

7. BURWOOD PARK TENNIS CLUB - CLUB LIQUOR LICENCE

Officer responsible Parks and Waterways Manager	Author Tony Hallams - Policy and Leasing Officer, DDI 941-8320
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The purpose of this report is to enable the Board, acting on behalf of the Council as lessor, to consider an application from the Burwood Park Tennis Club for permission to apply for a Club Liquor Licence for their premises. The club's premises are located upon Burwood Park situated at 55 Cresswell Avenue.

APPLICATION AND PROCESS

The application is for a Club Liquor Licence for the hours of 7.00 am to 11.00 pm daily (with a maximum of 50 hours bar operation in any week). The applicant must first obtain permission from the Lessor, in this case the Council, to apply for the Club Liquor Licence. The Board has been delegated the power to give consent of the Council as landowner for the purpose of the Sale of Liquor Act 1989. The Lessor may impose upon the Lessee certain conditions and specified hours of operation for the liquor licence, which they must abide by if granted a liquor licence.

If the Community Board grants permission for the applicant to apply for a liquor licence, then they may apply for a Club Liquor Licence to the District Licensing Agency. The District Licensing Agency will then make its decision as to the suitability of the Burwood Park Tennis Club to hold a Club Liquor Licence. A Club Liquor Licence does not allow the club to serve liquor to members of the general public but only to serve liquor to members and reciprocal visitors to the club. The District Licensing Agency's process does include the public advertising of the application.

BACKGROUND

The Burwood Park Tennis Club was formed in 1946, and currently has 120 senior and 230 junior members.

The Burwood Park Tennis Club is situated on the south side of Burwood Park and holds a registered lease, the current lease being granted on 1 July 1993 for a period of 33 years, with a further right of renewal for 33 years, the final expiratory date being 2059.

For the Board's reference Section 13 of the Club's lease, Sale of Liquor Act 1989, states:

"13.1 Should the Lessee hold a licence authorising the sale or supply of liquor in the clubrooms under the Sale of Liquor Act 1989 then the Lessee will ensure that any such licence is restricted to authorise the sale or supply of liquor only during the hours as may from time to time be approved in writing by the lessor in terms of the Lessors Policy.

13.2 It shall be the responsibility of the Lessee to ensure that organisers of social functions in the clubrooms at which liquor is served comply with the provisions of the Sale of Liquor Act 1989 and the relevant Local Body requirements governing such activities."

A copy for the application for Certificate of Compliance under the Sale of Liquor Act 1989 was referred to the Parks and Waterways Unit from the Sale of Liquor Licensing Inspector in the Environmental Services Unit, in October 2001.

A subsequent site assessment by the report author revealed that the 33 available car parks in Cresswell Avenue appeared to satisfy the club liquor-licensing car parking requirements based upon the clubroom's dimensions. However, during discussions with the Traffic Engineer for the Environmental Services Unit the report author was informed the available car parks fail to satisfy Table 1B, Sport Courts, as detailed under Transport Section (13/6) of the proposed City Plan. The Traffic Engineer advised that the above City Plan issue would need to be resolved through the resource consent process if the applicant was going to seek a Club Liquor Licence. The club was written to in February 2002 and advised that they should make application for resource consent to resolve this issue prior to a report being made to the Board. The club subsequently has made a resource consent application but a decision has yet to be given to the applicant.

MANAGEMENT PLAN

Under Part II (the Policy Section) of the Burwood Park Management Plan dated September 1992, Section 6, which addresses the issue of car parking, states:

"(12) The Burwood Park Tennis Club shall not be permitted to encroach onto the park for the provision of additional car parks."

Therefore, if through the resource consent process further car parks are required to be provided to comply with the City Plan requirements these must be provided upon land other than land that is part of Burwood Park.

ISSUES FOR CONSIDERATION

Parking

The support of neighbours for the adequacy of the existing street frontage parking for the purpose of the Club obtaining a liquor licence has come from the following addresses as part of the resource consent application process:

- 46 Cresswell Avenue
- 1-48 Cresswell Avenue
- 1-50 Cresswell Avenue
- 1-60 Cresswell Avenue
- 62 Cresswell Avenue
- 64 Cresswell Avenue
- 200 Gayhurst Road
- 201 Gayhurst Road.

A site plan detailing the Burwood Park Tennis Club and above residential addresses is detailed under Appendix 1 (see attachment).

Hours of Operation

It is the Council's policy that clubs applying for liquor licences should have the approved hours specified in their leases to provide control by the Council if their operation creates a nuisance to neighbours. Irrespective of the hours sought, the closing hours in a residential areas as determined by the City Plan may be no later than 11.00 pm.

For the Board's reference the Liquor Licensing Inspector has noted through a written advisory sheet:

"That under the Resource Management Act 1991 use of any intended bar facilities must be in conjunction with scheduled club activities, the hours of operation for which may not exceed 50 hours in any one week."

The proposed hours are intended to enable the Club to operate a bar within the hours of approximately 4.00 pm to 7.00 pm on any day and cater for special occasions such as a yearly champagne breakfast and a veterans' tournament. A recommendation on the hours from the Board's Sale of Liquor Act Committee will be tabled at the meeting.

Club Bar Facilities/Egress

The attached site plan (Appendix 2) compiled in December 1995 indicates the bar facilities in place, in anticipation of a Club Liquor Licence being applied for. Should the Board approve the proposal, then the adequacy of bar facilities, toilets and egress will be assessed as part of the procedure for the applicant to obtain a Certificate of Compliance through the liquor licensing process.

Noise

A check with the monitoring team in the Council's Environmental Services Unit has revealed no noise complaints have been received for any activities at the club over the last two years.

NATURAL + PEOPLE + ECONOMIC STEP ASSESSMENT

#	CONDITION:	Meets condition ✓/0*	HOW IT HELPS MEET CONDITION:
The Natural Step			
N1	Reduce non-renewable resource use	N/A	
N2	Eliminate emission of harmful substances	N/A	
N3	Protect and restore biodiversity and ecosystems	N/A	
N4	People needs met fairly and efficiently	N/A	
The People Step			
P1	Basic needs met	✓	

P2	Full potential developed	✓✓	Helping people to develop skills as part of a club activity.
P3	Social capital enhanced	✓	The building of relationships and trust through social engagement.
P4	Culture and identity protected	✓	Promotion of a sense of identity and belonging through club activities.
P5	Governance and participatory democracy strengthened	N/A	
The Economic Step			
E1	Effective and efficient use of all resources	✓	Club numbers may increase through better facilities.
E2	Job rich local economy	0	
E3	Financial sustainability	0	

Staff

Recommendation: That the Council grant the Burwood Park Tennis Club permission to apply to the District Licensing Agency for a Club Liquor Licence to supply members and invitees during the hours of Monday to Sunday 7.00 am - 11.00 pm (with a maximum of 50 hours bar operation in any week), subject to the following conditions:

1. That permission be for a one-year trial period, to be reviewed in the light of any objections received at the time of the Club Liquor Licence being renewed.
2. That a "Host Responsibility Programme" be instituted, the principles of which are to be met at all times. This is to include food being available at all times when the licence is operating, and free water.
3. That the Club be responsible for obtaining any necessary resource or building consents at their cost.
4. Any additional car parks that are found to be necessary as a result of the resource consent process be provided upon areas of land other than Burwood Park, as stipulated in the Burwood Park Management Plan 1992.

Chairperson's

Recommendation: That the abovementioned recommendation be adopted.