

2. **BURNSIDE PARK – BURNSIDE RUGBY FOOTBALL CLUB:
APPLICATION FOR VARIATION OF LEASE**

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The purpose of this report is to submit an application from the Burnside Rugby Club for a variation to its lease which will allow the club to make application to the District Licensing Agency for an extension to the hours of its liquor licence. This report has been referred to the Fendalton Waimairi Community

Board for information and comment. At its meeting on 3 October 2000 the Board supported the club's application.

The rugby club requires consent of the landowner before lodging its application to the District Licensing Agency.

BACKGROUND

The Burnside Rugby Club is requesting an extension to the hours covered by its liquor licence at this time to standardise the club's hours of operation. The District Licensing Agency has advised that there is a need to update and standardise some older styles of existing club licences. The removal of varied operating hours will in turn enable more accurate monitoring and supervision of licensed premises. It is not the club's intention to serve alcohol throughout the times applied for, but to have the facility available when club functions or meetings take place when the provision of alcohol is desirable.

Present Liquor Licence Hours

The Burnside Rugby Club presently operates its liquor licence during the following hours:

1 February to 31 October

Monday to Thursday from	6.00pm to 10.00pm	(club members and guests)
Fridays from	5.00pm to 11.00pm	(club members and guests)
Saturday, Sunday and Public Holidays from	3.00pm to 11.00pm	(club members and guests)

1 November to 31 January

Wednesday and Thursday	6.00pm to 10.00pm	(club members and guests)
Fridays from	5.00pm to 11.00pm	(club members and guests)

PROPOSED HOURS OF NEW LIQUOR LICENCE

The proposed change in the hours the club wishes to operate its liquor licence, will require a change to its existing lease agreement. The club proposes the following hours of operation for its liquor licence:

Monday to Sunday	11.00am to 11.00pm	(club members and guests)
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These proposed hours of operation are within the time limits allowed for in the Proposed City Plan.

PUBLIC NOTIFICATION

Any proposal to change the terms of the lease to extend the operating hours of a liquor licence must be publicly notified. The Parks Unit notified local residents in close proximity to the club and other affected parties of the club's application by a letter dated 15 August 2000.

RESIDENTS' FEEDBACK

Of the 100 letters sent to local residents in close proximity to the club notifying them of the proposed hours, 18 submissions were received. Eleven submitters opposed the lease variation, one submitter had reservations and six submitters did not raise any objections.

One submitter approved the proposed hours in principle but raised concerns about the accumulation of rubbish around the park, especially after Saturday sporting fixtures. The presence of litter on the park cannot be directly attributed to the operations of the club's liquor licence.

Six submitters opposed the hours requested by the club as they believed them to be more appropriate to a hotel and not a sports club. The submitters believed that the status quo should be maintained as the club has the opportunity to apply to the District Licensing Agency for a special licence when extended hours are required.

The principal reason the District Licensing Agency is standardising hours is to avoid the need for large clubs such as Burnside Rugby, to make regular applications for special licences to operate bar facilities. Standardised hours will enable the District Licensing Agency to monitor and supervise licensed premises more adequately.

Under liquor licensing laws there must be a qualified Bar Manager onsite when the bar facility is operating. This is to ensure appropriate bar supervision is provided to patrons and that the bar is operating within the licence conditions.

Two submitters believed that it was neither appropriate nor necessary that the sale of liquor should coincide with family groups and children using the Park. Two further submitters were concerned about the signals the extended hours will send to young members affiliated to the club, stating that the extended hours may encourage alcohol abuse amongst the city's young people. It is clearly a breach of the law, and the club's liquor licence and lease agreement if any persons under the age of 18 are served alcohol and if any persons frequenting the club's bar facilities become intoxicated. Any incidence of intoxicated patrons coming from the club's premises causing a nuisance in the community should be reported to the District Licensing Agency and Council officers.

Seven submitters opposed the club's application, stating that the extended hours will exacerbate problems associated with anti-social behaviour directed at local residents, excessive noise levels emanating from the clubrooms and associated vehicles, and promote the irresponsible use of motor vehicles. There have not been any complaints lodged with Council officers or the District Licensing Agency in regard to the operation of the Burnside Rugby Club's liquor licence. If local residents experience any such behaviour or nuisance emanating from the rugby clubrooms, these should also be reported as soon as possible to Council officers and the District Licensing Agency.

CONCLUSION

The Parks Unit is comfortable with the proposed lease variation to enable the Burnside Rugby Club to apply for an extension to the operating hours of its liquor licence. Landowners' consent is required before the club can make application to the District Licensing Agency for a change to the hours of its liquor licence. The club will not be operating the liquor licence continually through out the proposed hours. The change simply gives the club the flexibility to serve alcohol on occasions when the need arises. There have not been any problems reported to the District Licensing Agency or Council officers regarding the operation of the club's licence.

At the meeting, the Committee was advised that as a result of the District Licensing Agency's decision to update and standardise existing club licences, a number of similar applications for variations to leases are likely to be received from sports clubs holding leases over reserves land.

The Council supported the new approach adopted by the DLA as it will avoid the need for sports clubs to make regular applications for special licences. This will, in turn, streamline administration for the DLA and reduce costs to the sports clubs concerned. However, to avoid the need for staff to submit every application to the Council for approval, the Committee is recommending that authority be delegated to the Parks Manager to approve requests to vary leases to permit sports clubs to operate liquor licences between 11.00am and 11.00pm, Monday to Sunday. Applications to operate licences beyond these hours would be referred to the Council for approval.

- Recommendation:**
1. That the application from the Burnside Rugby Club for a lease variation of its club liquor licence be approved, subject to the following conditions:
 - (a) The operating hours of the club liquor licence being from Monday to Sunday 11.00am to 11.00pm for club members and guests.
 - (b) The Club operating a host responsibility programme, which includes the provision of food which is to be available at all times the licence is operating.

2. That authority be delegated to the Parks Manager to approve variations to leases over Council land to permit club liquor licences to operate between 11.00am and 11.00pm, Monday to Sunday, subject to local residents in close proximity to the club being notified of the proposed changes to operating hours.
3. That authority be delegated to the Parks Manager to approve special licence applications from leaseholders of Council land, on behalf of the Council.

(Councillor Buist abstained from discussion and voting on the above clause.)