

City of Nanaimo
REPORT TO COUNCIL

DATE OF MEETING: 2013-DEC-16

COPY

AUTHORED BY: DAVE STEWART, PLANNER, PLANNING & DESIGN SECTION

RE: LIQUOR LICENSE AMENDMENT (LA100) - APPLICATION FOR A PERMANENT CHANGE TO A LIQUOR LICENSE - SPLITSVILLE ENTERTAINMENT –
171 CALDER ROAD

STAFF RECOMMENDATION:

That Council recommend the Liquor Control and Licensing Branch (LCLB) approve the application for a structural change to an existing licensed establishment at 171 Calder Road.

PURPOSE:

The purpose of this report is to provide information and request Council comment regarding the application from Splitsville Entertainment to convert the establishment's current food primary liquor licensed area to a liquor primary license with a change to permit minors. As Council is aware, a municipal resolution is required before the province will consider the application further.

BACKGROUND:

The City has received a copy of an application to the LCLB from Mr. Pat Haggerty, on behalf of Splitsville Entertainment Ltd., for a structural change to an existing licensed establishment at 171 Calder Road (Attachment A). The applicant is applying to relocate the existing liquor primary licensed area to replace the establishment's current food primary liquor licensed area.

Mr. Haggerty has applied to the LCLB to convert the establishment's current food primary liquor license area to a liquor primary license with a change to permit minors. The bowling alley currently includes a liquor primary lounge area with a capacity for 40 patrons, as well as a food primary licensed area which allows for 148 persons. The applicant wishes to cancel the food primary license and relocate the liquor primary license to the existing food primary area. The applicant is also requesting a change to the liquor primary license in order to allow minors to be in recreational areas where liquor is consumed. The existing liquor primary lounge area will be converted to an interactive token arcade for children and will not be licensed for liquor consumption. A copy of the floor plan indicating the existing food and liquor primary area is included (Attachment B).

A liquor primary license is generally associated with a nightclub or neighbourhood pub, in which minors are not permitted to be present, while a food primary license is associated with a restaurant in which food service is the primary business and minors are permitted. Minors are commonly allowed in liquor primary licensed entertainment establishments such as theatres, arenas, stadiums, ski resorts and bowling alleys at the discretion of the LCLB.

The applicant previously submitted an application to expand the existing liquor primary license in order to allow for up to 200 persons and to allow minors until 10pm. On 2012-MAY-28, Council voted not to support the previous application due to opposition raised by the surrounding neighbourhood. In this application, the applicant has decreased the maximum number of persons from 200 to 148 in his request for a liquor license.

Neighbourhood Consultation

Following Council's decision not to support the original application, the applicant has consulted with the neighbourhood, including two open houses on 2013-AUG-08 and 2013-NOV-21, to discuss issues regarding the liquor license and other neighbourhood issues related to the business.

A summary of the 2013-AUG-13 open house was distributed to all surrounding residents and is included for Council's information (Attachment C). The applicant also chose to host a second open house on 2013-NOV-21 in order to follow up on the issues discussed during the August open house, and to review the applicant's plans for a liquor license amendment. While representatives from the RCMP, LCLB and the City were in attendance, only two local residents attended the open house. One of those residents attended to inform the applicant that other residents have chosen not attend.

Subject Property

The existing bowling alley is included within 'Neighbourhood' designation of the City's Official Community Plan (OCP) and is currently zoned Commercial Recreation Centre (CC6). A bowling alley is permitted as a recreational facility within the CC6 zone. The CC6 zoning permits a recreational facility such as a bowling alley with an accessory lounge, but does not permit a neighbourhood pub or nightclub use.

Parking

The City's "DEVELOPMENT PARKING REGULATIONS BYLAW 2005 NO. 7013" requires five parking spaces for every lane within a bowling alley. The bowling alley currently has 16 lanes and no new lanes are proposed; as such, 80 parking spaces would be required within the existing parking regulations. Approximately 70 parking spaces exist on the current site; however, as the applicant is not increasing the number of bowling lanes, no increase in parking will be triggered by the proposed license amendment.

Good Neighbour Agreement

On 2013-NOV-04, the applicant's entered into a Good Neighbour Agreement (GNA) with the City. A GNA is a formal agreement between the liquor license holders, the City, and the RCMP, which recognizes that liquor licensed establishments have a civic responsibility beyond the requirements of the *Liquor Control and Licensing Act* to control the conduct of their patrons. Generally, the City only enters into these agreements with downtown nightclubs; however, the City has in the past requested a GNA for a liquor primary establishment within an existing neighbourhood. A copy of the signed GNA is included for Council's information (Attachment D).

DISCUSSION:

Prior to making a recommendation to support or deny an application, the LCLB asks the local government to consider the following:

1. ***The potential for noise if the application is approved:*** The bowling alley is located immediately behind the Jingle Pot Pub, liquor store and gas station to the north, and is in an established low density residential neighbourhood.

To the west of the subject property is a forty-unit, multiple family strata complex, and to the south and east are single family dwellings. While some noise can be expected due to the presence of the existing bowling alley and neighbouring pub, this is generally considered a quiet residential area. When deciding on whether or not to support the proposed liquor licensed area expansion, Council is asked to consider if the change in licensing status will result in an increased level of noise and disturbance within the neighbourhood.

During the public notification process some of the neighbouring property owners expressed concerns related to increased noise levels if the application is approved.

2. ***The impact on the community if the application is approved:*** Splitsville bowling alley provides Nanaimo residents and visitors with recreational bowling opportunities and hosts a number of competitive leagues and tournaments. The bowling alley has been at its current location for over 30 years. The business has contributed positively to the community in a number of ways, as outlined in the application letter (Attachment E). If the application is approved, bowling alley patrons will be able to enjoy an alcoholic beverage while remaining in the bowling concourse area. A liquor primary license with a minor's endorsement is common in recreational facilities in British Columbia, as it allows adults to enjoy an alcoholic drink while participating in a recreational activity, such as bowling, without having to order food. As many bowling patrons have already eaten before bowling, they do not always wish to order food but may want to order an alcoholic drink. The primary purpose of the facility will remain bowling with liquor service accessory to the recreational activity. The CC6 zoning on the subject property will not permit the conversion of the property to a neighbourhood pub or night club without a rezoning. The applicant has distributed a petition with more than 850 patron signatures requesting the license change.

During the public notification process, some members of the public expressed concerns regarding the presence of minors within a liquor license primary area. It should be noted that local government comment is not required for an application to allow minors within a liquor primary area of a recreational facility; local government comment is however required for the expansion and relocation of the liquor primary licensed area.

Since the 2012 liquor license amendment application was denied by Council and the LCLB, the applicant implemented a number of improved management strategies designed to provide responsible liquor service.

New business practices designed to reduce liquor related disorder include:

- the hiring of a new General Manager;
- hourly perimeter controls outside the establishment;
- reminders to guests leaving after 10pm that the bowling alley is in a residential area and therefore they are advised to keep noise down;
- parking lot and perimeter checks at closing time; and
- implementing monthly Staff meetings to discuss liquor service.

During the referral process, the RCMP noted that while the establishment in the past has generated a number of nuisance and disturbance calls, improved management strategies have significantly reduced the instances of nuisance and disorder related to the bowling alley.

The applicant has worked with the RCMP regarding the proposed liquor license changes and methods to mitigate possible future disturbances or nuisances. The RCMP supports the application (Attachment F).

The applicant plans to convert the existing liquor primary lounge area to a children's arcade, which will not be licensed for liquor service. By relocating the liquor primary area from the lounge associated with liquor service to the bowling area, the consumption of liquor as a primary activity will be discouraged as liquor service will be an accessory activity to recreation.

If the application is approved, the total person capacity of the liquor service area will be reduced from 188 persons (existing liquor primary lounge and food primary licensed area) to 148 persons (proposed new liquor primary area).

3. **The views of the residents:** A public notice and comment sheet was mailed to all owners and occupants of the buildings and properties within 100m of the subject property. A total of 96 comment sheets were mailed and delivered.

Of the 13 responses received, 2 are in support of the application and 11 are opposed. Those opposed to the application cited concerns related to increased noise, traffic, and litter as well as the presence of minors within the facility. Copies of responses received are attached (Attachment G).

Staff Comment

While Staff and the RCMP did not support the previous liquor primary license amendment application, both parties are supportive of the current revised application. It is the opinion of Staff that the applicant has worked with the RCMP, liquor inspector and the City to address historic concerns regarding liquor related noise and disturbance. The LCLB has informed Staff through the consultation process that the requested recreational liquor primary license which permits minors is common in BC for bowling alleys and other recreational facilities. The recreational facility license is in fact the LCLB's recommended license for facilities such as Splitsville.

While only two members of the public attended the recent November open house, during the public notification process a number of concerns were raised regarding the presence of minors within the liquor primary, and the potential for increased noise and disturbance. The concerns relating to minors within the liquor primary area are, to some extent, shared by the RCMP; these concerns can be addressed through effective management of patrons. It should be noted that minors are currently permitted within the food primary license area and, as such, the conditions related to minors within an area where alcohol is served currently exists. It is Staff's opinion that the conversion of the food primary license to a recreational liquor primary license will not significantly increase the risk of minors consuming alcohol within the establishment.

In the past, noise and disturbance has been a significant issue within the neighbourhood. When reviewing any liquor license application, Council is asked to consider neighbourhood concerns when determining whether or not to support the application.

In Staff's opinion, the applicant has shown a willingness to work with the local residents, the City and the RCMP to resolve liquor-related noise and disturbance issues. By converting the existing lounge area into a children's arcade, the applicant is working to market the bowling alley as a family-oriented facility.

By reducing the size of the liquor service area, Staff is of the opinion that the proposed license change may, in fact, help reduce liquor-related nuisance and disturbance occurrences within the neighbourhood.

Opt Out of Application Process

With respect to all food and liquor primary license applications, it is worth noting that Council has the option to provide no comment. If Council chooses to opt out of the application process, Staff will inform the LCLB of Council's decision and no further action will be taken by Staff regarding the application. If a local government chooses to opt out, the LCLB will start their own review process, which could considerably delay the application process.

Next Steps

Following Council's decision regarding the application, Staff will notify the LCLB of Council's recommendation. The LCLB will then rely on the Council recommendation when determining whether or not to grant the liquor license amendment request.

Respectfully submitted,



B. Anderson, MCIP, RPP
MANAGER
PLANNING & DESIGN SECTION

Concurrence by:



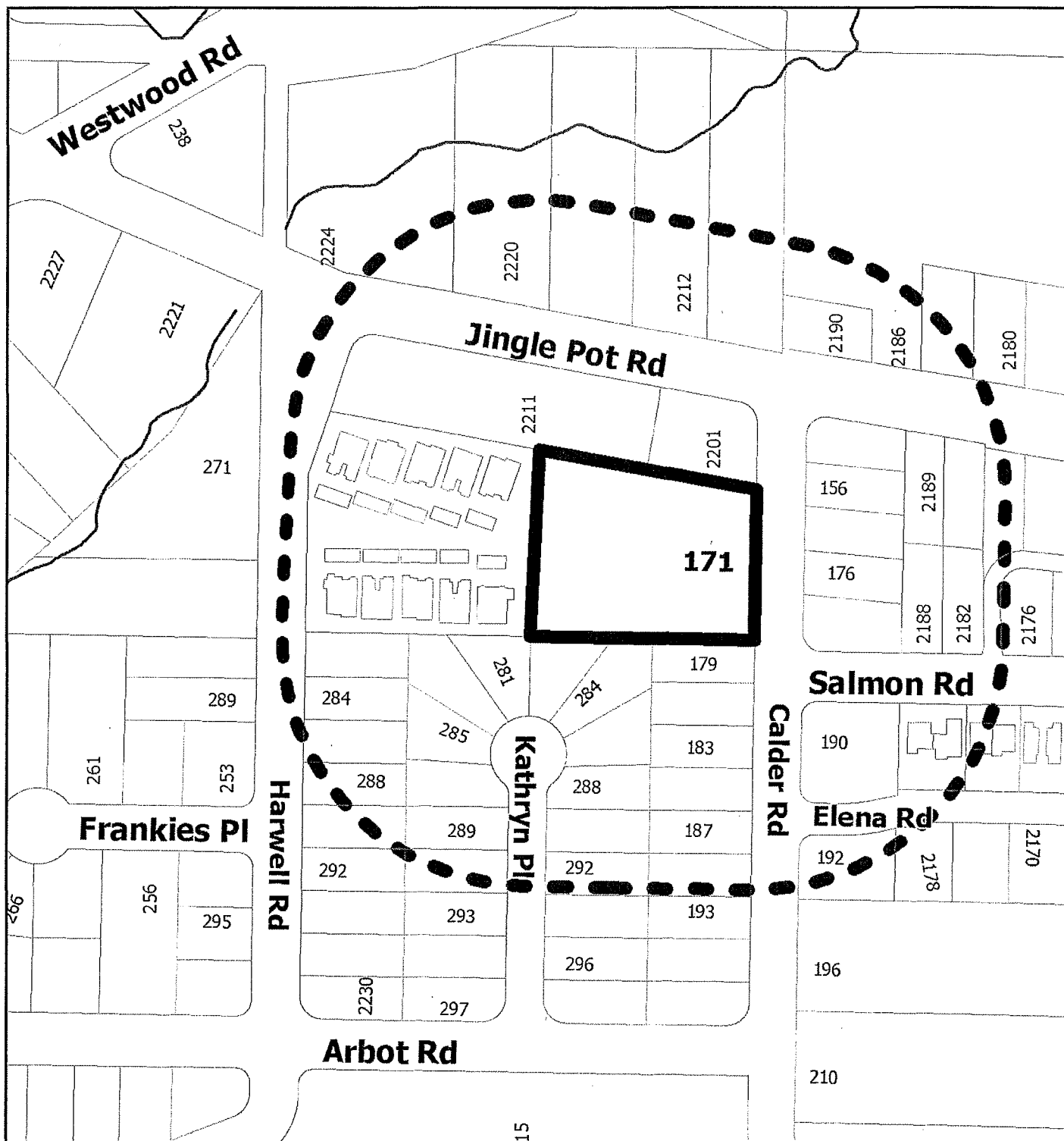
D. Lindsay, MCIP, RPP
DIRECTOR
COMMUNITY DEVELOPMENT



I. Howat
GENERAL MANAGER
CORPORATE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.





LIQUOR LICENSE APPLICATION NO. LA000100

LOCATION PLAN

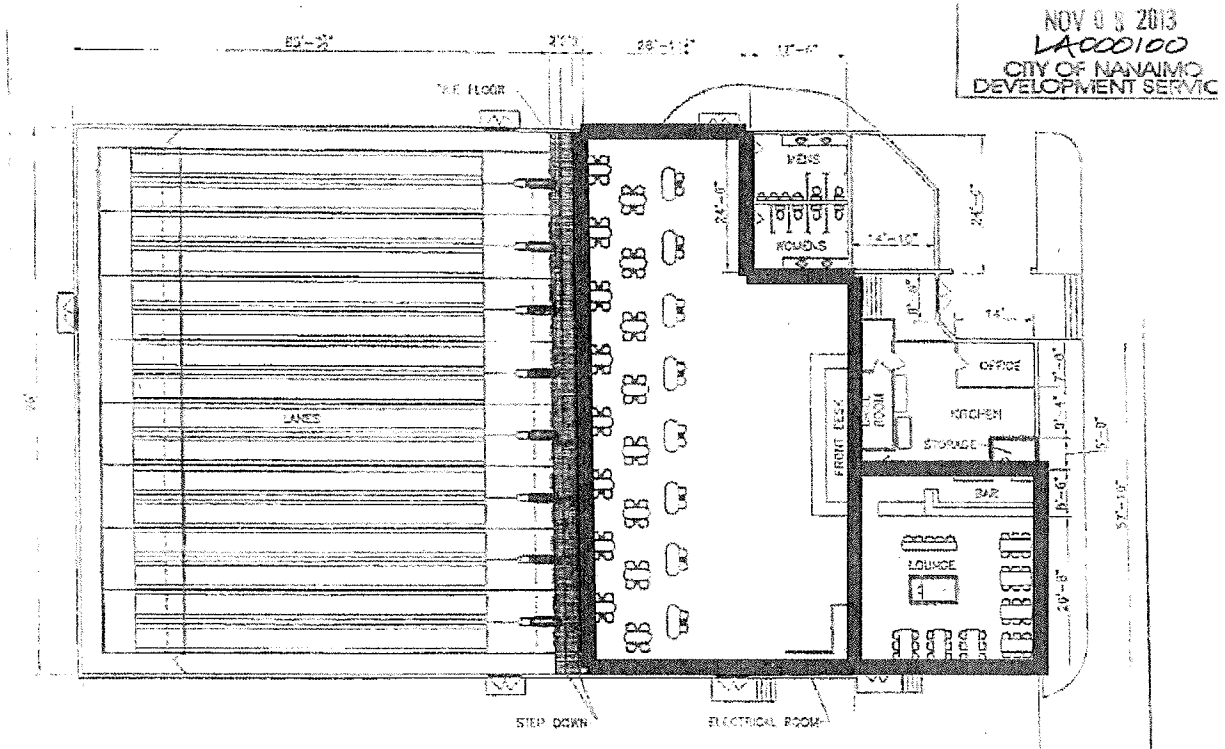
Civic: 171 Calder Road
Splitsville Bowling Alley



-  Subject Property
-  Notification Area

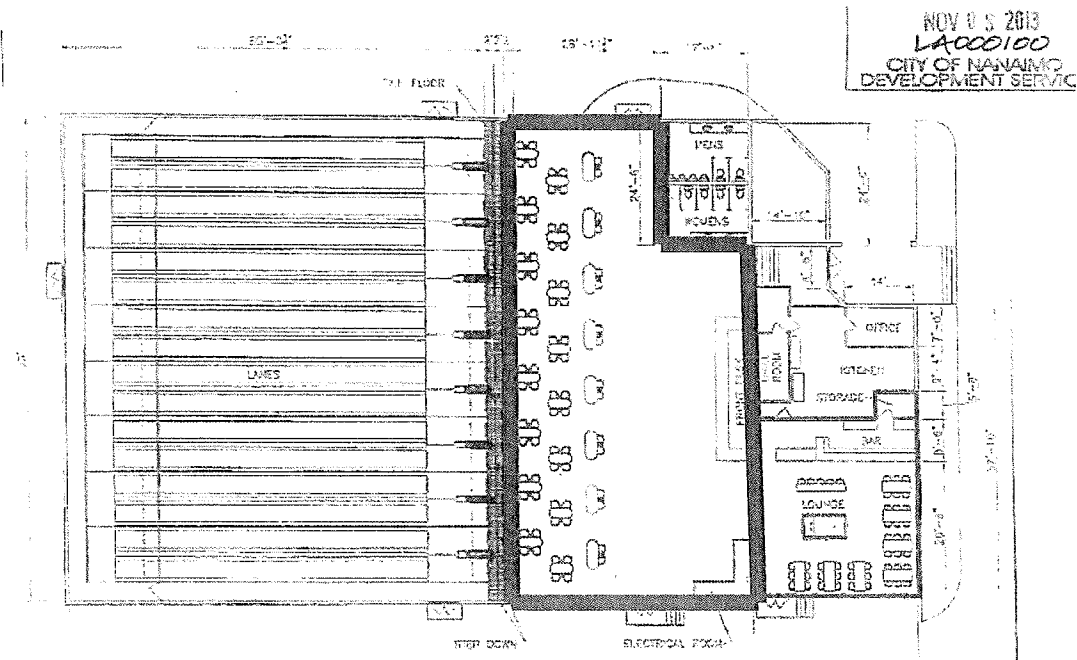
ATTACHMENT B
Floor Plan

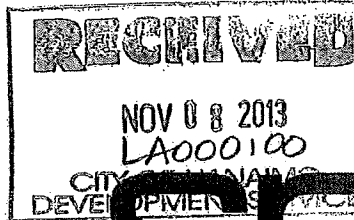
Existing License Areas



Liquor Primary Area shown in Red Area
Food Primary Area shown in Blue Area

Proposed License Area





Splitsville

ENTERTAINMENT

Open House Meeting Notes from Thursday, August 8th, 2013

Neighbours and Friends, Splitsville hosted an OPEN HOUSE on Thursday, August 8th at 7pm to discuss our thoughts and plans in offering a more complete Family Entertainment Complex this Fall/Winter.

Besides our neighbours, we also had in attendance, David Laberge, Sgt, from the RCMP and Greg McCammon, Liquor Inspector, from the Liquor Control and Licensing Branch, to help with any questions.

We introduced our new GM, Gary MacDonald, who has joined us in September. Gary brings over 30+ years of bowling experience and has worked in both a chain and corporate environment that have had a lot of experience in running professional operations.

We explained our desire to pursue the changes needed at Splitsville to become more family focused. We currently have two liquor licenses within the establishment, a Food Primary and Liquor Primary. Each having the capacity to serve 148 and 40 respectively. We wish to shut down the Liquor Primary all together and convert the bar space to an Interactive Games Room with redemption prizes. No liquor would be served in this area moving forward. We would then apply to have the Food Primary changed to a Recreational Liquor Primary in the current Food Primary section. This would allow adults with children to have the ability to recreate with the option of being able to order liquor with or without food. This is the same licenses now granted to golf clubs and curling rinks. This would be a reduction of almost 25% in our capacity of serving liquor throughout the establishment.

In the meeting we also explained changes within our industry (not unlike McDonald's moving to McCafe). The focus on families with added ancillary offerings to attract a family customer base to remain successful as a recreational option for Nanaimo residents is important.

We also mentioned our continued community support with fundraising activities that include but are not limited to: Skip for Heart (Heart and Stroke Association), Strikeout Cancer (Cancer Society), Variety Club Telethon, Bowl for Movember (Men's Prostrate Cancer), just to name a few.

We believe our message of change was conveyed well and when it came time to the Q&A portion of the meeting, most of our neighbours expressed concern on what happens "outside" our building, mostly concerning noise.

Earlier this year, we sat down with both the RCMP and Liquor Control Board to review our practices and protocols, both in and outside the building. We re-emphasised some of the following practices that have been adopted since January of this year. Some of which include:

*Parking Lot walk-thrus. Done every hour and on busy nights, every ½ an hour. This is to ensure we don't have any loitering going on. We keep log books of this.

*We are also "last" off the property with our employees and will do a sweep of the entire parking lot to ensure no one is left hanging around.

*We have a 0 tolerance for any indecent or illegal behaviour while on the premise. Patrons that disregard this are asked to leave the property.

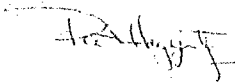
*We have signed the "Good Neighbour Agreement" as our continued pledge in working with our neighbours in opening lines of communication to ensure if there's anything we can do to help with living in harmony, we'll try and meet this request.

On this last initiative, we have taken corrective steps to ensure our garbage collection (which we first learnt about at the meeting), sometimes happens before the prescribed and allowable City bylaw times in the early AM. Our vendor has agreed to come only during allowable hours.

We also have implemented a "courtesy" request on the later nights requesting our guests and customers to please recognize we live in a residential neighbourhood and while exiting the property can they please keep stereo's and the noise to a minimum.

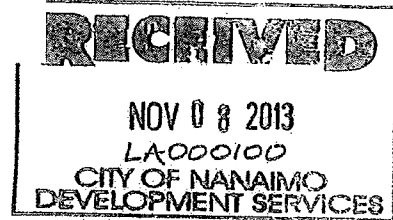
For those of you that were not in attendance and wish to have more information about the changes or the meeting, please don't hesitate to email me at Pat.Haggerty@brunbowl.com or call my office 1-800-232-2369.

Sincerely,



Pat Haggerty

President – Splitsville Entertainment.



CITY OF NANAIMO

GOOD NEIGHBOUR AGREEMENT

WHEREAS the City of Nanaimo ("the City"), the RCMP Nanaimo Detachment ("the RCMP") and the Owners of Splitsville Entertainment Ltd ("the Licensed Establishment") (collectively "the Parties") recognize that liquor licensed establishments have a civic responsibility, beyond the requirements of the *Liquor Control and Licensing Act*, to control the conduct of their patrons; and

WHEREAS the Licensed Establishment wishes to demonstrate to the citizens of Nanaimo its desire to be a responsible corporate citizen; and

WHEREAS the Parties wish to promote Nanaimo as a vibrant, safe and attractive community for the enjoyment of everyone, including residents, visitors, businesses and their workers;

NOW THEREFORE the Licensed Establishment agrees with the City and the RCMP to enter into this Good Neighbour Agreement, the terms and conditions of which follow:

Noise and Disorder

1. The Licensed Establishment shall undertake to ensure that noise emissions from the Establishment do not disturb surrounding residential developments, businesses and neighbourhoods, as provided by the City of Nanaimo *Noise Bylaw*.
2. The Licensed Establishment shall undertake to monitor and promote the orderly conduct of patrons immediately outside of the Establishment, particularly those congregating outside during open hours as well as at closing time, and to discourage patrons from engaging in behaviour that may disturb the peace, quiet and enjoyment of the neighbourhood.
 - 2.1 In cases where the presence of employees does not facilitate the orderly conduct of patrons, staff shall contact the RCMP to request assistance in dealing with any persons or crowds.

Criminal Activity

3. The Licensed Establishment shall not tolerate any criminal activity within the Establishment.

- 3.1 The Establishment shall make every reasonable effort to scrutinize patrons as they enter the building to ensure that no items of contraband, including weapons and controlled substances, are brought onto the premises.

Minors

4. The Licensed Establishment shall not allow any person under the age of 19 into the Establishment.
 - 4.1 The Establishment shall check two pieces of identification for any person who appears to be under the age of 25; one piece must be picture identification and may be a driver's licence, a government identification card or a passport.

Sale and Consumption of Alcohol

5. While it is recognized that there may be occasional price reductions or promotions for specific alcoholic beverages, the Licensed Establishment shall offer no deep discounts (i.e., "cheap drinks") or across-the-board discounts.
 - 5.1 When offering price reductions and promotions, the Establishment shall be particularly mindful of its legal and moral obligation to refuse service to persons who may, based on appearance or amount of alcohol consumed, be intoxicated.
6. The Licensed Establishment shall not allow patrons to carry or consume open beverages in areas that are not licensed for such purposes, including areas outside of the Establishment.

Entertainment

7. Stripping and exotic dancing shall only be permitted as forms of entertainment in the Licensed Establishment if the Establishment's zoning allows for such forms.
8. If stripping and exotic dancing are permitted, as per the Establishment's zoning, the Establishment shall ensure that advertisements are not offensive to the community.

On-Duty Employees

9. Each on-duty employee of the Licensed Establishment shall wear a clearly visible nameplate showing his or her first name and/or employee number.
10. The Licensed Establishment shall maintain a work schedule showing each on-duty employee and shall make the work schedule available to the RCMP, upon request.

Cleanliness

11. The Licensed Establishment shall assign staff to inspect the outside of the premises each night after closing to ensure that there is no litter, garbage, broken glass or other foreign objects associated with the Establishment left within the general area of the Establishment.

12. The Licensed Establishment shall undertake to remove, as soon as is practicable, any graffiti from the building's exterior.
13. The Licensed Establishment agrees to work with the City and its departments, including the RCMP, to resolve any concerns that arise with respect to the operation of the Establishment.
 - 13.1 The Licensed Establishment agrees to attend a formal meeting, as required, with the City and the RCMP to discuss issues and concerns.
14. The Licensed Establishment shall demonstrate complete support for the RCMP and its members.
 - 14.1 When incidents occur which require RCMP involvement, all staff of the Licensed Establishment shall cooperate fully with RCMP members, and shall not impede or obstruct members in performing their duties.
15. The Licensed Establishment shall participate as an active member in the local Hospitality Industry Liquor Licensing Advisory Committee (HILLAC).
16. If the Licensed Establishment is a nightclub located within the downtown core, the Establishment will be strongly encouraged to participate in the Nanaimo Bar Watch Program.
17. The Licensed Establishment shall support programs which aim to eliminate occurrences of drinking and driving.
 - 17.1 A free telephone shall be available to patrons for the purpose of contacting a taxi or arranging other transportation from the Establishment.
 - 17.2 Non-alcoholic beverages shall be provided at prices which are below those set for alcoholic beverages.

Amendment and Transferability

18. Any proposed changes to the terms of the Good Neighbour Agreement shall be discussed and resolved among the Parties.

Enforcement

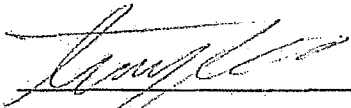
19. Obtaining a business license is contingent upon accepting and signing this Agreement; notwithstanding this fact, the parties recognize that the success in reaching the objectives of the Good Neighbour Agreement is largely dependent upon each establishment's willingness to make a concerted effort to support and adhere to the principles outlined in the Agreement.
 - 19.1 Any failure on the part of the Licensed Establishment to comply with the terms outlined herein will result in the following:
 - (a) the City will attempt to resolve the matter by requesting a meeting with the licensee.

- (b) If the matter is not satisfactorily resolved during a meeting, the City will provide a written warning. The letter will clarify what action is needed in order for the licensee to comply with the terms of the agreement. The letter will also specify how much time will be provided for the licensee to comply. The length of time will depend on the nature of the infraction.
- (c) Continued non-compliance may be brought to the attention of City Council, which may in turn require the owners of the Establishment to attend a "show cause" hearing related to the suspension of their Business Licence.

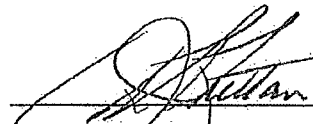
It should be noted that a "show cause" hearing would only be used when all other reasonable attempts to gain compliance have failed.

20. Nothing contained or implied in this Good Neighbour Agreement shall prejudice or affect the City's rights and authorities in the exercise of its functions pursuant to the *Community Charter and Local Government Act*, as amended, and the rights and powers of the City and the RCMP under provincial and federal statutes and regulations, and City bylaws.

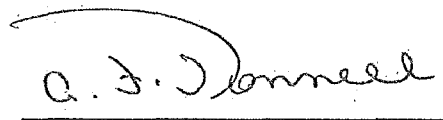
Signed this 4 day of November, 2013, in Nanaimo, British Columbia.



Tony Solés
Splitzville Entertainment Ltd



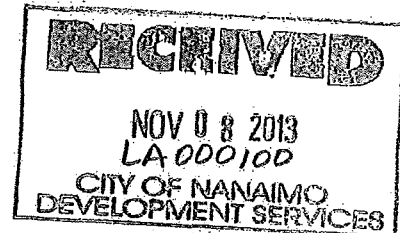
Mayor John R Ruttan
City of Nanaimo



Nanaimo Detachment, RCMP



City of Nanaimo
Attention: David Stewart
455 Wallace Street
Nanaimo, B.C.
V9R-5J6



RE: Splitsville Entertainment Liquor License Changes

Dear David,

Formally Evergreen Lanes and as recently as 2006, Splitsville Entertainment, a 10-pin bowling centre having existed for over 30+ years at 171 Calder Road in Nanaimo, is aspiring to make some changes believed to be both beneficial to the community of Nanaimo as well as changes within our industry.

We are proceeding through an application process with the LCLB to have the following changes completed. Re-Define our Liquor Primary License with a "Permanent Change to allow Minors", coupled with requesting an internal location change of where our current Liquor Primary is (inside a defined bar location) to our current location of where our Food Primary License is located, through a "Structural Change" application.

Recreational Liquor Primary and Permanent Change to allow Minors:

This has been endorsed through the LCLB through changing society changes to allow minors to be in recreational areas where liquor is consumed. These changes have been limited to certain types of recreation and include: Downhill Ski Resorts, Curling Clubs, Golf Courses, Bowling Centres, Recreation Centres and Stadiums.

From our industry standpoint, bowling attracts all ages from 3-93. The product, bowling, is viewed and can be experienced as a sport, recreation and entertainment. In order to be successful, we need to cater to all 3 of these separate experiences and at times, all 3 at the same time.

What's important to note, is that the average time spent bowling ranges from 1-2 hours with the average being about 1.5 hours. Our guests don't spend the entire day or evening at our facility. During this 1.5 hour visit, the bowling experience, coupled with ancillary sales is important to remain a viable business in Nanaimo.

Our current Food Primary License, currently located in the bowler's seating and concourse area, has the following impact to our guests. In League Bowling, where our leagues start at 6:30pm, most if not all of our bowlers have already had supper. If they

wish to have a drink while playing, they are forced, as per the LCLB law, to order food. Most then, do not order anything at all. This continues to resonate through our recreational and entertainment bowlers that come in to have fun either through a Team Building/Corporate event or Fund Raiser held in the evenings with the same response, that food must be ordered to receive a drink. We could have 6 lanes of a corporate team building event, coupled with two families on 4 other lanes and a small league of 6 lanes. The families may have children with them. The change to "allow minors", means both the leagues and corporate event could order a drink without having food, as could the adults in the families too if they've eaten already.

As we're all aware this is the law, (food must be ordered to receive a drink) our guests are confused and many believe this is a business practice predicated to try and drive sales up. It has the exact opposite results however and not only inhibits our guests experience, but leaves them with a brand experience of Splitsville that's less than desirable. (Please see Appendix of a Petition of over 800 signatures of our guests wishing for this to change to allow for a better experience)

Please note, we are not asking for anything that the current laws doesn't allow. The LCLB recognizes this application as a normal procedure of how Recreational facilities can or should handle alcohol in the presence of minors. Other bowling centres in B.C. have applied and been granted this same operational change. Outside of B.C., in all other provinces, no such application is even needed and what we are requesting (Recreational Liquor Primary allowing Minors), is the norm throughout Canada and U.S.

Re-allocating our Food Primary Area to Recreational Liquor Primary:

Attached are the drawings showing both the current status of the two liquor licenses at Splitsville Entertainment. Our current Food Primary has 148 seats. Our Liquor Primary has 40 seats. We have a current application into the City to have our bar area completely renovated to be replaced with a Family Entertainment Interactive Games Room with Redemption Centre. We do not want any alcohol to be served in this new Game Room. Our desire is to have the Recreational Liquor Primary replace the Food Primary license and keep the # of seats the same at 148.

Business Practices:

It's important we ensure this application has the backup and background to sustain a viable operation with proper controls, procedures and protocol in moving forward. We believe we have solidified this with the following now in place.

We have hired a new General Manager, Gary McDonald, who has over 30+ years of bowling management experience. Gary brings maturity, knowledge and capabilities of managing both staff and our guests to ensure they are in a safe and healthy environment.

After meeting with the RCMP and LCLB earlier this year, the following procedures are now in place and completed on a daily basis:

- a.) On weekends, we have an hourly checklist, called "Perimeter Control", where one of our staff members will walk around the building and ensure we don't have people hanging out in the parking lot.
- b.) When our guests and customers are leaving after 10pm at night, they are politely reminded that we live in a residential neighbourhood and if they could please refrain from loud noise and music when leaving the parking lot.
- c.) We have monthly staff meetings with review of the "Serving it Right" procedures on serving clients and ensuring we're following the LCLB procedures and protocols.
- d.) Ensure all outside vendors/contractors come to our centre during normal business hours and not come to early or late at night.
- e.) We have a procedure called "Last off the Property" meaning the last employee that leaves the building will check the perimeter of the parking lot and ensure we have no one hanging around in the parking lot.
- f.) We have instituted new signs at our entrances for both "No Smoking" and "
- g.) We have signed the Good Neighbour Agreement in May and have openly asked any neighbour to call or email myself or Gary if they have any issues.

Our Neighbours:

This is a very important component which we treat with high regard since our last application. We have gone through one-on-ones with both the RCMP, (David LaBerge) and LCLB local inspector, (Mandy McKelvie), on internal practices and protocols to help improve our image concerning serving alcohol and its effect on our neighbours.

We hosted an Open House in which we sent two separate invitations (see Appendix for Letters) to invite our neighbours to review the changes we're seeking and had an open forum with a Q&A on August 8th, 2013. In attendance were David LaBerge (RCMP) and Greg McCammon. A few weeks after the meeting, we sent out a recap to all of our neighbours to review what was discussed and reviewed. (See Appendix for Follow-up Letter)

Inside the Q&A session, our Neighbours expressed concern of noise levels they believe would be increased outside of the bowling centre if the license changes were granted. This is a valid concern of theirs. We articulated our policy and procedure changes noted above. We also emphasized our change in moving to a more complete FEC (Family Entertainment Complex) with the children's Interactive Games Room and no more bar. This will create more traffic to the centre at earlier hours.

In communicating with Sargent LaBerge last week, he has claimed we have been without any incidents reported to the RCMP since May of this year. This is 6 months with our new policies and procedures in place.

In review of the survey results that came out of our last application process and the City has a copy of, here are a few points recognized as we move forward with this current application:

- a.) There seemed to be a lot of confusion over the application of the license, there was a lot of neighbours thinking we were going to be adding a new licensed area.

We are actually asking for an amendment to our current licenses, wishing to cancel one and reduce the amount of seats from a total of 188 to 148.

- b.) In reviewing addresses from the survey results, a lot were on Jingle Pot Road and farther away that seemed to have noise issues that may or may not have originated from our property. We are located beside a busy pub, liquor store and gas station and believe they would also be sharing some of the noise responsibility.
- c.) A lot of neighbours thought we would be promoting drinking amongst the youth, and that is not the case at all. Ownership operates 3 centres all with liquor licenses and providing a safe environment is very important for us and our guests.

We are planning on having one more Open House with our Neighbours in later November to review our current status of application. We'll be seeking a more insight to how our current policies and procedures have been working and will ultimately look to instill new ones if warranted to help.

Impact:

Splitsville Entertainment, inside its four walls, seeks to bestow the highest of customer service levels. We work in conjunction with schools, fundraising groups, community active groups, Corporate and Company Initiatives. To list a few of these groups, the following represent our community awareness we believe needs to continue in being a good corporate citizen of Nanaimo.

- *BMO Boolathon
- *BC Lupus Society x2
- *CIBC Run for the Cure
- *Big Brothers and Big Sisters
- *The Haven Society
- *BCN(Bachelor of Science Nursing) "US" @ VIU
- *Knockdown Cancer (runs all January)
- *BC Bowls for kids held by Variety Club
- *Jump for Heart (School Campaign involving over 30 schools)
- *Nanaimo Minor Hockey (We host Player of the Game Awards for all ages)
- *Kids Bowl Free Campaign (Runs all Summer Long for all children in Nanaimo)
- *Island health (New healthy weight program for families: Shapedown BC)
- *Snuneymuxw First nation health centre (For the Children's Health Fair)
- *The Card Sharks (Movember Beer and burger event)
- *Nanaimo Senior Women's Lacrosse (silent auction to raise travel funds)
- *Navy league (night to welcome new cadets and help support cadets)
- *Nanaimo Assisted Community Living
- *Pacific Salmon Foundation
- *Cystic Fibrosis Canada
- *Ladysmith Secondary Band Program
- *Johnston and Johnston
- *Cilaire elementary

- *WPVL Minor Fast Pitch
- *NUKO
- *VIU Sport& tourism Management
- *VIU Ghana Research and Study Tour
- *Nusa'Lon Womens Dragon Boat Team
- *Salvation Army
- *Family Resource Association
- *Nanaimo Dry Grad " a night to remember"

Summary:

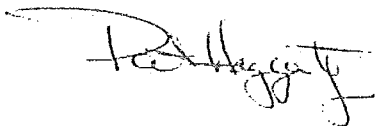
Splitsville, (formally Evergreen Lanes), has been in the community for the past 30+ years at the same location. We currently have two liquor licenses and wish to move to one. We wish to reduce the # of seats with the ability of serving liquor from 188 to 148. We wish to be allowed, as per the LCLB policies for bowling centres, to conform our license to a Recreational Liquor Primary allowing for minors to be in the same space as adults while participating for the 1.5 hours they are at our facility as our guests. Currently, Minors are already allowed in the drinking area of the bowling with the Food Primary.

We will continue to apply our new policies and procedures with standards to reduce noise and work closely with our neighbours on any issues. We will continue to support the local community with various charitable opportunities to remain a good corporate citizen.

We wish to invoke the changes our industry needs to remain a viable business in adding an interactive games room focusing on the families. We are not asking for anything that are not formal policies or laws within the City of Nanaimo or Province of British Columbia.

If you should have any questions pertaining to this letter or our application process, please don't hesitate to call me at 1-800-232-2369.

Sincerely,



Pat Haggerty
President

ATTACHMENT F



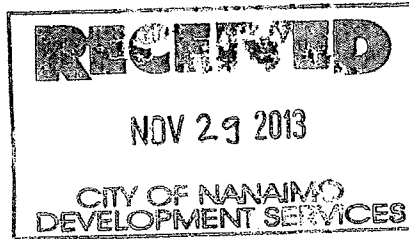
Royal Canadian
Mounted Police

Gendarmerie royale
du Canada

Security Classification
/Designation
Classification/désignation
sécuritaire

Unclassified

RCMP Nanaimo
303 Prideaux Street
Nanaimo, BC V9R 2N3



Your File - Votre référence

LA100

Our File - Notre référence

City of Nanaimo
Community Safety and Development Division
Attention: Dave Stewart

Date

November 27, 2013

Dear Sir,

Splitzville Entertainment – Application for Liquor Primary Licence

It is our understanding that management of the Splitzville Bowling Centre on Calder Road has requested a local government resolution to support an application for changes to their liquor licenses. The premise is currently comprised of two licensed areas; a 40 seat liquor primary lounge and a 148 seat food primary area around the bowling lanes. The applicants propose to re-purpose the lounge area into a games room and change the current food-primary area to a liquor-primary.

Splitzville Entertainment previously submitted an application to change the bowling area to a liquor-primary in the spring of 2012. This application was not supported by the RCMP or local government. Our reluctance to support the application was based on several issues;

- The owners and management of Splitzville Entertainment did not communicate with the RCMP to explain their rationale or intentions in applying for a liquor primary licence;
- Police responded to many calls for service in and around the bowling centre relating to disturbances, fights, and intoxication.
- Lack of management strategies to mitigate liquor-related issues.

Pat Haggerty is the president of Splitzville Entertainment. He manages a number of bowling centres in Canada and the United States based out of the Toronto area. Mr Haggerty contacted the RCMP and provincial liquor branch after their application was turned down in 2012.

Over the course of the following year, a series of meetings were held and Mr Haggerty was provided with specific details of police concerns and calls for services at the Calder Road bowling centre. In turn, he provided information on his company's vision on how they intended to change their business strategy and liquor service. He provided details of proposed management strategies to provide responsible liquor service, and measures that would be implemented to address disturbances and disorder both inside and outside the bowling centre.

Mr. Haggerty organized several open-house events at the bowling centre, inviting the neighborhood to provide input and express concerns about activities in and around their property, and to comment on their intention to seek local government support for a second application for a liquor-primary licence. The RCMP and liquor branch inspectors attended these events, assessing the concerns and feedback of the neighborhood. It is significant to note that the last open house event was held in late November, with only two neighbors attending. There were no specific adverse concerns expressed by these neighbors.

Mr Haggerty has advised that the primary activity and focus of his business is bowling, and that liquor service is an added service available to his customers. The provincial liquor branch advises that the current licencing practice throughout the province is to grant responsible licencees with a class of liquor primary licence for recreation purposes. This type of licence is intended for venues such as golf courses, curling clubs, and bowling alleys where the sale and consumption of liquor is secondary to the primary recreational purpose of the establishment. This licence would allow the sale of liquor without the requirement to purchase food, and may also permit minors to enter and remain in licenced areas. If approved, this recreation liquor primary licence could not be converted to other uses such as a nightclub or pub.

Our comments on the potential impact of the proposed application are based on some of the factors discussed above.

Police Resources – Criminal Activity in the City – Levels of Public Disorder

Police Services in the City of Nanaimo are provided by the RCMP. Nanaimo Detachment has approximately 140 police officers and will respond to over 35,000 calls for service in 2013. Licensed establishments that provide liquor service have potential to require higher levels of police service based on many factors including; management practices, responsible serving practices, seating capacity, patron demographics, and proximity to neighbourhoods or entertainment districts.

Splitzville Entertainment historically has had a high number of calls for police service both inside the establishment and for disturbances immediately outside the premise. These included incidents of intoxicated patrons, fights, and noise disturbances. It was our perspective that there was a continuing pattern of disorder resulting from inadequate management and supervision of patrons inside the establishment, over-service of liquor, and a lack of oversight of the parking lot outside the establishment. This was one of the reasons that we did not support the application for a liquor primary licence in 2012.

There has been a notable reduction in calls for police service since 2012 when Mr Haggerty communicated with police & the liquor branch, installed a new general manager, and instituted new management procedures. There were five calls for service in 2012; a 911 hang-up call and a fight in January, a fire-alarm pulled by an intoxicated patron in February, a patron who was upset when liquor service was cut off in April, and an incident in November when police found a highly intoxicated patron remaining in the premises. There were three police calls for service in 2013; a large fight involving patrons who had been drinking inside the establishment in January, a fight in the parking lot involving intoxicated individuals in March, and a second fight among patrons reported by staff in March. There have been no police incidents since March 30, 2013.

Concerns related to minors being permitted where alcohol is served

We do have concerns with respect to minors being permitted in licensed areas where alcohol is served. Splitzville Entertainment has numerous bowling lanes which can each accommodate groups of bowlers and spectators. On some evenings, the centre features bowling events in low light conditions with loud music and club style lighting. In these conditions, it is difficult for employees to discern which patrons are consuming liquor, which patrons have been confirmed to be of legal drinking age, and there is no means of restricting the movement of patrons within the premises. It will require effective management and proper staffing levels to provide appropriate oversight to ensure that minors do not purchase or consume alcohol on the premises. This is a challenge that will exist regardless of whether the establishment has a food or liquor primary licence.

Comments and recommendations

In consultation with the provincial liquor branch, it is our understanding that a recreational liquor primary licence is an appropriate licensing type for a large bowling centre such as Splitzville Entertainment. Splitzville's management team have undertaken to communicate with police & the liquor branch to identify liquor-related issues and to implement appropriate management and service practices. The very limited response from the neighbourhood at a recent open-house meeting seemed to indicate that there are no substantial ongoing nuisance or disturbance concerns. There have been no police calls for service pertaining to liquor related matters, noise, or nuisances at the establishment in the past eight months.

We are mindful that there are many benefits to the quality of life and enjoyment of the community in having a variety of recreational venues, and that the addition of responsible liquor service can enhance the entertainment experience and improve profitability for businesses. It would be our expectation that the primary purpose of the venue would continue to be bowling, and that a liquor service would be secondary to that activity.

For these reasons, we would support a recommendation to local government to endorse the application for a recreation-liquor primary licence. We would respectfully recommend that Splitzville Entertainment be required to enter into a Good Neighbor Agreement as a condition of local government support for the application to ensure that they continue to communicate with their neighbours, provide effective management to prevent disturbances or disorder, and to institute responsible liquor serving practices.

Thank you for the opportunity to comment on this application. If you have any questions, please contact Corporal David LaBerge of the Nanaimo Detachment bike patrol unit at (250) 755-3270. david.laberge@rcmp-grc.gc.ca.

Yours truly,



Al O'Donnell, Inspector

A/Officer in Charge, Nanaimo Detachment

Attachment G
Public Comment Sheets
LA100- Splitsville Entertainment- 171 Calder Road

AGAINST

I SUPPORT THE APPLICATION.

Scan the QR
Code for more
information

I DO NOT SUPPORT THE APPLICATION.

Comments:

This is a residential area, and we already have
a Pub, Liquor Store, Restaurant that serves liquor.
Right next to the bowling alley. With houses up
down and around this area enough is enough.

Name: Brenda Parvane Resident Street Address: 146 Calder Rd.

Name of Business: Business Address:

I SUPPORT THE APPLICATION.

Scan the QR
Code for more
information

I DO NOT SUPPORT THE APPLICATION.

Comments:

Do not agree with the application change Primary
Liquor license to allow children in the area where
liquor is being served. No place allows this, not
liquor store or pubs. DO NOT ALLOW CHILDREN IN.

Name: Jovanna Parvane Resident Street Address: 146 Calder Rd

Name of Business: Business Address:

I SUPPORT THE APPLICATION.

Scan the QR
Code for more
information

I DO NOT SUPPORT THE APPLICATION.

Comments: THERE IS ALREADY A LIQUOR STORE + PUB
AROUND THE CORNER, 16 + 17 YEARS OLD SHOULD BE
ALLOWED TO BOWL UNDER CLOSING

Name: Resident Street Address:

Name of Business: JINGLEDOT GENERAL Business Address: 2201 JINGLEDOT RD

SUPPORT THE APPLICATION.

Scan the QR
Code for more
information

DO NOT SUPPORT THE APPLICATION.

Comments: CHILDREN + LIQUOR DO NOT MIX.
IF ALREADY HAVE A BAR IN THE
SAME BLOCK AS THE BOWLING
ALLEY. THIS SUPPOSED TO BE A
RESIDENTIAL NEIGHBOURHOOD.

Name: ROSE HEINES Resident Street Address: 2188 SALMON RD.

Name of Business: Business Address:

I SUPPORT THE APPLICATION.

Code for more
information

I DO NOT SUPPORT THE APPLICATION.

Comments: THERE IS NO SUCH LICENSE. IF YOU
HAVE A LIQUOR PRIMARY LICENSE MINORS
CANNOT ENTER RED LINE AREA. THAT ALSO
INCLUDES WASHROOMS, AT ANYTIME. SOMEONE SHOULD
READ THE ¹⁸⁺ PROVINCIAL LIQUOR LAWS. ~~THE~~ GUIDE

Name: BRIAN PHILLIPS Resident Street Address: 3463 BLACKFOOT WAY

Name of Business: JINGLE POT PUB Business Address: 221 JINGLE POT ROAD

I SUPPORT THE APPLICATION.

Code for more
information

I DO NOT SUPPORT THE APPLICATION.

Comments: MY RESIDENCE IS ACROSS THE INTERSECTION OF CALDER ST.
AND JINGLE POT ROAD. THE PROPERTY HAS BEEN VANDALIZED BY
DRUNKEN PEOPLE BEFORE AND FORCED ENTRY WAS ATTEMPTED. TOO
MUCH NOISE (LATE NIGHT) AND ACCIDENTS AT THE CORNER. (UNSAFE)

Name: MARTIN ROBERTS (RENTED) Resident Street Address: 2190 JINGLE POT ROAD.

Name of Business: N/A Business Address: N/A.

I SUPPORT THE APPLICATION.

Code for more
Information

I DO NOT SUPPORT THE APPLICATION.

Comments: _____

Name: Gord Bailey Resident Street Address: 282 Kathryn Place Nanaimo BC

Name of Business: _____ Business Address: _____

I SUPPORT THE APPLICATION.

Code for more
Information

I DO NOT SUPPORT THE APPLICATION.

Comments: PLEASE LET ME KNOW ABOUT THIS
AMENDED LIQUOR PRIMARY LICENCE AS THE JINGLE
POT PUB WOULD LIKE TO HAVE ONE OF THESE
NEW LIQUOR LICENCES AS WELL. I HAVE NOT HEARD
OF THIS LICENCE WHERE MINORS CAN ENTER A LIQUOR PRIMARY

Name: BRIAN PHILLIPS Resident Street Address: 3463 BLACKFOOTWAY NANAIMO

Name of Business: JINGLE POT PUB Business Address: 2211 JINGLE POT ROAD

I SUPPORT THE APPLICATION.

Code for more
Information

I DO NOT SUPPORT THE APPLICATION.

Comments: _____
Traffic + Noise
at night

Name: Deanne Greene Resident Street Address: 2208 Jingle Pot Rd

Name of Business: _____ Business Address: _____

I SUPPORT THE APPLICATION.

Code for more information

I DO NOT SUPPORT THE APPLICATION.

Comments:

Noise

Name: *Check King - SANDRA WARNE* Resident Street Address: *2181 Jingle Pot Rd*

Name of Business: _____ Business Address: _____

I SUPPORT THE APPLICATION.

Scan the QR Code for more information

I DO NOT SUPPORT THE APPLICATION.

Comments:

No noise + traffic at night

Name: *Donald LaBerge* Resident Street Address: *2208 Jingle Pot Rd*

Name of Business: _____ Business Address: _____

FOR

I SUPPORT THE APPLICATION.

Scan the QR Code for more information

I DO NOT SUPPORT THE APPLICATION.

Comments:

Name: *John Walker* Resident Street Address: _____

Name of Business: *Walker's Gun Shop* Business Address: *2216 Jingle Pot Rd*

I SUPPORT THE APPLICATION. - See attached notes (addendum)

Scan the QR Code for more information

I DO NOT SUPPORT THE APPLICATION.

Comments:

* PAGE 1 OF 2.

Name: SAUET SWETT Resident Street Address: 179 Calder Road.

Name of Business: Business Address:

Addendum to Comment Sheet

Date: Dec 3, 2013

From: Salley Swett
179 Calder Road
Nanaimo, BC V9R 6J2

To: CITY OF NANAIMO
COMMUNITY SAFETY & DEVELOPMENT DIVISION
238 Franklyn Street
Nanaimo, BC V9R 5J6
Fax: 250-755-4439

RE. SPLITZVILLE ENTERTAINMENT – Application for a Structural
Change to a Liquor Primary License

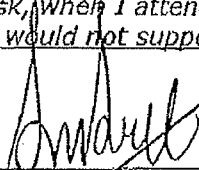
I have indicated on the comment sheet, my support of the above application. I see the addition of a responsible adult manager with a good record in this type of operation as a positive step. My support is conditional on the assurance that management will make every effort to ensure that Splitzville's business is conducted in a responsible and professional manner; that safe serving of alcohol is practiced and strictly adhered to; that the neighborhood will in no way be negatively affected by this change, but that it will instead experience this as an improvement to the present licensing and capacity; that the exterior of the building, including the garbage and recycling area and parking lot will be regularly maintained as to be aesthetically attractive and enhancing rather than detracting from the neighborhood; that any disturbance in and around the parking lot caused by patrons or loiterers outside of the building will be dealt with promptly; that ample parking will be provided so that vehicles are not parked up and down the street and in front of neighboring homes.

This business affects surrounding home values, and I would encourage ownership and management to be very aware and respectful of that.

The neighborhood residents have not been supportive of changes to the licensing of this business due to its history of irresponsible serving of alcohol to minors, resulting in disturbances in the early morning hours, especially in the warmer weather. Although these disturbances may not be entirely the responsibility of Splitzville and its patrons, as there is also a liquor store at the corner of Harwell and Jinglepot Road that sells liquor (perhaps to minors?), it would seem wise for each of the business owners to keep on top of potential problems and how they can be responsibly addressed and resolved.

I did not ask, when I attended the Open House at Splitzville, whether off-sales of alcohol would be allowed. I would not support this, and sincerely hope that it will not be permitted.

Signed: _____


Salley Swett