



## **Committee of the Whole Report**

### **For the Meeting of May 16, 2019**

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**To:** Committee of the Whole **Date:** May 2, 2019  
**From:** Kerri Moore, Head of Business & Community Relations  
**Subject:** Late Night Program Update

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#### **RECOMMENDATION**

That Council receive this report for information.

#### **EXECUTIVE SUMMARY**

The Late Night Program has been in place since 2010. The strategy adopted at that time has continued to provide a framework for program activities. The City has sustained a safe and welcoming downtown at night with the support of the Late Night Advisory Committee, dedicated police officers, supervised taxi stands, portable urinals and quarterly Multi-agency Task Force tours. In 2018, several workshops were also offered, specific sound impacts on residents were addressed, and the licence agreements for late night food vendors were renewed.

Looking forward, resident impacts are a growing concern, especially where they are adjacent to concentrations of liquor-licensed seats with later operating hours. Public safety, personal health and effective transportation will also remain important issues and program responses have been identified specific to them. A healthy late night hospitality district is a significant part of the local economy and a valuable asset for Victoria residents. Directions for Late Night Program will provide appropriate support for achieving desired outcomes that will sustain and strengthen its vitality.

#### **PURPOSE**

The purpose of this report is to provide Council with an update on the Late Night Program since the last report on March 24, 2016.

#### **BACKGROUND**

In May 2009, Mayor Dean Fortin, Councillor Charlayne Thornton-Joe (who served as Downtown liaison for Council) and Chief Constable Jamie Graham formed the Mayor's Task Force to undertake an intensive review of late night issues and identify potential improvements through a series of information-gathering meetings with individual stakeholders. Its goal was to "*creat(e) a comprehensive and cohesive strategy that would enhance the safety, attractiveness and accessibility of the downtown*". Recognizing that the role of the downtown hospitality district is

more than a problem to be managed, the Task Force also sought to *“focus on measures to pave the way for the evolution of a dynamic and diverse evening and late night economy.”*

The Task Force heard about problems relating to:

- Lack of adequate transportation,
- Safety and security,
- Impacts on downtown residents, and
- Alcohol service and consumption.

Following a series of extensive interviews and research of best practices in North America and the UK, the Task Force Report recommended several initiatives to be undertaken over a six month trial period. These initiatives were approved by Council in November 2009 and included:

- Four dedicated late night police officers each Friday and Saturday night,
- Improved cooperation amongst enforcement agencies,
- Enhanced sanctions for non-conforming licensees,
- Three supervised taxi stands,
- Extended late night bus service on several key routes,
- Public awareness campaign,
- More public urinals, and
- Food vendors at taxi stands.

Four additional police officers were funded through the Late Night Program and a Multi-agency Task Force (VicPD, the City of Victoria Fire Department, Bylaw Services, Island Health, and the Liquor & Cannabis Regulation Branch) was initiated for quarterly inspection tours of liquor-licensed venues. Fines for infractions were raised, supervised taxi stands were established and late night bus service was extended. Food vendors were also recruited and a late night urinal program was introduced.

Following the pilot, an assessment of success was undertaken, based on both qualitative and quantitative indicators.

- A Downtown Victoria Business Association (DVBA) survey of business and property owners indicated that approximately half of respondents perceived some improvements relating to social disorder issues, while fewer felt that conditions were worse or unchanged,
- VicPD reported a 10% reduction in overall social disorder calls for service late at night,
- Taxi stand attendants reported increased use of the three stands, and
- Three bus routes were extended by 1.5 hours (leaving the downtown at half hour intervals) to approximately 1:30am on Fridays and Saturdays. The average number of passengers was initially low, however, the number increased after BC Transit committed to continuing with the service following the pilot project.

Based on these indications of progress, Council approved recommendations to continue with the program, including to:

- Create a half-time position to coordinate the implementation of initiatives,
- Maintain and improve the three supervised taxi stands,
- Pursue later hours and additional routes for late night buses,



- Continue with four dedicated police officers for late night Fridays and Saturdays from 10:30-3:30am,
- Continue to facilitate cooperative efforts amongst enforcement agencies,
- Promote BarWatch program participation, which address problematic individuals in venues,
- Conduct public awareness programs, and
- Establish more public urinals and food vendors.

In 2016, staff reported to Council that VicPD calls for service had dropped by 26% from 2010 to 2016, then climbed slightly attributed primarily to behaviour issues on the 900 block of Douglas. A social survey conducted in 2014 found that over 70% of downtown patrons felt safe downtown and 30% felt it had become safer over the previous few years. Most taxi stand users were satisfied with their experience. More bus routes were also added to the late night service in 2014.

## **CURRENT ACTIVITIES**

Since 2016, the Late Night Program has continued to focus on identifying and implementing improvements that will make the downtown late night experience safe, vibrant and enjoyable, while minimizing impacts on residents. With the introduction of the Neighbourhood Team in 2015, the Late Night Program continued to be administered as one of the programs within their key duties.

### **1. Leadership**

The Late Night Advisory Committee is comprised of representatives of the Hotel Association of Greater Victoria, Downtown Victoria Business Association, BC Restaurant and Food Association, Liquor and Cannabis Regulatory Branch, Downtown Residents Association, Victoria Bar and Cabaret Association, VicPD, City staff and the Council Liaison. The committee meets quarterly to consider late night strategy objectives and to make recommendations and advance improvements. Any suggestions outside the current scope of the program are approved by resolution of the committee and moved forward to Council via the Council liaison on the committee. Recent referrals have related to needs for extended late night bus service, addressing restaurants operating as bars, a municipal alcohol policy and the need for more washroom facilities in the downtown.

Webpages and a logo/brand have been also developed for the late night program to provide better public awareness about the program.

### **2. Safety and Neighbourhood Impacts**

#### Late Night Task Force

Two dedicated teams of two "Late Night Task Force" officers continue to patrol the downtown from 10:30pm-3:30am on Friday and Saturday nights.

Over their five hour patrols, time is allocated to a range of activities that shift in emphasis over the course of the night. Time is allocated based on prioritization of impact. Circulating around the downtown and observing conditions in and around active venues provides an opportunity to prevent or intervene in situations before they escalate. Issuing tickets or charging individuals may be warranted depending on severity and whether time is best spent completing the documentation

of the offence or managing other issues. A pair of officers can spend considerable time following up on a single infraction at a critical period of their late night shift.

#### Late Night Taxi Stands

The City has continued to operate two late night taxi stands to expedite the loading of taxis and safe movement of people out of the downtown at closing time. Staff have worked closely with attendants at supervised taxi stands to improve their effectiveness. They continue to work well to support safe and orderly queueing and loading of taxis at Bastion Square and the Strathcona Hotel. Attendants also effectively keep patrons off the street and contained on the sidewalk at the Strathcona location. Due to low patronage at a third stand at Yates and Douglas Streets, alternative locations for were piloted in 2018, but none were successful and the stand was discontinued.

#### Sexual Assault Prevention

A sexual assault prevention workshop was conducted primarily for bar and restaurant operators, but also included VicPD and taxi stand attendants. The session was well-received, and several follow-up initiatives were supported by attendees. These included venue audits, a common code of conduct and a trial of a late night street patrol team modelled after Good Night Out in Vancouver.

#### Public Urination

The hospitality district currently has a sidewalk washroom on Langley Street and a sidewalk urinal on Government Street. In addition to these permanent washrooms, the portable urinal program has continued to provide weekend outdoor facilities for men. The intent is to reduce impacts on business frontages and improve overall cleanliness in the hospitality district. The cost-neutral program continues to be operated with personnel from Our Place and sponsorship by downtown businesses. The six urinals are deployed by tricycle cart to strategic locations in the late evening and are then recovered early the following morning.

#### Residents' Complaints

Staff have followed up on complaints by downtown residents that relate to the late night hospitality district (e.g. lower Yates Street). This entails evaluating circumstances and discussing options for addressing the issues with both complainants and implicated late night businesses. There are often both conventional and creative means of managing impacts, and these usually result in meaningful improvements. Complaints typically persist where there is little geographic distance between residences and venues that are lively later in the evenings.

#### Protecting Hospitality Venues

Jocelyn Kane, a consultant with the Responsible Hospitality Institute, delivered a presentation to Late Night Advisory Committee members and other interested parties. She discussed innovative practices that San Francisco has applied to both manage impacts between hospitality venues and residents and protect the city's important late night economy. These included venues assuming responsibility for managing patrons in public space adjacent to venues and a requirement for residential developers to consult with hospitality businesses prior to building approval. The presentation was well-received, and suggestions were identified for further exploration.



### **3. Transportation**

The persistent shortage of transportation options late at night prompted the Late Night Advisory Committee to recommend that Council support an extension of bus service to capture the last bar patrons leaving after the latest closing time. Support letters were sent from the City and from most of the committee members' organizations. The request for longer service hours on the weekends was successful and BC Transit is launching extended service in early September 2019.

### **4. Licensee Operation**

The Multi-Agency Task Force conducts an inspection tour of the downtown and late night licensed venues every three months. The group is comprised of City staff, VicPD, LCRB inspectors, Fire Department and Island Health. The purpose is to observe conditions first hand, share information and identify issues requiring further discussion. Agency-specific issues are documented and followed up independently.

Bi-annual meetings with liquor licensees were initiated to improve communication and strengthen the relationship amongst agencies and business operators. Two well-received meetings were held in 2018. VicPD have also continued to support the licensed venues' BarWatch program.

### **5. Late Night Services**

A call for expressions of interest for food vendors was issued in 2018. The 2010 terms of operation required updating and this provided an opportunity for other interested parties to submit proposals. Given that the vending policies of the City were scheduled for review, the intention was to maintain the same general direction for the program. The Late Night Advisory Committee also suggested that an expansion of the program was not advisable at this time. They suggested it was preferable to increase promotion of existing dining options indoors. The existing vendors were successful in having their licences renewed at the end of the process.

## **ISSUES AND ANALYSIS**

Moving forward, the concerns and initiatives below have identified as priorities.

### **1. Neighbourhood Impacts**

Impacts to residents continues to be of primary concern in the downtown hospitality district. New residential buildings and renovated older structures are bringing more residents in greater density and distribution throughout the downtown. This is increasingly affecting the Old Town area where many hospitality businesses are located.

Where residents are some distance from venues, business owners have employed additional staff and make operational policy adjustments to reasonably address sound from line-ups and music systems inside the building. When residences are located immediately adjacent to hospitality venues, it is often difficult to implement measures that satisfy residents' expectations. This can be as innocuous as people talking on the sidewalk in loud voices. Late night conditions are often not clearly understood by new residents and no provisions are required in the design of residences that would mitigate impacts (e.g. sound proof windows).

Directions for reducing neighbourhood impacts include the development of a municipal alcohol policy that will provide a framework for a healthy late night economy that relies on good planning. Such a policy can:

- Help provide guidance in decision-making with regards to new and amended liquor licences,
- Provide measures for proposed residential developments which would mitigate sound related to hospitality venues in the area of downtown where hospitality is a focus (e.g. design features, letters of declaration).

## **2. Safety**

Although the downtown is generally a safe environment for hospitality venue patrons, higher concentrations of patrons in unsupervised public space can present concerns. Increased interactions amongst patrons can result in confrontations, reckless horseplay and increased sexual harassment. Patrons often also tend focus on their social activity and disregard traffic safety. Venue operators and police typically focus on managing these issues during later hours of the night.

Concentration of activity can also be addressed by managing the number of licensed seats and their hours of operation. However, this can be complicated by licensee practices. This includes food primary licensees operating like bars (i.e. hours where there is little food service) and where bars change in practices and “morph” to business models that cater to higher levels of drinking. Applicants can also make many assurances of low impact practices when applying for a licence, but these commitments are not typically incorporated into the terms of the licence and can change at the discretion of the operator or by a new operator purchasing the business. It is therefore important to consider all the terms that are, or would be, specifically attached to the licence.

The BarWatch Program is effective in keeping bars free of problematic individuals and its being updated in 2019 with the support of VicPD. Individuals who are associated with serious crime or violent incidents are entered into a database. In most of the busier bars, patron’s identification is scanned, and problematic individuals are identified and rejected admission. In venues where patron scanning is deemed not required, participating BarWatch members contact police if they have concerns about specific patrons, or police may identify such individuals while patrolling venues. If they are in the BarWatch database, the patrons are asked to leave the premises.

Sexual harassment is a concern where high amounts of alcohol are consumed. One workshop has already been held and staff are following up on Council’s Strategic Plan 2019 action to “explore ways to end sexual harassment and assault in Victoria, including using the Good Night Out international model to create a safe nightlife campaign for Victoria venues, bars, clubs and festivals.”

Directions for improving safety include:

- Working with licensees to address public space issues related to their operations
- Completing the update to the BarWatch program
- Conducting audits of venues to ensure the staff and environment minimize risk of sexual harassment incidents,



- Developing a common policy for business operators that establishes a best practices standard for conduct, and
- Initiating awareness patrols of teams that are activated late on weekend evenings interacting with patrons and providing information about sexual harassment.

### 3. Transportation

Extended bus service is scheduled to begin in September 2019. Late Night Advisory Committee members recognize a need to promote patronage of the service in order to ensure it is successful. The committee is developing a strategy with BC Transit to promote ridership amongst both hospitality zone patrons and business employees. Both the introduction of the new bus service in September and provincial legislation approving ride sharing expected later this year are likely to make a significant difference in addressing late night transportation issues.

## PROGRAM SUPPORT

### Understanding the Value

The evening and late night economy represents an important sector of the City's economy. Downtown is the Greater Victoria's primary destination for socializing and enjoying arts and entertainment. It provides direct and indirect employment to thousands of Victorians and generates business and tax revenue that contributes to the community's overall economic health. It is also important in attracting young professionals to the city, as well as providing an amenity that visitors and students expect from a high quality destination like Victoria.

This value has been recognized by many municipalities in North America and the United Kingdom. A 2016 study in Edmonton<sup>1</sup> found that the economic activity associated with the late night economy contributed over \$1.3 billion (0.7%) to the City's gross domestic product and almost 2% of full time jobs (11,719). If we were to apply these figures proportionately to Greater Victoria, the late night economy would contribute 3,262 jobs and \$371 million to the local economy.

This value of the late night economy is acknowledged in the Victoria's Downtown Core Area Plan which includes an action to "*...establish a management strategy ... including initiatives to maintain the downtown core area as the region's primary entertainment district*".

Assessing opportunities to enrich the range of late night offerings generally relies on choices of the private sector. Business owners continue to shift away from a large dance bar format towards pubs and restaurants with a more refined social environment. In recent years, some diversity has been introduced by businesses catering to specific interests such as climbing walls, games rooms and escape experiences. The City can provide important leadership. For example, the City's emerging music strategy could strengthen the hospitality district's identity as a go-to place for live music.

Directions for understanding and developing value in the late night economy include:

- Consideration for an evaluation of the current and potential local economic impact of the late night economy,

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<sup>1</sup> See Attachment I. Edmonton's Late Night Entertainment Economy – Economic Impact Assessment (2016). Office of the Chief Economist Responsible Hospitality. [https://www.edmonton.ca/business\\_economy/documents/Late\\_Night\\_Economy\\_2016.pdf](https://www.edmonton.ca/business_economy/documents/Late_Night_Economy_2016.pdf)

- Strategic leadership to leverage latent interest in hospitality district development from the business community, and
- Developing municipal alcohol policy and continuing to fund a late night program that is supportive of a strong late night economy.

### **Municipal Alcohol Policy**

In 2018, the Late Night Advisory Committee recommended to Council that staff assess opportunities for developing a municipal alcohol policy (MAP). MAPs typically focus on "... the appropriate use of alcohol at an event or venue owned or operated by a municipality and can be a key tool for building a community culture of moderation towards alcohol."<sup>2</sup> It was proposed that the scope of a MAP for Victoria be broader and establish a basis for a more coherent and consistent approach for decision-making related to liquor licensees. It would also set out measures to improve overall operation of the late night economy including:

- Measures for improving safety and security for downtown late night patrons
- Methods for encouraging healthy alcohol consumption levels
- Consideration for managing alcohol-related impacts to residents
- Ways the policy will support a thriving late night economy, and
- Establishing guidelines for alcohol service at City facilities, parks and public space

Council approved the development of a policy and the City was successful in receiving a BC Healthy Communities grant of \$7,000 to cover a portion of the costs. Staff have secured a consultant internationally recognized for their work in assessing late night economies to lead this project. Council will receive an interim report providing key proposed policy directions and a final report and policy expected to be complete by the end of 2019.

### **Budget**

The budget for the late night program has remained the same over the last four years. In addition to the budgeted line items, the late night urinal program also incurs costs (e.g. cargo trike), though it is operated primarily on a cost recovery basis between business owners and Our Place Society. Initial development of a sexual assault prevention strategy will be funded from the \$4,400 budgeted for communications.

<b>Initiative</b>	<b>Budget Item</b>	<b>Cost</b>
Taxi Zones	Security staff and Signage	\$35,000
Enhanced Police Services	4 Special Duty Police Officers (Fridays, Saturdays)	\$215,500
Communications	Workshops, Materials and Messaging	\$4,400
	<b>TOTAL</b>	<b>\$254,900</b>

### **Police Services and Hosting a Safe Downtown**

Dedicated late night police officers have played a key role in the downtown when the hospitality district is active. They have provided a visible presence and prevent or respond to disruptive and unsafe behaviour issues, monitor and enforce regulations with licensee operations and help ensure orderly dispersal of crowds at closing times.

<sup>2</sup> Canadian Centre on Substance Abuse and Addiction (2019)



In 2018, Council requested information on options for (1) adjusting the allocation of direct funding to policing and/or (2) delivering services through non-police resources. Special Duty officers paid directly by the City were selected over regular patrols because (1) the requested service was specific to Victoria and not shared with Esquimalt, and (2) police personnel would otherwise fall under VicPD command and could be directed to a variety of duties as VicPD saw fit, rather than specifically to late night patrols. Police report that there are currently insufficient existing resources to support the consistent presence of dedicated late night downtown patrol officers without the direct funding arrangement.

VicPD is currently developing a new reporting protocol for Late Night Task Force officers that will better reflect the actions they are taking to both prevent and respond to late night issues. Data from the new reporting protocol will be used to both describe the VicPD dedicated late night officers' activities and gauge overall outcomes for public safety, personal health and disturbance to residents. This will provide a clearer understanding of changes in conditions the late night hospitality district and better inform improvements to the program.

While the current level of police support is important in maintaining a safe downtown, other options for improving the social environment may support security interests as well as promoting positive change in late night culture. One option would be to deploy a "hospitality team", which could engage with downtown patrons, providing information and assistance and reporting any unsafe conditions to police. Such teams may be trained in sexual assault prevention and assume the role that the Good Night Out team provides in Vancouver.

### **Licence Fees**

Revenue from liquor-related business licensing fees brought \$126,500 to the City in 2018. The majority of that (\$71,000) came from the 20% of business licences that were liquor primary, for an average cost of \$1,145. Food primaries paid \$200 per licence. A comparison to other municipalities in 2016 found that municipalities vary greatly in their liquor licence charges and the way business licence fees are assessed to different liquor licence types.

Current business licence fees do not cover the cost of the Late Night Program. Over the years, various options for recovery of costs associated with the program have been investigated. Due to limitations under the *Community Charter*, there are limited options available to the City, though incremental increases in licence fees may be considered given that the current licence fees have not changed in several years. The business association has expressed concern with any substantial changes in fees, given other costs being absorbed by businesses this year (e.g. employer health benefits).

Directions for cost recovery for the late night program include:

- Greater responsibility to operators for issues related to their businesses (e.g. taxi stands),
- Possible increases in licence fees to cover a greater portion of late night program costs.

### **OPTIONS & IMPACTS**

Options for advancing the late night strategy and program are embedded in the previous section of this report.

### 2019 – 2022 Strategic Plan

The late night program contributes to the general objectives for: prosperity and economic inclusion; health well-being and a welcoming city; as well as strong, liveable neighbourhoods. Specific objectives targeted in the late night program include:

- Explore ways to end sexual harassment and assault in Victoria, including using the Good Night Out international model to create a safe nightlife campaign for Victoria venues, bars, clubs and festivals
- Advocate for late night bus service
- Develop a Municipal Alcohol Policy to address concerns brought forward by the Late Night Advisory Committee

### Impacts to Financial Plan

- The existing budget funds current initiatives.
- Additional funding to complete the municipal alcohol policy confirmed.
- Other identified resource needs to be presented for 2020 budget planning.
- It is suggested that the business licence fees for liquor and food primary licences be reviewed, which may result in changes to revenue.

### Official Community Plan Consistency Statement

- Land Management and Development: That the Downtown Core Area remains the Capital Region's primary economic, social, arts, cultural, and entertainment centre ... (p34)
- Economy: That the function of the Urban Core as the primary regional centre of employment, learning, arts, culture, entertainment, recreation and specialty retail is maintained and enhanced with high quality facilities, services and events (p104)
- Arts and Culture: Victoria is a place where artists are able to thrive and where people from all walks of life enjoy formal and informal opportunities to create and enjoy the arts, culture and entertainment activities. (p115)

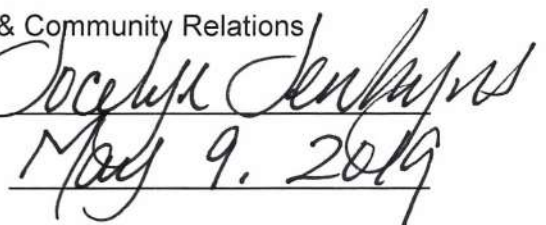
Respectfully submitted,

  
Michael Hill  
Neighbourhood Liaison

  
Kerri Moore  
Head of Business & Community Relations

Report accepted and recommended by the City Manager:

Date:

  
May 9, 2019

### **List of Attachments**

Appendix 1 – Edmonton's Late Night Entertainment Economy – Economic Impact Assessment