

9. MAINLAND SOCCER: APPLICATION FOR ON LICENCE

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PURPOSE OF REPORT

1. The purpose of this report is to consider an application from Mainland Soccer for permission to apply for an On Licence for the Lounge at English Park situated at 127 Cranford Street between the hours of 10am to 11pm daily.

EXECUTIVE SUMMARY

2. Clause 12 of the lease for English Park states the applicant must first obtain permission from the lessor, in this case the Council, to apply for the On Licence. 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 Council grants permission for the applicant to apply for a liquor licence, then they may apply for an On Licence to the District Licensing Agency. The District Licensing Agency will then make its decision as to the suitability of Mainland Soccer to hold an On Licence. The reason for Mainland Soccer requiring permission for an On Licence as opposed to a Club Licence is that Mainland Soccer is an Association and the terms and conditions of a club licence do not cover Associations. The On Licence does not have the same restriction as a Club Liquor Licence which restricts the sale of liquor to members of the general public. The District Licensing Agency's process includes the public advertising of the application.

Parking

3. Provision was made during the redevelopment for 84 carpark in the main carpark area and a further 20 in Sheppard Place. There are no issues regarding carparking.

Hours of Operation

4. Mainland Soccer have applied for the hours of Monday to Sunday 10am to 11pm which is similar to other sporting club activities throughout the city. The hours of use for private functions would also need to fit within this period although special licences could also be applied for if considered necessary on occasion.

Facilities

5. The building is only two years old and was designed to meet the needs of not only the building but also the whole park. Should the Council approve the proposal then the adequacy of the bar facilities, toilet facilities and egress are assessed as part of the procedure for the applicant to obtain a Certificate of Compliance through the Liquor Licensing process.

Noise

6. A check with the Monitoring team in the Council's Environmental Services Unit has revealed five separate occasions where noise complaints have been received for late night loud music from a private hirer in the past two years. The most recent of these was on 28 February 2004. Since that time Mainland Soccer have instituted more restrictive terms and conditions on their hirers. Under the terms of an On Licence Mainland Soccer will be required to have an employee on site for future hires.

FINANCIAL AND LEGAL CONSIDERATIONS

7. English Park was redeveloped by the Council in 2002 and a new lease agreement was signed with Mainland Soccer for the leasing of the facility. A lounge and bar area was provided within the facility for the hosting of functions associated with the activity of soccer. The facility is also hired out for private functions as part of the requirement to provide community use of the facility.

8. Before applying for a liquor licence under the Sale of Liquor Act 1989 the tenant must first apply to the landlord (as owner of the premises) for the consent of the landlord (which consent may be granted or withheld at the landlord's sole discretion and on such conditions as the landlord sees fit) to the liquor licence application.
9. Where the tenant is granted a licence under the Sale of Liquor Act 1989 authorising the sale or supply of liquor in any building on the premises, the tenant will ensure:
 - (a) 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 landlord (as owner of the premises).
 - (b) That a host responsibility policy is in place which requires the provision of non-alcoholic drinks and food whenever liquor is sold or supplied in any building on the premises.
10. The resource consent which was obtained for the redevelopment on 8 June 2001 identified only one submission expressing concern over the sale of liquor at the park. The proposed district plan provides for the sale of liquor up to 11pm on sites adjoining Living Zones as of right - subject to a licence under the Sale of Liquor Act 1989. Sales after 11pm are also permitted as of right by the proposed plan where they are authorised by a special licence under sections 73 and 74 of the Sale of Liquor Act.
11. The Resource Consent also enables the consent authority to review the conditions relating to the hours of operation of the meeting and function rooms in order to address any problems of disturbance with neighbours at any time within six months of them commencing operation and thereafter within 10 working days of each anniversary of this consent.

CONCLUSION

12. There is no reason for the Council as owners of English Park to withhold consent for Mainland Soccer to apply for an On Licence to supply persons attending soccer matches and other activities held on English Park including private functions. There are sufficient controls in place through the Resource Consent and through the District Licensing Agency.

STAFF RECOMMENDATIONS

It is recommended that the Council grant Mainland Soccer consent to apply to the District Licensing Agency for a club liquor licence to supply persons attending soccer matches and other activities including private functions at English Park between the hours of 10am to 11pm daily (Monday to Sunday inclusive) subject to the following conditions:

- (a) Consent is for a **one-year trial period**, to be reviewed in the light of any objections received at the time of the On Licence being renewed.
- (b) That a host responsibility policy is in place which requires the provision of non-alcoholic drinks and food whenever liquor is sold or supplied in any building on the premises.