

LIQUOR/CABARET LICENSES – HOW CAN NEIGHBORHOODS EFFECTVELY RESPOND?

By: Michael Henry, chair of Zoning and Planning Committee, Inter-Neighborhood Cooperation and Steve Charbonneau, Denver Mediation

Most residents and neighborhood groups in Denver would agree that well-managed liquor and/or cabaret licensed establishments can be beneficial assets to the neighborhood and the city. However, those few establishments which are poorly-managed can cause serious problems for nearby neighbors, businesses and passers-by, such as noise, litter, parking problems or violence.

Neighbors and neighborhood groups should be aware of what they can do to minimize possible problems.

Denver's registered neighborhood organizations (RNOs) receive notification from the Denver Department of Excise and Licenses whenever anyone files an application for a new liquor or cabaret license. The applicant for a new license must also post a sign at the location (to be visible from the street). The notification and the sign invite interested parties to attend a public hearing at the Department of Excise and Licenses where the application will be considered.

In the past, RNOs received approximately 45 days' notice before the public hearing; however, the Department of Excise and Licenses changed this in January 2009 to 20 days' notice, with the provision that "upon written request of a relevant registered neighborhood organization, the posting will be extended for an additional 25 days and the hearing will be rescheduled accordingly." This new rule puts an important responsibility on neighborhood groups to evaluate the notification promptly and decide whether a longer time is needed in order to have a discussion or meeting among the neighbors and the applicant, consider the issue at a neighborhood board meeting and, possibly, to negotiate an agreement with the applicant about how to minimize problems that the establishment might create.

All of the Department's newly-revised policies and procedures are included in a 50-page document which is available on the Excise and Licenses – Liquor Licensing page at www.denvergov.org. Neighborhood leaders should become familiar with the new policies in order to participate effectively in reviewing new applications or any other aspects of liquor and cabaret licensing matters.

In the past several years, many neighborhood groups have negotiated and signed written Good Neighbor Agreements, with applicants in order to prevent possible problems. The Department of Excise and Licenses' new policies indicate:

The Department encourages regular communication between registered neighborhood organizations and applicants/licensees for resolution of issues that are of concern to the community. Many neighborhood organizations have

negotiated “Good Neighbor Agreements” with applicants and licensees. As a general rule, good neighbor agreements will not be incorporated into the license. However, **if the licensee consents, particular terms of such agreements may be issued as conditions of the license, but only if they are objectively stated and enforceable by the Department pursuant to its municipal authority. All other terms of the Agreement are a private matter between the parties.** (emphasis added).

The Director of the Department, Awilda Marquez, says that she is usually willing to attach no more than 3 or 4 conditions to a license. Therefore, neighbors and the applicant need to decide and agree on which conditions, if any, they wish to have attached to a license.

A potential template of a Good Neighbor Agreement to use as a starting point can be found at the following link: <http://www.FindSolutions.org/Cities/Cities.htm>

Every situation’ however, is different and the participants must carefully consider and discuss the specific circumstances of the situation and location and type of license. Two issues which are of particular concern to many neighborhoods and which deserve careful discussion are 1) noise levels and operating hours if an outdoor patio is being proposed near residences and 2) noise levels of any live or recorded music if the establishment is near residences. Generally, a Good Neighbor Agreement needs at least several days for adequate consultation and discussion and drafting among those concerned. Therefore, waiting until the day before the hearing to begin the discussion is a very bad idea.

If neighbors or neighborhood groups begin to have problems with a liquor-licensed establishment (whether a Good Neighbor Agreement exists or not), they should communicate with the manager and/or owner of the establishment about the problems. Managers or owners often say that no one ever notified them about a problem so that they could resolve it. If problems persist, neighbors or RNOs should communicate the problems to the Director of the Department of Excise and Licenses – awilda.marquez@denvergov.org. The Director may then ask a detective assigned to the Department to investigate it and/or consider assigning the issue for mediation and/or consider the complaint at the time that the annual renewal of the license is being considered. All written or e-mailed complaints are supposed to be placed in the establishment’s file and be considered at the time that an annual renewal of the license is being considered by the Department. Serious complaints of violations of the law should also be sent to the Police Department.

Neighbors and RNOs should also patronize and express appreciation and support for those establishments which are good neighbors.