

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

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The purpose of this report is to enable the Board to make comment to the Parks and Recreation Committee on an application received from the Elmwood Tennis Club, which is situated on Elmwood Park, a vested recreation reserve, for a lease variation to allow them to apply to the District Licencing Agency for an extension to the hours they are able to operate their liquor licence.

The Elmwood Tennis Club is requesting an extension to their liquor licence hours at this time to standardise the Club’s hours. 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 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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These 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 including notification in a local newspaper. The Parks Unit notified local residents in close proximity to the club and other affected parties of the Elmwood Tennis Club’s application by a letter dated 6 July 2000. This letter outlined the Club’s application and requested that comments be forwarded to the Council by 7 August 2000.

## **SUBMISSIONS RECEIVED**

Of the 100 letters sent to local residents notifying them of the proposal, nineteen 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 to the hours the Club's liquor licence may operate.

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 Licencing Agency in regards to the operation of the Elmwood Tennis Club's liquor licence. The increase in licenced hours is to standardise the operating hours of the club's liquor licence to enable more adequate monitoring and supervision by the District Licencing Agency. 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. If local residents experience any defamatory behaviour or nuisance emanating from the Tennis Club premises, these should be reported as soon as possible to Council officers and the District Licencing Agency.

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 a premises that lacks '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 clubs 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 incidence of intoxicated patrons coming from the clubs premises causing a nuisance in the community should be 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 their 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 outraged at the proposed 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 is concerned that the extension to the hours the liquor licence may operate overlaps with core school hours, there being a potential that students may be vulnerable to intoxicated patrons outside the premises. The Tennis Club's liquor licence is ancillary to the Club's primary purpose of providing a community tennis facility for Club members. Any intoxicated behaviour by patrons causing a nuisance in the community who have been drinking in the Tennis Club's premises should be immediately reported to the District Licencing Agency and Council officers.

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 shingled.

Six submitters did not have any objection to the proposed variation of lease to allow an extension to the liquor licencing 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 hours when they can operate their liquor licence as there have not been any problems reported to the District Licensing 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 Elmwood Tennis Club for a variation to their lease to enable 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 applied for when they are able to operate their liquor licence being from 7am to 11pm Monday to Sunday (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.