy, cabarets have been given the opportunity to request three temporary license changes per year for 4:00am closures. This is in addition to the 4:00am closure that is granted automatically by the LCLB on New Year’s Eve. These late closures generally help facilitate special events, with establishment owners responsible for paying extra policing costs associated with the late closure. With little concerns raised by the RCMP during these extended nights, it is recommended that the existing allowance of three 4:00am closures remain intact.

4. Soft Closings/Extended Dispersal

While permanent, extended hours of liquor service are not recommended, it may be reasonable to pursue a “soft closing” model. This would mean that liquor service would end at 2:00am, but the establishment would have an extended dispersal period of a full hour to have patrons leave (up to 3:00am). A six-month extended dispersal trial period was supported by Council and approved by the LCLB for downtown cabarets in 2007. The trial period ended October 2007. While a formal evaluation of this program was not pursued, the RCMP and bar industry are supportive of reinstating the extended dispersal period, as a matter of public safety and customer service respectively.

The LCLB has stated that later dispersal times are not considered to improve late-night disturbance problems on their own, but would be willing to allow soft closings as part of a comprehensive strategy. As such, LCLB consideration of a new trial period would require formal justification from the City, in addition to a list of consulted and confirmed industry participants and an assurance to complete a review of the success of the project within three months of completion. Approval would also require industry participants to abide by a number of terms and conditions (provided by the LCLB), including:

- No line-ups permitted outside establishments after 1:30am.
- Multiple drink orders must not be accepted or served 15 minutes prior to the ending of liquor service.
- Liquor must be cleared from all tables within one half-hour of liquor service ending.
- Lights must begin to be turned up progressively at the end of liquor service hours and all strobe or special effect lighting must be turned off completely at the end of liquor service. Complete lighting is to be fully turned up one half hour after liquor service ending.

⁴ Stockwell & Chikritzhs, 2009; Centre for Addictions Research BC, 2010.

- The music must be to be turned down progressively at the end of liquor service and be completely turned off one half-hour after liquor service ending.
- At the close of liquor service, staff must start to require people to leave the premise quietly.
- Food and non-alcoholic beverages must be available at reasonable prices (in keeping with the existing Terms and Conditions of a Liquor Primary License) until all patrons have dispersed.

Staff are committed to liaising with industry operators, particularly cabaret establishments and the LCLB, to enact a new soft closing program for Spring/Summer 2011.

5. Patron Identification Systems

In the interests of increasing patron security, many liquor establishments across North America have implemented patron identification systems to assist security staff. These systems can help with detecting fraudulent/expired identification, age verification, repeat identification use and, most importantly, patron accountability.

TreoScope is assisted by a “strength in numbers” approach. Each bar that operates TreoScope is connected to neighbouring establishments, which can share community alerts regarding unwanted behavior from individual patrons. Operators can flag these individuals through the TreoScope system, which notifies surrounding establishments immediately through the database. This communication is of particular interest for Kelowna, as the use of TreoScope in the Lower Mainland has resulted in the migration of organized crime members to Kelowna liquor establishments - especially during the summer tourist season. The use of TreoScope could significantly limit this unwanted activity in the entertainment district.

Patron identification systems have been a key for the success of the BarWatch program in Vancouver, where member establishments are required to use these systems (specifically, the

TreoScope EnterSafe system). Select bars in Kelowna have recently invested in the TreoScope EnterSafe system, with others under consideration. The initial investment cost is approximately \$5000 per entry, in addition to monthly costs associated with the TreoScope software. While a significant investment, there are many potential benefits for bar owners, including: improved staff and patron safety, reduced risk of license infractions, reduced insurance premiums, and increased business in the long-term from improved entertainment district safety.

Both staff and Kelowna RCMP are very supportive of the TreoScope system. As such, options could be considered to encourage establishments to use TreoScope (e.g. temporary reduction in business license fees, increased number of temporary license amendments, etc.). Alternatively, Council could choose to mandate this process for all Liquor Primary establishments of a certain capacity or type as a requirement of obtaining a business license.

Staff recommend the continued support for the implementation of TreoScope for Liquor Primary establishments (particularly cabarets and large pubs), and to investigate potential incentive options for bar operators to install the system.

6. Good Neighbour Agreements

A Good Neighbour Agreement for Liquor Primary establishments was drafted after the 2004 Mayor’s Entertainment District Task Force. The Agreement outlined minimum standards for licensed establishment operators to adhere to. Agreements are voluntary, and lack a mechanism for enforcement. Staff recommends enhancements to the Good Neighbour Agreement process, including:

- Affirm the 2004 Task Force’s recommendation that Good Neighbour Agreements be tied to Business Licenses.
- Enhanced terms and conditions (minimum drink prices, security equipment, zero tolerance for gang colours, etc.)

- Require that all nightclubs, pubs and lounges sign on to revised agreement.
- Encourage future Bar Owner's Association to require conformance to the Good Neighbour Agreement.

Staff suggest these revised Good Neighbour Agreements would be drafted through consultation with the industry and the RCMP.

C) A Coordinated Late-Night Economy

Kelowna's entertainment areas should maintain a positive reputation as safe and welcoming places, with a diverse range of evening and late-night entertainment opportunities. With many stakeholders, coordination of enforcement, transportation and promotion is key to ensuring that Kelowna's nightlife experience can thrive.

Key findings & feedback:

Police/enforcement practices determine late-night 'climate'.

Taxi service is lacking during bar/flush hours.

A lack of late-night bus service increases bar/flush problems.

Lack of private, alternative transportation options.

Greater public awareness of safe, fun evening and late-night entertainment is required.

1. Compliance & Enforcement

Ambassador Policing

Policing is a key component in the development of a safe, yet fun entertainment district. Successful entertainment districts in North America have moved away from the heavy-handed, "strength-in-numbers" style of policing to one more appropriate for a hospitality zones. In recent years, the RCMP's Downtown Enforcement Unit has collaborated with the liquor industry in improving police strategies and presence in entertainment areas, including strong working relationships with private industry security staff. This cooperation is particularly beneficial, as the RCMP must continually deal with constrained policing resources. RHI gives the following guiding principles for community policing within hospitality zones:

- Visible uniform presence in hospitality zone.
- Consistent/fair enforcement of laws.
- Effective relations with all relevant stakeholders.
- Develop and build new partnerships.
- Effective utilization of all resources afforded within the community.
- Facilitate an atmosphere conducive with maintaining downtown vitality.

- Maintaining a livable quality of life for residents.⁵

Inter-agency coordination is also required for this approach, as RCMP, Bylaw Enforcement, liquor inspectors and security staff must all work together to meeting the above goals. On-going discussion and information sharing leads to mutual benefit and education.

Staff recommend a continued commitment to "hospitality zone policing" in the interests of balancing public safety and enjoyment. This proactive cooperation can be supported through the future Bar Owner's Association and BarWatch program and enhanced Good Neighbour Agreements.

Public Safety Compliance Team

The liquor industry must comply with a number of Municipal and Provincial regulations in the operation of their establishments. In order to educate staff on current legislation in a proactive manner, the RCMP has led the development of the Public Safety Compliance Team (PSCT). This team is comprised of members of the RCMP, Bylaw Enforcement, Fire Department and local liquor inspectors with the intention of achieving compliance, rather than punishing establishments. The PSCT conducts semi-regular inspections of establishments during key operating hours to ensure conformance to City Bylaws, Fire Code and

⁵ Responsible Hospitality Institute, 2006.

the Liquor Licensing act. These inspections protect public safety while helping operators avoid expensive fines and/or license suspensions. While equity is encouraged, targeted enforcement for problematic establishment types is required to best manage limited resources and ensure public safety.

Staff recommend continued support for the Public Safety Compliance Team, including a on-going reporting mechanism to Council.

2. Late Night Transportation

Improving transportation options for entertainment areas is vital to a healthy night life - particularly on weekends. Patrons would likely be more inclined to participate in the late night economy with the assurance of a safe ride home, which in turn improves business for the industry. Late night transportation problems may be magnified with recently enhanced impaired driving laws in BC.

Taxi Cabs

A prominent topic of discussion during public input meetings was the limited taxi cab service available at night. Concerns were raised about the difficulty in obtaining a taxi, problems associated with taxi-stand locations, as well as the limited number of cabs working during late-night hours.

The Passenger Transportation Board (PTB) is in charge of taxi licensing in BC. In the past few years, the Board has denied applications for additional taxi licenses as the Board was not convinced that public need exceeded taxi capacity. Further, adding vehicles to the taxi fleet would not necessarily increase availability, as companies cannot force drivers to operate during the late-night hours.

Recent correspondence from City of Kelowna Mayor Shepherd to the PTB has provided further justification for additional taxi service, including new impaired driving laws and post-secondary student population growth. It is hoped that this on-going discussion will produce positive results.

In support of increased taxi availability, the City of Victoria's Downtown Late Night Task Force (2009) suggested a late-night taxi surcharge, which could incentivize existing taxi licensees to operate during barflush periods. Extended dispersal periods for liquor primary operations may also create incentive, as it could allow cab operators to make multiple trips after the end of liquor sales. Temporary permits could also be pursued for weekends/summer months.

Staff recommends continuing Council support for the increase in taxi cab service during late-night hours, particularly on weekends.

Taxi Stands

In concert with the City, the RCMP, and taxi cab companies, taxi stands were implemented in the summer of 2008 to help disperse crowds on Leon and Lawrence avenues after 2:00am. Problems were noted during public meetings with regards to noise impacts on property owners adjacent to taxi stands, customer complaints to liquor establishment operators that the taxi stands were too far away, and the safety of those waiting for cabs in these areas.

The use of taxi stands increases pedestrian safety, limits traffic congestion, and helps to encourage patrons to move out of the "barflush" area at 2:00am onwards. Problems arising from taxi cabs could be alleviated by ensuring taxi stands are easily identified, well-lit, and are promoted by liquor establishments.

Staff recommend that taxi stand locations continue to be reviewed to ensure optimal location, with continued cooperation between taxi cab companies, the RCMP and the City.

Public Transit

Transit service within the City currently ends by 12:30am. Persons who take transit to get to the downtown early in the evening are forced to find alternative methods of transportation home after midnight. BC Transit has concerns with extended service hours for the entertainment district, including operation costs and driver safety.

Kelowna has yet to reach a ridership threshold that could warrant on-going late-night service for the general public.

However, as with taxi cabs, public transportation should be a key component of an integrated night life transportation approach. In particular, service for student residents at UBC Okanagan may create demand for an extension of service along Highway 97, as the Bus Rapid Transit service has helped to increase ridership and transit awareness in the City. Extended weekend service could be pursued on a trial basis to alleviate the transportation shortfall - perhaps in conjunction with industry stakeholders (i.e. chartered service).

An opportunity may also exist for a private shuttle service, given that the PTB does not regulate vehicles with a capacity greater than 12 persons. Given the difficulties presented for increased taxi and public transit service, alternative transportation methods should be encouraged.

Staff encourage continued consultation with BC Transit to implement public transportation options to service later hours, particularly between Downtown and UBC Okanagan.

Parking Services

While on-street parking between 3am and 6am is not permitted, parkade and off-street surface lots are available for over-night parking, with most City lots being free on evenings and weekends. This allows entertainment district users the option of leaving their vehicle over-night to receive a safe ride home through other means. Promotion and signage of available parking services would enhance the viability of the alternative transportation options listed above.

3. Public Awareness

Public awareness campaigns could help bring together the positive work already being completed by the industry, as well as suggested options for improvement. In this way, Kelowna's evening and late-night economy can be promoted in a positive fashion for businesses, residents and tourist alike. Areas of promotion could include public safety/accountability programs, leveraging new industry programs such as BarWatch, and respecting residential/business neighbours.

Ideas for promotional activities that could be developed by industry stakeholders are:

- An integrated "late-night map", which could include entertainment venues, transportation options, taxi stands, parking, emergency contacts, etc.
- Annual award/recognition programs through Bar Owner Association or Business Improvement Area (i.e. Downtown Kelowna Association) for exceptional bar operation, similar to "Best Bar None" program in Edmonton.
- Partner with post-secondary institutions, Interior Health Authority, BIA's, etc.
- Promoting public safety aspects of BarWatch program.

Staff recommend that key stakeholders work together to create a positive public awareness of Kelowna's evening and late-night economy.

Next Steps

Kelowna's Urban Centres are planned as self-sufficient, "live-work-play" communities, which improve on social, cultural, economic and environmental sustainability objectives. The social connections created by public entertainment venues, including liquor establishments, are an important component of all vibrant cities. Managing the priorities of community stakeholders is a delicate balance, particularly as the Downtown and other Urban Centres receive additional residential density. These mixed-use districts must remain appealing areas to live, while continuing to operate as the City's entertainment hubs.

Enhancing Kelowna's nightlife in this manner will require a number of stakeholders working together towards a common goal. This review highlights areas of improvement, which have been identified through public consultation and additional research. Additional areas of opportunity will no doubt be identified through continuing stakeholder discussions.

A summary of "next steps" and implementation strategies developed through the Liquor Policy Review can be found in Appendix A. The enhanced collaboration recommended in this implementation strategy is intended to build momentum towards the upcoming 2011 tourist season, and create lasting partnerships for the future vitality of Kelowna's Urban Centres.

Appendix A: Implementation Strategy

It is important to embrace a vibrant downtown, rather than attempt to put onerous limitations on an otherwise active, productive late-night economy. The below recommendations summarize the review discussion. The action items will build on existing Urban Centre planning work, and will help to build greater cooperation between all interested stakeholders.

Section A: Revised Civic Policy and Procedures			
Task	Dept. Lead	Partners	Timing
Formalize new Council policy to guide liquor license applications and procedures.	Land Use Management (LUM)	Legislative Services	January 2011
Examine potential enhancements to liquor license application process.	LUM	Legislative Services	Winter 2011
Support an increase in the number of alternative entertainment venues, both licensed and non-licensed.	LUM	DKA Chamber of Commerce Economic Development Commission	On-going
Explore additions to Business License and Regulation Bylaw No. 7878, including the requirement for Liquor Primary Establishments to enter into a Good Neighbour Agreement with the City.	LUM	Legislative Services	Spring 2011
Consult with Liquor Control and Licensing Branch (LCLB) regarding Provincial licensing and referral process.	LUM	LCLB	On-going

Section B: Enhanced Industry Operations			
Task	Dept. Lead	Partners	Timing
Liaise with industry stakeholders and the LCLB to pursue a new extended dispersal (“soft closing”) trial period for Spring/Summer 2011.	LUM	LCLB RCMP Industry	Spring 2011
Encourage and support the development of a Bar Owner’s Association.	n/a	Industry RCMP	On-going
Encourage and support the development of a BarWatch program for nightclubs and large pubs.	n/a	Industry RCMP LCLB	On-going
Support the use of TreoScope for cabarets and large pubs, and investigate incentive options for its implementation.	LUM	Industry RCMP	Winter 2011
Draft revised Good Neighbour Agreement.	LUM	RCMP Industry	Spring 2011

Section C: Collaborated Approach

Task	Dept. Lead	Partners	Timing
Support “hospitality zone policing” in the interests of balancing public safety and enjoyment.	n/a	RCMP LCLB Bylaw Enforcement Industry	On-going
Continue the proactive inspection and education of industry operators through the Public Safety Compliance Team.	n/a	RCMP LCLB Bylaw Enforcement Fire Department	On-going
Liaise with the Passenger Transportation Branch (PTB) and taxi cab companies to increase availability of taxi cabs to service late-night liquor establishments.	Legislative Services	PTB RCMP Taxi Cab Companies	In-progress
Review taxi stand locations and condition (lighting, furniture, etc) to ensure optimal functionality.	LUM	RCMP Taxi Cab Companies Infrastructure Planning	On-going
Explore the feasibility of implementing late-night public transportation options.	Regional Services	BC Transit	On-going

Appendix B: Consultation & Research

Stakeholder Participation

A number of interested stakeholders made presentations to Council and/or submitted written correspondence as part of the Liquor Policy Review process:

Downtown Kelowna Association (DKA)

Steve Stinson, President

Kelowna RCMP

Garth Letcher, Community Policing Coordinator
Cst. Mark Slade, Downtown Enforcement Unit
Inspector Rick Flewelling

Kelowna Travelodge

Chris Charron, Business Manager
Rita Pluta, General Manager

Licensed Establishment Operators

Cole Haddad, Flashback's Nite Club
Doug McMinniman, Gotcha Nite Club
Andrew Neville, Rose's Pub
Rose Sexsmith, Rose's Pub

Liquor Control and Licensing Branch (LCLB)

Karen Ayres, Assistant Deputy Minister
Janice Carlson, Policy Analyst
Gary Barker, Manager, Compliance & Enforcement

National Alcohol Strategy/

Canadian Centre of Substance Abuse

Gerald Thomas, Senior Research & Policy Analyst

UBC Student's Union - Okanagan

Grayson Lepp, Executive Chair

UBC Okanagan Campus Security

Mike Gesi, Security Coordinator
Mike Ouellette, Food & Beverage Manager

Uptown Rutland Business Association (URBA)

Dave Willoboughy, President

Other Invited Stakeholders

BC Passenger Transportation Branch
BC Restaurant & Food Association
Kelowna Chamber of Commerce
Kelowna Hotel-Motel Association
Okanagan College Student's Union
Local Residents Associations
Taxi Cab Companies

Tourism Kelowna

Urban Development Institute - Okanagan Chapter

City Staff

Sandra Kochan, Cultural Services Manager
Jerry Dombowsky, Regional Services
(BC Transit Liaison)

Acknowledgements

Appreciation is also due to work previously conducted in other municipalities on this topic.

Work of particular relevance includes:

- City of Nanaimo's Liquor Control Strategy
- City of Victoria's Downtown Late Night Task Force "Late Night, Great Night" Report

Licensing process and policies were also reviewed from a number of municipalities, including:

- Burnaby, BC
- Denver, Colorado
- Edmonton, AB
- Nanaimo, BC
- Portland, Oregon
- Prince George, BC
- Surrey, BC
- Vancouver, BC
- Victoria, BC
- Province of Nova Scotia
(Interdepartmental Committee on Alcohol Policy in Licensed Establishments)

Academic References

Berkley, Blair. "Policing entertainment districts" *Policing: An International Journal of Police Strategies & Management*. Vol. 23, Issue 4, 466-491. 2000.

Campo, Daniel & Brent Ryan. "The Entertainment Zone: Unplanned Nightlife and the Revitalization of the American Downtown" *Journal of Urban Design*, Vol. 13, No. 3, 291-315, October 2008.

Centre for Addictions Research of BC (Tim Stockwell). "Operator and Regulatory Best Practices in the Reduction of Violence in and Around Licensed Premises: A Review of Australian and Canadian Research." University of Victoria: 2010.

Livingston, Michael et. al. "Changing the density of alcohol outlets to reduce alcohol-related problems" *Drug and Alcohol Review*, Vol. 26, 557-566, September 2007.

Matthews, Suzie. "To compare regulatory models which reduce crime in the night time economy." Churchill Fellowship, Australia. 2009.

Responsible Hospitality Institute (RHI). *Planning, Managing and Policing Hospitality Zones: A Practical Guide* (Summit Edition). RHI: 2006

RHI - Jim Peters & Alicia Lakomski "Got Nightlife? Manage Sociability as an Economic Engine" *Public Management Magazine*. Volume 92, Issue 10. (Web) November 2010.

RHI. "Lessons from Three California Cities: Municipal Responses to Problems at On-Sale Retail Alcohol Outlets." Webinar, May 2009.

Stockwell, Tim & Tanya Chikritzhs. "Do relaxed trading hours for bars and clubs mean more relaxed drinking? A review of international research on the impacts of changes to permitted hours of drinking." *Crime Prevention and Community Safety*. Vol. 11, Issue 3, 153-171. July 2009.

Public Meetings

Special Committee-of-the-Whole meetings were held with Council on May 11, 25, and 31, 2010. Key stakeholders were invited to present their comments to Council. The meetings were advertised for the general public as well. The minutes from these meetings can be found in the following pages.

A Special Meeting of the Committee-of-the-Whole of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, May 11, 2010.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Kevin Craig, Charlie Hodge, Graeme James, Angela Reid and Luke Stack.

Council members absent: Councillors Robert Hobson and Michele Rule.

Staff members in attendance were: City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort; Planner, Luke Turri; Transportation Demand Supervisor, Jerry Dombowsky*; Cultural Services Manager, Sandra Kochan*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the special meeting to order at 2:03 p.m.

2. WORKSHOP

2.1 Liquor Control Review

Staff:

- Gave a presentation regarding Liquor Control Review and provided an overview of the process to date.

Stakeholders:

Jerry Dombowsky, Transportation Demand Supervisor, City of Kelowna's Regional Services Department

- Advised that transit service generally stops around 12:30 am.
- Advised that there have been requests for late night transit service and that the majority of those requests have usually come from UBC-O.
- BC Transit does not recommend or support special trips to provide transit service for after hours patrons who use liquor establishments as they believe that this raises security issues. The transit system requires a threshold where late night service is deemed to be required on a City-wide general basis.

Doug McMinniman, Gotcha Nightclub

- Advised that he was unaware of the Provincial Government's Bill 20.
- Advised that he participated in the original Mayor's Entertainment District Task Force.
- Tried "soft closings" on a trial basis for a period of six (6) months and advised that the trial was well received.
- Believes that things have changed with respect to liquor establishments. Patrons are not coming out to the establishments until 11:00 pm, unlike in previous years where they were coming out at 9:00 pm and staying in the establishments all night.
- Advised that due to the City's policy, later closing of 4:00 am are allowed three (3) to four (4) times during the year. Advised that the City of Penticton allows later closing of up to ten (10) times a year.
- Feels that at a 4:00 am closing would make the bar flush easier.
- Does not believe that Bar Watch will work in Kelowna like it does in Vancouver as it is the Vancouver City Police that enforce the Bar Watch and not the RCMP.
- Advised that the establishment has chartered a transit bus in the past in order to get patrons to where they want to go when they leave his establishment; however, due to insurance issues, he can not longer charter a bus.
- Advised that they have had issues with the RCMP and the bus that was chartered.

- Expressed a concern about the location of the taxi cab stand in the area of his establishment.
- Would like to see the taxi stand issue addressed and the “soft closings” reconsidered.
- Believes that it would be easier for the RCMP to deal with issues if liquor establishments are concentrated in a central area of the City rather than being scattered all over.

City Clerk:

- Provided background information regarding the taxi cab stands were established in 2008.

Grayson Lepp, Finance Manager, UBC Student’s Union-Okanagan

- Have contributed over \$600,000 towards transit as a result of the U-pass program.
- The major concern is public transit to and from UBC-O to the downtown core and would like to see late night transit service to/from UBC-O.
- Expressed a concern with the cost of taxi cabs from downtown to UBC-O and would like to see an increased taxi service that is affordable for students.
- Advised that there are 1,400 students who currently reside in residence and expect that number to grow to 2,400 when the new residence opens in the Fall.

Mike Ouellette, Food & Beverage Manager of “The Well”, UBC-O Student’s Union-Okanagan

- Does not really have a concern with the “soft closings”. The Well has implemented a policy to stop serving liquor at 1:45 am so that by 2:00 am most of the drinks are gone and people generally leave in peace by 2:30 am.
- Advised that the capacity of The Well is 300 inside and 40 on the patio.
- Expressed concerns with privacy issues surrounding identification systems.
- Was unaware of the Provincial Government’s Bill 20.
- The Well has received glowing reviews from UBC-O and the RCMP on how they deal with patrons.
- Any incidents that require RCMP presence at UBC-O have been a result of individuals who reside on campus in the dorms and are not related to the patrons of The Well.

Staff:

- Advised that the issue of “soft closings” was to be addressed by the Liquor Control Branch, but as far as staff are aware, the Liquor Control Branch has not addressed the issue.

Cole Haddad, Flashback’s Night Club

- Likes Council Policy No. 315 to remain as-is.
- Is in favour of “soft closings”, but would also like “staggered” closing times so that not all of the liquor establishments close at the same time. Suggested that restaurants close at 1:00 am, pubs close at 2:00 am and nightclubs/cabarets close at 3:00 am.
- Meets quite often with RCMP to discuss issues surrounding liquor establishments.
- Expressed concerns with privacy issues surrounding identification systems.
- Likes the location of the taxi cab stand in his area of the City.

Sandra Kochan, Cultural Services Manager, City of Kelowna’s Cultural Service Department

- Advised that her staff has concerns with respect to any changes that may affect food & beverage service in civic facilities and outdoor events.
- Will be working with Land Use Management staff in order to address the concerns of her staff.

Doug McMinniman, Gotcha Nightclub

- Thanked Council for the opportunity to speak.

Mayor Shepherd invited anyone in the public gallery to come forward. No one came forward.

Staff:

- Advised that the Liquor Control & Licensing Branch and the RCMP will be speaking at the May 25th Committee-of-the-Whole meeting.
- Confirmed that a representative from the Passenger Transportation Branch will be asked to attend the May 25th meeting to address Council's concerns regarding taxi cab licensing.

3. TERMINATION

The special meeting was declared terminated at 4:12 p.m.

Certified Correct:

Mayor

City Clerk

/slh

A Special Meeting of the Committee-of-the-Whole of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, May 11, 2010.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Kevin Craig, Robert Hobson, Charlie Hodge*, Graeme James, Angela Reid, Michele Rule and Luke Stack.

Staff members in attendance were: Acting City Manager, Jim Paterson; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort*; Planner, Luke Turri; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the special meeting to order at 6:05 p.m.

2. WORKSHOP

2.1 Liquor Control Review

Staff:

- Advised that the representatives from Rose's Pub would like to defer their presentation to Council to the May 31, 2010 Liquor Control Review meeting.
- Advised that some of the information that Council requested at the last Liquor Control Review meeting are being worked on by staff and will be provided to Council when staff report back to Council with recommendations.

City Clerk:

- Clarified the Council Package and the response from the Passenger Transportation Branch.

Stakeholders:

Karen Ayers, Assistant Deputy Minister, and Janice Carlson, Policy Analyst, Liquor Control and Licensing Branch (Victoria, BC)

- Distributed a handout to Council and presented an overview of the Liquor Control and Licensing Branch's policies and procedures.
- Advised that the Branch has not conducted any research in BC with respect to the size of liquor establishments; however, Australian research indicates that smaller venues have less impact on the surrounding neighbourhood as opposed to one large venue.
- Confirmed that the Provincial Government was willing to support longer establishment hours on the basis that it would alleviate some of the "bar flush" issues; however, the Liquor Control and Licensing Branch could not assure the Provincial Government that the "bar flush" issues would be alleviated.

Councillor Hodge joined the meeting at 6:55 p.m.

Karen Ayers, Assistant Deputy Minister, and Janice Carlson, Policy Analyst, Liquor Control and Licensing Branch (Victoria, BC)

- It is the Branch's understanding that the Provincial Government will not permit "dual licensing" at this time (restaurants becoming nightclubs after a certain time of the day).
- Advised that in general, "soft closings/longer disbursement times" are favoured by the liquor establishments without any terms or conditions. The Liquor Control and Licensing Branch would favour "soft closings/longer disbursement times" as long as there are conditions placed on the liquor establishments.

- Advised that Vancouver's Granville Entertainment District was the first to utilize a transportation strategy, and more recently, the City of Victoria has also developed a transportation strategy, which includes taxi stands and late night transit service.
- Advised that the City of Victoria is experiencing problems with the taxi stands and both the public and the taxi companies have expressed concerns.
- Advised that the Liquor Control and Licensing Branch was waiting for the City of Kelowna to evaluate the "soft closing" pilot project prior to making a decision on whether or not to continue with it. As the Branch did not receive any feedback from the City, the pilot project was concluded.
- Believes that public transit plays an important part in getting liquor patrons home after the bars have closed.
- Confirmed that wineries fit into either the Food Primary category or Liquor Primary category.
- Advised that the City of Kelowna has one (1) full-time liquor inspector and that another one has just been hired for the South/Central Okanagan area.
- Advised that the City of Nanaimo has had good success with Good Neighbour Agreements.

Gary Barker Compliance & Enforcement Officer, Liquor Control and Licensing Branch

- Provided details regarding the "police liaison officer" position.

Steve Stinson, President, Downtown Kelowna Association and on behalf of Tourism Kelowna

- Believes that the problem is that there are four (4) nightclubs in the downtown area of Kelowna.
- Believes that the downtown marketplace is not sufficiently involved in the downtown with respect to entertainment options.
- Believes that the public and tourists are looking for a safe place to go at night.
- Believes that there is a place for larger cabaret type nightclubs within the City, but that they should be located outside of the downtown area.
- Competition between liquor establishments should be encouraged, not discouraged.
- Believes that tourists and many locals do not feel safe in the downtown core after 9:00 pm.
- Believes that taxis and public transportation are a major concern for tourists.
- Believes that there should be a permanent moratorium on "big box" nightclubs within the City of Kelowna.
- Advised that the Downtown Kelowna Association's Board of Directors does not support later hours for existing licensees ("soft closings"). The Board feels that it may work in the short term, but if Council wants to invite residential development in the downtown, then in the longer term, it will not work.
- In favour of smaller liquor establishments.

Staff:

- Displayed a map of the liquor establishments within the downtown core.

Gerald Thomas, Senior Policy Analyst, Canadian Centre on Substance Abuse

- From a national perspective, he concurs with the research information that was supplied by the Liquor Control and Licensing Branch.
- Believes that when the Provincial Government created further problems by changing the rules in the BC to allow lounges within restaurants.
- Provided an overview of his report on liquor establishments for the Canadian Centre on Substance Abuse and agreed to provide the information to staff for Council's consideration.

Chris Charron, Business Manager, Kelowna Travelodge

- Read a prepared statement detailing his concerns.
- Requested that Council not issue any additional liquor permits for establishments in the proximity of the Kelowna Travelodge.

- Expressed a concern with the taxi stand that was located in front of the Travelodge. Advised that the Travelodge was never consulted with respect to the location of the taxi stand.
- Travelodge staff receive guest complaints about the bar noise on a daily basis.
- Would like to see the liquor establishments spread out.
- Would like to see liquor sales stop at 1:00 am and the establishments closed by 1:30 am.
- Would like to see Bylaw fines increased as noise violations only generate a \$100 fine.
- Believes that staggered closings would be the Travelodge's "worst nightmare".

Rita, General Manager, Kelowna Travelodge

- Has worked at the Kelowna Travelodge for nine (9) years.
- The majority of the people who stay at the Travelodge are there to enjoy the downtown area, but not necessarily the bar scene.
- Have made repeated calls to the RCMP because of the disturbance caused by liquor establishments.
- Receive guest complaints about the noise all year long, not just in the busier summer months.
- Believes that the taxi stand has made the situation worse as there has been damage reported to guests' vehicles.
- Advised that she showed up for work one day and there was a taxi stand in front of the Travelodge where paid parking used to be.

Mike Gesi, Security Coordinator, UBC Okanagan Campus Security Services

- Advised that he does not have a prepared statement, but is willing to answer any questions Council may have with respect to The Well at UBC-Okanagan.

Staff:

- Reminded Council that they requested that a representative from the UBC-Okanagan Campus Security be invited to address Council with respect to issues at UBC-O.

Mike Gesi, Security Coordinator, UBC Okanagan Campus Security Services

- Advised that security staff often deal with intoxicated students; however he cannot comment on whether it is as a result of "The Well" or is simply just on-campus drinking.
- Believes that more RCMP presence is required on the campus.
- Advised that UBC-O has paid for extra policing during the month of September.
- Advised that campus security investigates complaints themselves and passes on information to the RCMP.
- Would like the RCMP to establish a community policing office on the campus.

Mayor Shepherd invited anyone in the public gallery to come forward. No one came forward.

A Special Meeting of the Committee-of-the-Whole of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Monday, May 31, 2010.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Kevin Craig*, Charlie Hodge, Graeme James, Angela Reid, Michele Rule and Luke Stack.

Council members absent: Councillor Robert Hobson.

Staff members in attendance were: Acting City Manager, Jim Paterson; City Clerk, Stephen Fleming; Planner, Luke Turri; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the special meeting to order at 7:03 p.m.

2. WORKSHOP

2.1 Liquor Control Review

Stakeholders:

Garth Letcher, Community Policing Coordinator, Kelowna RCMP

- Gave a presentation regarding the RCMP's perspective with respect to the City of Kelowna's Liquor Control Review.
- Believes that segregating nightclubs will not manage behaviour.
- Believes that the longer you serve liquor, the more problems you will create.
- Believes that there is potential with "soft closings" and advised that the RCMP would be happy to explore soft closings in Kelowna.
- Believes that the lack of transportation options at bar closing significantly increases policing challenges related to maintaining order and public safety.
- Suggested that Council visit the Responsible Hospitality Institute's website www.RHI.org.

City Clerk:

- Provided information regarding the City's Business License Bylaw and the different business license bylaw processes.

Garth Letcher, Community Policing Coordinator, Mark Slade, Downtown Enforcement Unit, and Inspector Rick Flewelling, Kelowna RCMP

- Advised that the RCMP Members are fully supportive of "soft closings."
- Advised that unless there is infrastructure in place, RCMP manpower in place, and establishment participation and co-operation, the RCMP are not supportive of establishments that have 350 seats or more being spread out around the City.
- Liquor establishments can hire the RCMP to monitor their establishments through the "cost recovery" process.
- Credits the bar owners with stepping up to the plate and trying to make things better.
- Believes that there is confusion around "soft closings" and whether or not it does or does not work. It is the Liquor Primary industry that will or will not make "soft closings" work.
- Believe that taxi stands are a proven method in reducing congestion in front of nightclubs.

City Clerk:

- Provided details with respect to the process around “show-cause hearings”.

Dave Willoughby, President, Uptown Rutland Business Improvement Association, and Owner/Operator, Doc Willoughby's

- Distributed a handout detailing URBA's comments with respect to the Liquor Control Review.
- Feels that most of the issues with liquor establishments are associated with the downtown core and uptown Rutland does not have the same issues.
- Expressed a concern with Special Occasions Licenses.
- Believes that there should be increased liquor enforcement.
- Believes that there needs to be improvements to liquor primary networking.
- Believes that minors should be allowed in liquor primary establishments up to a certain time (i.e. 8:00 pm).
- Expressed a concern with food primary establishments operating after hours as “after hours clubs”.

Councillor Craig joined the meeting at 8:59 p.m.

Rose Sexsmith, Owner/Operator, Rose's Pub and Hannah's, and Andrew Neville, Manager, Rose's Pub

- Expressed a concern with the taxi stand in the area of Rose's Pub.
- Inquired why taxis are allowed to park in front of the casino, which has a liquor license.
- Have installed a personal identification system at a cost of \$6,000.00.
- Would be willing to enter into a Good Neighbour Agreement.
- Advised that Rose's Pub stops service of “jugs” of beer at 1:00 am on any day of the week and have imposed a two (2) drink maximum at all times.
- Supports the RCMP with “soft closings”.
- Advised that there is a “gentleman's” agreement in place amongst some of the downtown establishments that regulates the price of liquor.
- Would be interested in forming a “stakeholders” group to address some of the liquor control concerns.

Inspector Rick Flewelling, RCMP

- Will investigate the rationale behind the Rose's Pub taxi stand.

Mark Slade, Downtown Enforcement Unit, Kelowna RCMP

- Commented on what is currently happening with the ongoing discussions between the local liquor establishments and the RCMP.

City Clerk:

- Provided details on how Council can proceed with implementations of the liquor control review.

Staff:

- Advised that there is a press conference next Wednesday regarding the different Personal Identification Systems that can be utilized by liquor establishments.
- Confirmed that the Liquor Control & Licensing Branch has the last word on “soft closings”.

Mayor Shepherd invited anyone in the public gallery to come forward. No one came forward.