

TO: CITY MANAGER

1997 APRIL 30

FROM: DIRECTOR FINANCE

File: L34

SUBJECT: STARLITE BILLIARDS, 3787 CANADA WAY

PURPOSE: To provide information to Council.

RECOMMENDATION:

1. **THAT** this report be received for information.
2. **THAT** copies of this report be forwarded to Governor's Hill Strata Council, c/o #101, 3767 Norfolk Street, Burnaby, B.C. V5G 1E3; and Winchelsea Estates Strata Council, c/o #212, 3733 Norfolk Street, Burnaby, B.C. V5G 4V5.

REPORT

Council, on 1997 April 07, received correspondence from the Governor's Hill Strata Council at 3762 Norfolk Street. The correspondence detailed concerns with respect to criminal activity in the neighbourhood and Starlite Billiards at 3787 Canada Way. Arising from consideration of this correspondence, Council requested staff to prepare a report advising if hours of operation can be restricted for one business; and what actions can be taken to lift a business licence if neighbourhood concerns are not addressed. On 1997 April 21, Council also requested information about the proposed licencing of billiard halls for the consumption of beer and wine. This report provides the information requested by Council.

HOURS OF OPERATION FOR POOL HALLS

The *Municipal Act* enables Council to regulate the carrying on of business for the purpose of protecting the public and preventing or minimizing nuisance and misleading business practices. Setting hours of operation may be included in the regulation of a class of business. Ten of fourteen Lower Mainland municipalities surveyed now regulate the hours of operation for pool halls. However, the City Solicitor advises that restricting the hours of operation for one particular business as opposed to a classification of business or a defined district of the municipality would be discriminatory.

BURNABY'S AUTHORITY TO REVOKE OR SUSPEND A BUSINESS LICENCE

A Burnaby business licence can be revoked or suspended under the terms of the *Municipal Act* and our Business Licence Bylaw. The Act provides that a licence can be suspended if the licensee:

- 1) is convicted of an offence indictable in Canada;
- 2) is convicted of an offence under any municipal bylaw or statute of the Province in respect of the business for which he is licenced or with respect to the premises named in his licence;
- 3) has been guilty of gross misconduct in respect of the business or in respect to the premises named in his licence;
- 4) has ceased to meet the lawful requirement to carry on the business for which he is licenced or with respect to the premises named in his licence; or
- 5) has acted in a manner that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of 16 years.

The City Solicitor advises that the authority to revoke a business licence is also subject to this criteria and requires the affirmative vote of two thirds of Council. A suspension or revocation of a business licence is subject to appeal to Council by the affected licensee.

LICENCING OF POOL HALLS FOR ALCOHOL CONSUMPTION

The Ministry of the Attorney General has released a report about liquor use and licencing in British Columbia. The report, which is being considered by cabinet over the next few months, recommends that, under certain conditions, the licencing of billiard halls for alcohol consumption be permitted. Any such licence would be subject to local government consultation. The report has recommended that stringent operational requirements be met by any prospective licensee. These requirements are outlined in *Attachment 1*.

NEIGHBOURHOOD CONCERNS ABOUT STARLITE BILLIARDS

Staff met with the R.C.M.P., the Starlite Billiards operator, and local Strata Council representatives on 1997 April 17. Representatives of both the Governor's Hill and the Winchelsea Estates Strata Councils expressed their concern about the operation of Starlite Billiards in terms of noise in the area from cars coming to and leaving from the pool hall parking lot. As well, these residents are concerned about property crime such as break and enters, auto theft and vandalism in their neighbourhood.

The Strata Council representatives indicated that this business is having a detrimental effect on their quality of life.

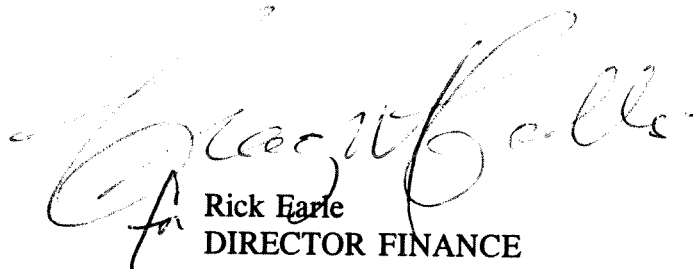
As a result of the meeting, the operator of Starlite Billiards has given assurances that action will be taken to address the concerns of the surrounding residents. The following measures have been taken by the business:

- engage a security firm to patrol the inside of the pool hall and the parking lot immediately outside the business operation; and
- a new membership register will be used by the pool hall operator which will be available for inspection by the R.C.M.P.

Strata Council representatives, staff and the R.C.M.P. are planning to meet on 1997 May 08 to assess the impact of these remedial measures.

The Burnaby R.C.M.P. have been asked to provide evidence of criminal activity in respect of the operation of Starlite Billiards or the business premises. There has been no response to this request for information.

Staff propose to continue working with the Strata Council representatives, the R.C.M.P. and the business operator to ensure that neighbourhood concerns are addressed. If action on the business licence is necessary, a report will be forwarded for Council's consideration.


for Rick Earle
DIRECTOR FINANCE

BP:vm

cc: City Solicitor
O.I.C., RCMP

PROPOSED CRITERIA FOR LICENCING OF POOL HALLS FOR ALCOHOL CONSUMPTION

- applicants would be required to go through the same licencing process, including municipal consultation, as do other establishments licenced for alcohol consumption;
- applicants would be required to own their own premises or have a long term lease of at least 10 years for the business premises;
- a limit of one billiard licence per 30,000 of population;
- billiard halls must have at least 10 regulation tables and no more than 18;
- occupancy limited to a maximum of 4 persons per billiard table;
- minors not permitted on premises;
- premises should be non smoking;
- licenced billiard halls would be permitted to operate the same hours as pubs, subject to municipal approval, with closure one hour after liquor service ends;
- fair and minimum price established for all alcoholic beverages, with no discounting permitted;
- food available as with class "B" licenced premises as long as liquor is served; and
- only wine, beer, cider and low alcohol coolers would be served.