

7. BANKS PENINSULA RUGBY CLUB LIQUOR LICENCE - AWA-ITI DOMAIN, LITTLE RIVER

General Manager responsible:	General Manager City Environment , Jane Parfitt DDI 941-8656
Officer responsible:	Transport and Greenspace Manager, Michael Aitken
Author:	Parks and Waterways Area Advocate, Rod Whearty

PURPOSE OF REPORT

1. The purpose of this report is for the Akaroa Waiwera Community Board to consider an application from the Banks Peninsula Rugby Club to obtain landowners consent to enable the District Liquor Licensing Authority to consider an application by the Club to renew and extend their existing Liquor Licence.

BACKGROUND

2. The Banks Peninsula Rugby Club require landowners consent to enable an application to be made to the District Liquor Licensing Authority for a renewal and extension of their existing club liquor licence.
3. The Banks Peninsula Rugby Club (here after referred to as the "Club) are based on Awa-iti Domain (Little River) where they have had their existing clubroom facilities since 1993, although their presence and association with the park goes back many more years.
4. The club currently has approximately 115 members, comprising of 1 senior team and 6 junior teams competing in the winter competition. The club also has aspirations of commencing a summer "touch" module at some stage in the near future.

EXECUTIVE SUMMARY

5. The club has applied to the District Licensing Agency (DLA) to renew their Liquor Licence which includes a slight extension to their existing hours. The club's licence was due to expire on 30 April 2006, however because an application has been lodged and is currently being processed, the existing Liquor Licence remains live and operative until a decision on the application has been made.
6. The club has applied for a Liquor Licence covering the following hours.

1 February – 30 September
Tuesday, Wednesday, Thursday 6.00 p.m. –11.00 p.m.
Saturday 11.00 a.m.- 12 midnight
Sunday and Public Holidays 1.00 p.m. – 10.00 p.m.

1 October – 31 January
Wednesday, Thursday 6.00 p.m. – 11.00 p.m.
7. The clubs previous Liquor Licence covered the following hours.

1 March – 30 September
Tuesday, Wednesday, Thursday 6.00 p.m. –11.00 p.m.
Saturday 1.00 p.m.- 12 midnight
Sunday and Public Holidays 1.00 p.m. – 10.00 p.m.

1 October – 28 February
Wednesday 6.00 p.m. – 11.00 p.m.
8. The clubs current application is very similar to their previous liquor licence, albeit with a minor extension to the hours of operation. The extension sees their Winter hours running from 1 February- 30 September (previously 1 March – 30 September) with Saturdays commencing at 11.00 a.m. (previously 1.00 p.m.) during the same period.

The Summer hours are now 1 October – 31 January (previously 1 October – 28 February) and now includes Wednesday and Thursday night (previously Wednesday nights only)

9. The District Licensing Agency publicly advertised the Clubs application on the 1 April 2006 and 12 April 2006. There were no public submissions opposing the application. Part of the notification procedure also involves formal notification of the application to Crown Public Health and the Police. Both the Crown Public Health and the Police have formally responded and advised that they have no concerns with the current application.
10. The day to day administration, management and maintenance of Awa-iti Domain is currently carried out by the Awa-iti Reserve Committee. However those responsibilities do not extend to the granting of “Landowners” consent. That delegation currently sits with the Akaroa Wairewa Community Board.
11. The Parks and Waterways Area Advocate has recently spoken to the Chairman and the Secretary of the Awa-iti Reserve Committee regarding clubs application. While the Committee has not formally considered the matter, both the Chairman and the Secretary indicated they were supportive of the clubs application.
12. The Council has a Host Responsibility Policy where lessees operate a Liquor Licence on our reserves. The District Licensing Agency also requires applicants to furnish a Host Responsibility Policy as part of the Liquor Licence application process. In practice, Host Responsibility covers a range of areas. Some examples are listed below.
 - Always having food available whenever alcohol is being served.
 - A good range of non alcoholic drinks available, including free water.
 - Ensuring no minors are served alcohol.
 - Serving guidelines to ensure intoxicated people are not served.
 - Safe transport options to prevent drink driving.
13. The Transport and Greenspace Unit is not aware of any issues related to the clubs previous liquor licence and is comfortable with proposed application. There are numerous other clubs on Council reserves that hold and operate liquor licences with hours similar to this. While the hours of operation may seem fairly extensive on the surface, in reality the clubs are not operating their Liquor Licence on each and every occasion their licence allows. The proposed hours simply provide them with the flexibility to serve alcohol in association with organised club activities.

FINANCIAL AND LEGAL CONSIDERATIONS

14. There are no financial considerations related to this report.
15. There is no formal lease agreement between the Banks Peninsula District Council (succeeded by the Christchurch City Council), and the Banks Peninsula Rugby Club. The Awa-iti Reserve Board administer the site where the rugby club rooms are located. The Banks Peninsula Rugby Club owns the clubrooms.
16. Pursuant to clause 32 of Schedule 7 of the Local Government Act 2002, Council has delegated a number of its powers to Community Boards. Under the current list of delegations, Community Boards have been delegated the following powers in respect to the sale of liquor.

Sale of Liquor

1. The power to give consent of the Council as landowner (including reserves) for the purpose of the Sale of Liquor Act 1989;

2. The power to appoint one or more members of each Community Board to appear and be heard under s.108(e) of the Sale of Liquor Act 1989, for the purpose of providing community input.

The Board is considering this report in relation to their power to grant “Land Owners” consent as shown in point 1. immediately above.

OPTIONS

17. There are three possible options in relation to this application.

1. Decline the clubs application in total.

This is not considered a realistic option given that the club has previously held a Liquor Licence and the Council is not aware of any adverse issues related to the previous operation of that licence. In addition to this both the Crown Public Health and the Police have indicated they have no concerns with the clubs current application.

2. Approve the clubs application with reduced or amended hours of operation.

This is also not considered a reasonable option for the same reasons outlined above.

3. Approve the club's application in accordance with the hours applied for in their current application. Those hours are:

1 February – 30 September
Tuesday, Wednesday, Thursday 6.00 p.m. – 11.00 p.m.
Saturday 11.00 a.m.- 12 midnight
Sunday and Public Holidays 1.00 p.m. – 10.00 p.m.

1 October – 31 January
Wednesday, Thursday 6.00 p.m. – 11.00 p.m.

PREFERRED OPTION

16. The preferred option is option 3.

The reason being that the proposed hours of operation are similar to those held by other sports clubs operating Liquor Licences on reserves under the Council's control. The Council is not aware of any previous incidents were the club has operated their previous licence irresponsibly, and neither the Crown Public Health or the Police have opposed the clubs current application.

STAFF RECOMMENDATION

1. It is recommended that the Akaroa Wairewa Community Board grant Land Owners consent to the Bank Peninsula Rugby Club to apply for a Liquor Licence related their clubroom facilities on Awa-iti Domain for the hours of operation as outlined in Option 3 of the report.
2. That the Banks Peninsula Rugby Club has a Host Responsibility Policy in place that is actively applied on each and every occasion they are serving alcohol under the terms and conditions of their Liquor Licence.