

**10. BURNSIDE PARK- VARIATION OF LEASE APPLICATION FOR THE BURNSIDE RUGBY FOOTBALL CLUB**

<b>Officer responsible</b> Parks Manager	<b>Author</b> John Allen (Team Leader Consents – Parks)
Corporate Plan Output: Consents pages 9.4.8	

The purpose of this report is to enable the Board to comment on an application from the Burnside Rugby Football Club for a variation to their lease which will allow them to make application to the District Licencing Agency for an extension to the hours they are able to operate their liquor licence, prior to the report being considered by the Parks and Recreation Committee for a decision.

The Rugby Club requires consent of the landowner before they are able to apply to the District Licencing Agency for an extension to the hours they are able to operate their liquor licence. Burnside Park is vested as a recreation reserve.

**BACKGROUND**

The Burnside Rugby Football Club is requesting an extension to the hours covered by their liquor licence at this time to standardise the clubs hours of operation. The District Licencing 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 licenced 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 Football 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 their liquor licence, will require a change to their existing lease agreement. The Club proposes the following hours of operation for their liquor licence:

Monday to Sunday	11.00am to 11.00pm	(Club members and guests)
------------------	--------------------	---------------------------

The proposed hours of operation are within the time limits allowed for in the Proposed City Plan.

#### **PUBLIC NOTIFICATION**

Any changes to the terms of the lease to allow an extended period during which the liquor licence may operate must be followed by a renewal application for a liquor licence, part of this process includes notification in the local newspaper. The Parks Unit notified local residents in close proximity to the club and other affected parties of the Burnside Rugby Club's application by a letter dated 15 August 2000. This letter outlined the Club's application and requested that any comments be forwarded to the Council by 15 September 2000.

#### **RESIDENTS FEEDBACK**

Of the 100 letters sent to local residents in close proximity to the Club notifying them of the proposed hours, eighteen submissions were received. Eleven submitters opposed the lease variation, one submitter had reservations and six submitters did not raise any objections to the proposed extension to the hours the Club's liquor licence may operate.

One submitter approved in principle the proposed hours but did raise 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 current hours suffice, providing the Club the opportunity to apply to the District Licencing Agency for a special licence when extended hours are required.

The principle reason the District Licencing Agency is standardising the hours the Club's liquor licence may operate is to avoid large clubs such as Burnside Rugby, from making copious amounts of applications for special licences to operate bar facilities. Standardised hours will enable the District Licencing Agency to more accurately monitor and supervise licenced premises.

Under liquor licencing laws there must be a qualified bar manager on-site when the bar facility is operating. This is to ensure appropriate bar supervision is being provided to patrons and that the bar is operating within the guidelines of the clubs licence.

Two submitters believe that it is neither appropriate nor necessary that the sale of liquor should coincide with family groups and children using the park. Two further submitters are 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 youth. 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 Licencing Agency and Council officers.

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

## **CONCLUSION**

The Parks Unit is comfortable with the proposed lease variation to enable the Burnside Rugby Football Club to apply for an extension to the hours when they can operate their liquor licence. It is important to note that this does not approve the Liquor Licence. Landowners consent is required before the Club can make application to the District Licencing Agency for a change to the hours of their liquor licence. The club will not be operating the liquor licence continually throughout 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 Licencing Agency or Council officers regarding the operation of the Club's licence.

**Recommendation:** That the Board recommend to the Parks and Recreation Committee that approval be granted to the Burnside Rugby Football Club for a lease variation allowing the Club to apply for an extension to the hours when they can operate their Club Liquor Licence, subject to the following conditions: -

1. The variation of hours to operate the liquor licence being from Monday to Sunday 11.00am to 11.00pm for Club members and guests.
2. The Club operates a host responsibility programme, which includes the provision of food which is to be available at all times when the Club licence is operating.

## **Chairman's**

**Recommendation:** That the foregoing recommendation be adopted.