

**City of Nanaimo**  
**REPORT TO COUNCIL**

**FILE COPY**

DATE OF MEETING: 2012-APR-16

AUTHORED BY: D. PADY, PLANNING ASSISTANT, CURRENT PLANNING

RE: LA78 – ENTERTAINMENT ENDORSEMENT FOR A FOOD PRIMARY LIQUOR LICENSE  
SIMON HOLT RESTAURANT – 6582 APPECROSS ROAD

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**STAFF RECOMMENDATION:**

That Council receives the report for information.

**PURPOSE:**

The purpose of this report is to notify Council that Staff has received an application to amend the liquor license at 6582 Applecross Road (Simon Holt) and will be initiating the public notification process.

**SUMMARY:**

The City has received correspondence from Mr. Cody Dreger regarding his application for a permanent change to a food primary liquor license, located at 6582 Applecross Road (Attachment A). Mr. Dreger is requesting a local government resolution in support of his application to the provincial Liquor Control and Licensing Branch (LCLB) to permit patron participation entertainment in order to allow restaurant patrons to dance to live music.

A local government resolution is required by the LCLB before it will consider the application to permit patron participation entertainment within a food primary licensed establishment.

**BACKGROUND:**

The existing restaurant is included within the Woodgrove Urban Node of the City's Official Community Plan (OCP) and is currently zoned Woodgrove Urban Centre (CC4). A restaurant is a permitted use within the CC4 zone. On 2012-JAN-18, Council voted to endorse a previous application from Simon Holt in order to extend its late night hours of liquor service from 12am to 1am, Thursday to Saturday, in order to provide late night entertainment. The LCLB has since approved the liquor service extension application.

In June, 2002 the City of Nanaimo retained Neilson-Welch Consulting Inc. to prepare a Liquor Control Strategy, which Council subsequently adopted. In terms of food primary establishments, the Liquor Control Strategy recommends that Council support restaurants that wish to include patron participation entertainment, but only in cases where the restaurant provides, in writing, an outline of the types of entertainment proposed and the assurance that food service will remain as the primary function.

The applicant has verbally stated that he plans to provide live music, along with the occasional DJ, and wishes to allow patron participation entertainment. A formal letter from the applicant has not yet been received but this will be a requirement in order to proceed further with the application.

DISCUSSION:

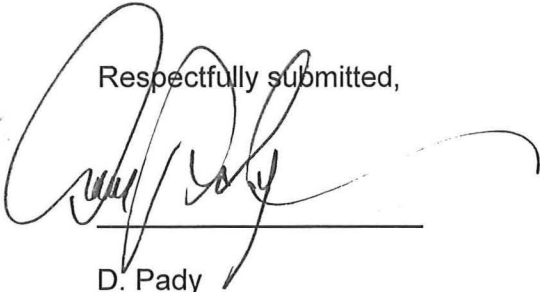
According to the LCLB Licensing Policy Manual, patron participation entertainment is defined as:

*“any form of live entertainment that entails the active involvement of patrons or results in patrons leaving their seats, including but not limited to:*

- *sing-along’s or karaoke;*
- *dancing; and*
- *amateur night, in which patrons are invited to sing, dance or perform stand-up comedy routines”*

A public notice and comment sheet will be mailed and delivered to all of the owners and tenants of buildings and properties within 100m of the subject property. All referral responses, including comments from the RCMP, Bylaw Enforcement Section, and the Building Inspection Section, will be summarized and attached to a future report. As per Council policy, this report has been placed on this evening’s agenda for information only.

Respectfully submitted,



D. Pady  
PLANNING ASSISTANT  
CURRENT PLANNING

Concurrence by:



A. Tucker  
DIRECTOR  
PLANNING



E.C. Swabey  
GENERAL MANAGER  
COMMUNITY SAFETY & DEVELOPMENT

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: 2012-APR-11  
Prospero: LA78  
DP/pm

