

3. ELMWOOD PARK - THE ELMWOOD TENNIS CLUB - APPLICATION FOR VARIATION OF LEASE

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Corporate Plan Output: Consents pages 9.4.8	

The purpose of this report is to submit an application from the Elmwood Tennis Club for a variation to the lease the club has over the site it occupies in Elmwood Park. The lease variation is required to allow the club to apply to the District Licensing Agency for an extension to the operating hours of its liquor licence. Part of this process includes notification in the local newspaper. 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 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 above times, 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 Elmwood Tennis Club presently operates its liquor licence during the following hours:

Monday to Thursday	4.30pm to 6.30pm	(club members and guests)
Saturdays from	3.00pm to 10.30pm	(club members and guests)
Sunday from	11.30am to 1.30pm	(club members and guests)
	4.30pm to 7.30pm	(club members and guests)

PROPOSED LIQUOR LICENCE HOURS

The club has applied for an extension to its liquor licence for the following hours:

Monday to Sunday	7.00am to 11.00pm	(club members and guests)
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A resource consent is not required as the proposed hours of operation (7.00am to 11.00pm) are within the time limits allowed for in the Proposed City Plan.

PUBLIC NOTIFICATION

The Parks Unit has notified local residents in close proximity to the club and other affected parties of the Elmwood Tennis Club's application, to comply with the Council's seeking community views policy.

SUBMISSIONS RECEIVED

Of the 100 letters sent to local residents notifying them of the proposal, 19 submissions were received. Eleven submitters opposed the lease variation, two submitters had reservations about the proposed hours while six submitters had no objection to the proposed extension of hours to the club's liquor licence.

Several submitters raised concerns that the extension to the proposed hours the liquor licence may be operated could result in increased traffic congestion, noise, littering and car parking problems in the area which is close to a residential area. There have not been any complaints lodged with Council officers or the District Licensing Agency in regard to the operation of the Elmwood Tennis Club's liquor licence. Officers and the club do not foresee any increase in patronage as a result of the increased hours as the serving of alcohol will still be restricted to club members and guests, in terms of the club licence.

Six submitters believed that it was inappropriate for a sports club to operate for the period requested, stating that there is a potential for underage drinking with impressionable children being present in premises that lack 'normal' bar supervision. It should be noted that the club's liquor licence will not be operating throughout the period being requested, but that the club is able to have the facility available when club functions or meetings take place when the provision of alcohol is desirable. 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 being provided to patrons and that the bar is being operated within the guidelines of the club's liquor licence.

Part of this requirement is that alcohol is served only to those over the age of 18. It is clearly a breach of the club's liquor licence and lease agreement if any persons frequenting the club's bar facility become intoxicated. Any alcohol-related problems emanating from the club's premises should be immediately reported to the District Licensing Agency and Council officers.

One submitter requested that food be constantly available to patrons when liquor is being served. The club must implement a host responsibility policy as part of its lease and liquor licence requirements, which includes the stipulation that food must be available to patrons whenever liquor is being served in the club's bar facility.

One submitter was concerned about the hours the club proposes to operate its bar facility, wanting clarification that the hours of operation are compliant with the Proposed City Plan. The guidelines for the sale of liquor are outlined in Section 10 (Heritage and Amenities) under subsection 4. These provisions enable the sale of liquor between the hours of 7am and 11pm in an area adjacent to a residential area.

Heaton Intermediate School was concerned that the operating hours will overlap core school hours. The tennis club's liquor licence is ancillary to the club's primary purpose of providing a community tennis facility for club members.

An adjoining resident does not oppose the proposed liquor licence hours but is concerned about the dust nuisance created by the gravel accessway to the club. It is not possible for the drive and car park to be sealed because of the damage this would cause to tree roots of adjacent trees. The Council can only ensure that the driveway and car park areas are well maintained.

Six submitters did not have any objection to the proposed variation of lease to allow an extension to the liquor licensing hours to be applied for, with one submitter living in close proximity to the club for three years without experiencing any problems with the operation of the club's liquor licence.

CONCLUSION

There is no reason not to approve the lease variation to enable the Elmwood Tennis Club to apply for an extension to the operating hours as there have not been any problems reported to the District Licensing Agency, Police or Council officers regarding the operation of the club's licence.

Recommendation: That the application from the Elmwood Tennis Club for a variation to its lease be approved, subject to the following conditions:

1. The operating hours of the licence being from 7am to 11pm Monday to Sunday for club members and guests.
2. The club operating a host responsibility programme, which includes the provision of food which is to be available at all times the club licence is operating.

(Councillor Buist abstained from discussion and voting on the above clause. Councillors Sheriff and Stonhill requested that their votes against the foregoing recommendation be included.)