

RE: REQUIRED NEIGHBOURHOOD SURVEY  
5901 BROADWAY - PARKCREST PLAZA  
LIQUOR LICENCE APPLICATION NO. 7/87

ITEM 25  
MANAGER'S REPORT NO. 40  
COUNCIL MEETING 90/06/11

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Planning & Building Inspection be adopted.

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TO: MUNICIPAL MANAGER 1990 JUNE 05

FROM: DIRECTOR PLANNING &  
BUILDING INSPECTION

SUBJECT: REQUIRED NEIGHBOURHOOD SURVEY  
5901 BROADWAY - PARKCREST PLAZA  
LIQUOR LICENCE APPLICATION #7/87

PURPOSE: To provide Council with the results of the meeting held regarding the neighbourhood survey required in connection with Liquor Licence Application #7/87 and the next step to be taken to fulfill the Provincial and Municipal requirements.

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RECOMMENDATION:

- 1) THAT a copy of this report be sent to the applicant, Mr. Michael Pauer, 5869 Granville Street, Vancouver, B.C. - V6M 3C8, and to the General Manager, Liquor Control and Licensing Branch, 1019 Wharf Street, Victoria, B.C. - V8V 1X4.

R E P O R T

1.0 BACKGROUND INFORMATION:

- 1.1 On 1990 May 22, Council received a report from the Director Planning and Building Inspection regarding the subject liquor licence application, which involves a proposal to develop a free-standing Class "D" neighbourhood pub at 5901 Broadway.
- The report noted that United Communications Research Inc. had been appointed to conduct the required neighbourhood survey, with all costs for conducting the survey to be paid by the applicant; that the survey was conducted between 1989 November 18 and 1989 December 27 and that after the 30-day appeal period passed, the ballots were counted on 1990 January 29; that the final survey report was not prepared however, and that the survey materials were not in an acceptable form to enable the Liquor Control and Licensing Branch to conduct an audit, due to United Communications Research Inc. having ceased operations due to financial difficulties.

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1.2 The report noted that the survey materials were in the possession of the Liquor Control and Licensing Branch in Victoria and that there is no reason to believe that the survey had not been conducted properly to date, or that the confidentiality of the survey had been compromised. 187

1.3 The report also described a number of steps Planning and Building Inspection Department staff, in consultation with the Liquor Control and Licensing Branch, have been pursuing to permit the completion of the necessary referendum documentation for auditing by the Branch. Council was informed at that time that a meeting had been set for 1990 May 28 with the applicant, the applicant's lawyer and representatives of the Liquor Control and Licensing Branch and the Planning and Building Inspection Department, to discuss the liquor licence application, the neighbourhood survey and the appropriate course of action to resolve the situation.

The purpose of this report is to inform Council of the results of this meeting and to advise Council of the agreed-upon course of action.

**2.0 GENERAL DISCUSSION:**

2.1 The option of engaging another marketing firm as a consultant, which was discussed in more detail in the 1990 May 22 Council report, to review the existing survey materials at the Liquor Control and Licensing Branch offices and complete the necessary referendum documentation was discussed at the meeting. The applicant was reluctant, however, to proceed on this basis, due to the possibility that even after the applicant deposited additional monies to cover the cost of this work, that the survey may still not be in an auditable form for the Branch and thus, not be considered valid, as well as his concerns regarding the perception of the validity of the survey, even after it was audited. In light of the applicant's position on this option, this alternative was not pursued further.

2.2 The other option which was explored in detail and eventually agreed upon by all parties was that another neighbourhood survey would be conducted. The survey would be conducted in accordance with Liquor Control and Licensing Branch regulations, consistent with the previous survey conducted for this liquor licence application and the applicant will be required to deposit sufficient monies to cover the cost of the neighbourhood survey. The cost of the second survey would be offset by the final holdback the Municipality is still holding for the first survey conducted by United Communications Research Inc.

2.3 In view of the previous events surrounding the neighbourhood survey for this liquor licence application, the applicant has expressed strong reservations regarding the use of a firm solely selected by another party (Burnaby) to carry out the new survey. Burnaby, for its part, has always maintained that an arms-length relationship should be observed between any liquor licence applicant and the survey firm conducting an impartial survey and has therefore, through a Council-approved process, undertaken the selection of the survey firm at its sole discretion.

The Liquor Control and Licensing Branch, on the other hand, recognizing that its standard practice in other Municipalities in B.C. is to allow the applicant to select his own survey firm from a list of pre-qualified companies, is supportive in this instance of giving the applicant a voice in the appointing of a replacement survey firm.

In an effort to achieve an equitable solution under the circumstances and recognizing that this survey is to be administered by the Liquor Control and Licensing Branch, the following arrangement has been worked out, which staff believe will allow this long-delayed process to be satisfactorily concluded:

- a) Burnaby will solicit bids from all eligible (as pre-determined by the Liquor Control and Licensing Branch) marketing firms to conduct the required survey for the liquor licence application.  
  
Staff will review the proposals submitted and assess them based upon:
  - i) the proposed survey methodology;
  - ii) each firm's references and past related experience;
  - iii) cost and
  - iv) the training and supervision of the surveyors.
  
- b) Staff will then select the top five qualifying marketing firms in order of preference according to the above criteria. The applicant will then be informed of Burnaby's first choice to conduct the survey, and be given the opportunity to endorse the selection. If he declines to do so, staff will reveal its next selection to the applicant until staff and the applicant mutually agree on the marketing firm to conduct the survey.

It is expected that the applicant would be reasonable and operate in good faith in terms of his consideration and endorsement of Burnaby's selection for a marketing firm and will be expected, if he refuses to endorse the selected firm, to provide a satisfactory explanation of his reason for refusal.

In keeping with standard practice, the marketing firm would then be informed of its selection by Burnaby, the applicant would deposit the necessary additional monies and the survey materials would be submitted to the Liquor Control and Licensing Branch for approval.

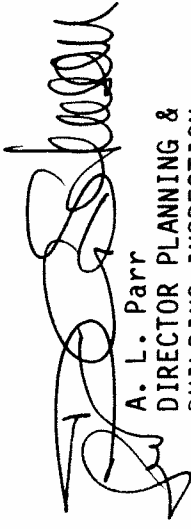
The above selection process is not standard practice and it is not intended that a mutual selection process for marketing firms will be utilized for future surveys for liquor licence applications which are totally under the Municipality's jurisdiction.

- 2.4 It was also agreed that a public information process would be initiated to explain to the public the circumstances surrounding the first neighbourhood survey and the necessity of conducting a second survey. To this end, the Liquor Control and Licensing Branch will be mailing an information sheet to all residences and businesses in the survey area and the Planning and Building Inspection Department has agreed to arrange for a public information meeting at which Municipal staff, Liquor Control and Licensing Branch staff and the applicant will be available to answer any questions from the public. The purpose of this public information process is to fully explain the circumstances to the public and allow the second neighbourhood survey to proceed, unfettered by the first survey.

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- 2.5 Unless otherwise directed by Council, staff will proceed to solicit bids from marketing firms to conduct the required neighbourhood survey and also to arrange for the public information meeting, including the necessary advertising. **189**

This is for the information of Council.



A. L. Parr  
DIRECTOR PLANNING &  
BUILDING INSPECTION

BW:ap