

### 3. SPENCER PARK CAMP – OFF LICENCE

<b>Officer responsible</b> Community & Recreation Manager	<b>Author</b> Property Consultant, Lewis Burn, DDI 941-8522
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The purpose of this report is to present the Community Board with further information for the Board to consider consenting with delegated authority from the Council as landlord, for the Lessee of Spencer Park Holiday Camp to hold an off liquor licence.

The Board discussed this application at its meeting on 1 September 2004 and resolved to refer the matter to a special meeting to be held on 15 September 2004 before the Seminar meeting for consideration of legal advice and other supporting information.

#### CONTEXT AND BACKGROUND

Spencer Park Camp is held under lease by Christchurch Holiday Parks Limited the Company director of which is Trevor Inwood. The lease which runs until 2014 provides that the Lessee shall operate during trading hours, a camp shop which stocks a range of goods and produce similar to other camp shops which meet the reasonable needs of the Lessee's customers, visitors and guests. An application has been made to the District Licensing Authority for an off licence to sell beer and wine during the hours 8.00 am to 8.00 pm seven days a week. The Lessee believes it would be convenient to campers to be able to supply them with beer and wine from the camp shop and considers this to be an additional service he can offer to campers to add to their enjoyment while staying at the camp. The Lessee further considers an off licence would be a means to lessening the amount of glass being brought into the camp with the shop selling only canned beer.

The Camp is situated on recreation reserve subject to the provisions of the Reserves Act 1977. The Community Board has the power of Council to give the consent of Council as landowner (including reserves) for the purposes of the Sale of Liquor Act 1989. The Sale of Liquor Inspector is withholding a compliance certificate pending confirmation of the Council's consent as landowner but otherwise sees no impediment under the Sale of Liquor Act provisions to processing an off licence application.

#### LIQUOR BAN

Under the Christchurch City Liquor Control Bylaw 2004 Spencer Park including the Camp is specified as a Liquor Ban Area. However this ban only applies to the specified period between the hours of 8.30 pm on 31 December to 6 am 1 January in each year. The hours applied for an off-licence fall outside this specified period and therefore the Bylaw is not in conflict with this application. Furthermore the Bylaw does not prohibit liquor in an unopened bottle or other unopened container being transported from a licensed premises ( i.e. off licence) that adjoin a public place, provided the liquor is promptly removed from the public place.

#### GREENSPACE UNIT COMMENTS

The Greenspace Manager comments: The liquor licence application applies to premises located within the Spencer Park Camp which is managed through the Community and Recreation Unit. The Greenspace Unit manages Spencer Park which adjoins the Camp. The issue of the liquor licence has been discussed with staff who manage the park and, although the granting of the licence may provide more convenient access to liquor purchase for park users, there is no factual evidence to suggest this will create additional problems in the park. If the licence is granted staff will monitor litter volumes and behaviour to ascertain if any changes occur that may be related to the licence. The interests of the Council are protected where, as Landowner, support for the licence may not be continued should problems arise or a breach of terms occur. This action could lead to the Liquor Licensing Authority revoking consent for the off licence.

## COMMENT

The sale of liquor from the shop premises is not prohibited by the lease conditions or the liquor ban under the 2004 Bylaw. The hours applied for, fall within the hours to sell liquor under the City Plan. While this may be a precedent for the Council leased camping grounds the report author is aware of other camp stores outside Christchurch that stock beer and wine. The South Brighton Motor Camp does not presently hold an off licence. The nearest off licence to Spencer Park Camp is the Blue Lagoon, Harbour Road, Brooklands. The issue of this licence may result in campers staying on site rather than driving to a liquor outlet for their supplies. While the intention of the lessee is primarily for his campers convenience there will undoubtedly be incidental sales to persons other than those staying at the camp. The Lessee does not expect such sales to be significant as storage room is limited. It would seem unreasonable (without any substantive grounds) and difficult to control sales to just the camp patrons. The lease provisions contain sufficient authority for the Lessee to refuse a sale or admission to the premises with the Council having the authority under the lease to withdraw its consent to an off licence in the event of a breach of the licence terms or undue nuisance, disturbance or annoyance to the Council or other persons.

A decision by the Board to give the Landowners consent is not a decision by the Council to grant an off-licence. It is through the provisions of the Sale of Liquor Act that affected parties and community feedback on this proposal will be sought. The Lessee is looking to have an off licence in place in time for the 2004/2005 summer. A solicitor from the Legal Services Unit and the Sale of Liquor Inspector will be in attendance to clarify any issue or address any questions the Board may have.

All things considered, no reason from a Landowner /Lessor perspective is seen by staff to oppose the application to the District Licensing Authority for an off-licence for the hours and type of sales applied for.

### Staff

**Recommendation:** That the Board give the consent of the Council as Landowner/Lessor of the of the Spencer Park Camping Ground, for the District Licensing Authority to process an application by the Lessee, Christchurch Holiday Parks Limited for an off licence to sell beer and wine only from the camp shop during the hours 8.00 am to 8.00 pm seven days a week.

**Chairman's Recommendation:** +