

7. SHIRLEY RUGBY FOOTBALL CLUB - LIQUOR LICENCE

General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	Transport and Greenspace Manager
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PURPOSE OF REPORT

1. The purpose of this report is to enable the Board, acting on behalf of the Council as lessor, to consider an application from the Shirley Rugby Football Club Inc (SRFC) for permission to apply for a Club Liquor Licence for their premises. This club and the East Christchurch Shirley Cricket Club (ECSCC) jointly own the clubrooms located upon north Burwood Park, 75 New Brighton Road, Christchurch, by way of a company that they have set up for this purpose.

EXECUTIVE SUMMARY

2. The clubs operating from the clubrooms in north Burwood Park have for some time held a liquor licence under the name of ECSCC. This was originally granted for a six-month period from October until March to cover social activities. The clubrooms at that time were shared with the Pegasus Hockey Club who held a separate six-month liquor licence for the winter months. The Pegasus Hockey Club merged with another hockey club and vacated these premises in 2000. During 2002 ECSCC entered into an agreement with the SRFC to share equally ownership of the clubrooms, setting up a company, Shirley Sports Company Limited in which both clubs hold equal shares, to own and administer the clubrooms, this Company being registered in November 2003. The Company was formed to facilitate the Council approved extension and upgrade of the building which took place in 2005.
3. A new lease to Shirley Sports Club Limited is close to being signed to give effect to the Council's approval to jointly lease the premises to the two clubs. The lease, which has been issued under Section 54(1)(b) of the Reserves Act 1977, is for a term of 20 years less one day from 1 October 2005. The lease provides that if there is any change in the legal or beneficial ownership of the shares or the issue of new capital with a resultant change in the effective management or control of the company this will be deemed to be an assignment, which requires Council approval.
4. The two clubs now utilising the building wish to apply for a 12-month liquor licence in the name of SRFC. This is to remedy the previous situation of two clubs holding a liquor licence to cover respective months of the year. SRFC has been chosen to hold the liquor licence, because this club holds sports tournaments during both winter and summer. The licence will therefore cover after match social activities for cricket, rugby and touch rugby year round. Note, it is not possible for a company to hold a club liquor licence.
5. All the issues required to be considered before deciding whether or not to grant SRFC permission to apply for a liquor licence are elaborated upon in the background to this report. There has been no opposition to the liquor licence application by local residents or the District Health Board there being no record of noise complaints ever being made against the SRFC who held a liquor licence at their previous clubrooms in North Avon Road.

FINANCIAL AND LEGAL CONSIDERATIONS

6. The SRFC intends applying for a Club Liquor Licence that is able to be operated between the hours of 11.00 am and 11.00 pm seven days a week, with a maximum of 50 hours the bar can be operated in any one week.
7. The Board has been delegated the power from Council, as landowner, to grant permission to Lessees on Council owned or managed and controlled land to apply for a Club Liquor Licence for their clubrooms (16 December 2004).
8. If the Board grants permission for the applicant to apply for a Club Liquor Licence, they will then need to apply to the District Licensing Agency for such a licence. The District Licensing Agency will then make its decision as to the suitability of the SRFC 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 SRFC application.

STAFF RECOMMENDATION

That the Board grant the Shirley Rugby Football Club Inc 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 11.00 am to 11.00 pm (with a maximum of 50 hours bar operation in any week), subject to the following conditions:

- (a) That the permission be granted for an initial one year trial period, to be reviewed in the light of any objections received at the time of the Club Liquor Licence being renewed.
- (b) That a "Host Responsibility Programme" is put in place, the principles of which are to be met at all times. This is to include food, non-alcoholic drinks, and free water being available at all times when the licence is operating.
- (c) That if through the resource consent process further car parks are required to be provided to comply with the City Plan requirements for licensed premises, that these must be provided upon land other than land that is part of Burwood Park.

BACKGROUND - SHIRLEY RUGBY FOOTBALL CLUB - LIQUOR LICENCE

9. The SRFC was formed in 1916 and currently has 650 senior and 250 junior members. The Shirley Sports Company Limited clubrooms are located on the north side of Burwood Park. Negotiations are currently underway to putting a new lease in place. The Liquor Licensing Agency advise that both the club's current club liquor licences have expired. The ECSCC has been operating on a special licence since the club licence expired on 31 March 2006.
10. For Board member's information Section 15 of the Companies' proposed lease, under the section entitled "Sale of Liquor Act 1989", states:

"15.1 Before applying for a liquor licence under the Sale of Liquor Act 1989, the Lessee shall first apply to the Lessor (as owner of the Land) for the consent to the possible issue of a liquor licence. The Lessee again acknowledges that the Lessor will be required to carry out its statutory consent functions independently of any considerations under this lease and that a consent under this Clause 15.1 shall not constitute a consent by the Lessor as a territorial authority."

"15.2 Without limiting the generality of Clause 15.1 above:

 - (a) Should the Lessee hold a licence under the Sale of Liquor Act 1989 authorising the sale or supply of liquor in any of the buildings on the Land, 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 (as owner of the Land) in terms of the Lessor's policy.
 - (b) 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 Authority requirements governing such activities.
 - (c) The Lessee will ensure that they have a host responsibility policy in place which will ensure that non-alcoholic drinks and food are available when drink is being served."
11. In conjunction with the proposal of selling alcohol the club already has a comprehensive range of non-alcoholic beverages and food available. There is free water available at all times. The club already promotes the "Don't Drink and Drive" message. They have a free phone for calling taxis plus advertising for Dial-a-Driver. A sports playing culture is encouraged and alcohol promoted in moderation to ensure peak playing performance is maintained. A "look after your mate" culture is also encouraged.

MANAGEMENT PLAN

12. 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 Clubs 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

Noise

13. The Environmental Inspection and Enforcement section of the Council has checked Council records for any previous history of noise complaints associated with the former ECSCC building. It is pleasing to note that since this club's occupation of the site there have been no complaints registered.

Parking

14. The club and the author of the report have made contact with the Area Development Team, Linwood regarding possible further car parking requirements triggered by the SRFC holding a liquor licence to sell liquor from the premises. Officers confirmed that the present development has been granted resource consent.
15. At the time of applying for resource consent to build the building, the Council's then Senior Traffic Planner stated:

"I am satisfied that the proposed expansion is unlikely to increase the amount of on-street parking that occurs, however it may increase the duration of some of the parking. This is because having a bigger bar area is unlikely to attract new members, but it may encourage the existing members to stay longer on the site. Given this I do not consider that this proposal will exacerbate the existing on-street parking situation on the road network in the vicinity of the site. As such I am satisfied that this proposal will not have any noticeable effects on the operation of the surrounding road network."

16. Some years ago a small public car park was built beside the nearby Bowling Club with provision for approximately 26 cars to be parked which is available at various times of the day to members of the public to use. The Council has selected a successful tenderer to build a 41 space car park off Broomfield Terrace adjacent to north Burwood Park. This car park is due to be completed this financial year.

Hours of Operation

17. The club seeks to operate the bar between the hours of 11.00 am and 11.00 pm daily. These times are within the period that Council allows Club Liquor Licences on Parks to be granted.
18. 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 residential areas as determined by the City Plan may be no later than 11.00 pm.
19. 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."

20. The proposed hours are intended to enable the club to operate a bar within the hours of approximately 4.00 pm and 7.00 pm on any day and cater for special occasions such as yearly champagne breakfasts, veteran's tournaments and similar activities.

View and Preferences of Interested Parties

21. The clubrooms are situated some 200 metres from the nearest residences. The club has canvassed the views and preferences of persons likely to have an interest in the application by way of a letter to all residents in Cresswell Avenue, houses in Kingsford Street, which back on to the eastern boundary of north Burwood Park and those houses in New Brighton Road west of Burwood Park. The club has received no feedback, either positive or negative, to their proposed liquor licence application.

Canterbury District Health Board

22. Dr Brieseman (Medical Officer of Health) from Community and Public Health has been requested by the Shirley Rugby Football Club Inc to provide a statement regarding any historic public health issues that may have arisen in the past in connection with previous liquor licences held by the applicant. Dr Brieseman stated that he has not been advised of any deficiencies and was not aware of any problems that might reflect upon the applicant's suitability to hold a liquor licence.

OPTIONS

23. There are two possible options:

- (a) Do nothing or status quo. This option is not practical because the premises were built to cater for the social aspect of the club's activities in a controlled environment. If permission is not granted to the club to apply to the Liquor Licensing Authority for a liquor licence a substantial funding deficit would be incurred by the clubs. This would severely limit their ability to function, and indeed place their ability to survive in doubt.
- (b) Grant the SRFC permission to apply to the Liquor Licensing authority for a Club Liquor Licence. This option enables the clubs to cater for the social side of their activities in a controlled environment, especially after sporting tournaments.

PREFERRED OPTION

24. Option (b) is the preferred option. This option allows the club to hold a 12-month liquor licence which remedies confusion over two separate clubs operating two separate licences to cover their respective months of the year when they are active. Granting the club approval to apply for a Club Liquor Licence will ensure full utilisation of clubrooms for inter-club competition and after match social functions. The social activities provided by the club help to grow club membership and promote a healthy playing culture that members keep for life.