

**PALMERSTON NORTH
DISTRICT LICENSING COMMITTEE**

**IN THE MATTER of the Sale and Supply of
Alcohol Act 2012 ("Act")**

AND

**IN THE MATTER of an application by
XEVENTS LIMITED for an On-Licence
pursuant to section 14 of the Act in
respect of premises known as XEvents,
situated at 1043 Tremaine Avenue, Roslyn,
Palmerston North**

BEFORE THE PALMERSTON NORTH DISTRICT LICENSING COMMITTEE

Hearing: 18 August 2025

Committee Chairperson: Aleisha Rutherford

Committee Members: Antonia Crisford
Stewart Davies

Appearances: David Hughes, Applicant
Lynne Kroll, Agent for the Applicant, Industry Training Solutions
Andrew Moss, Licensing Inspector, Palmerston North City
Council
Ian Shaw, Licensing Inspector, Palmerston North City Council
Jill Job, for Dr Rob Weir, Medical Officer of Health
Kathryn Knightbridge, for Dr Rob Weir, Medical Officer of Health

RESERVED DECISION OF THE COMMITTEE

Introduction

[1] This is an application by XEvents Limited for an On-Licence pursuant to section 14 of the Act in respect of premises known as XEvents situated at 1043 Tremaine Avenue, Roslyn, Palmerston North.

[2] The application was received on 14 January 2025. The Applicant is the sole Director/Shareholder of the company.

[3] The Applicant initially sought the following trading hours:

Monday to Sunday between the hours of 8:00am to 1:00am the following day

[4] The Application states that the intended nature of the business is that of a cafe and function centre.

[5] The Application was publicly notified on the Council's website and remained on the website for a minimum period of 25 working days. No public objections were received.

[6] The New Zealand Police initially opposed the Application under sections 105(1)(a), 105(1)(b), 105(1)(d), 105(1)(g) and 105(1)(j).

[7] The Medical Officer of Health initially opposed the Application under sections 4, 105(1)(a), 105(1)(b), 105(1)(d), 105(1)(g) and 105(1)(j).

[8] The Licensing Inspector did not oppose the Application however, they raised initial concerns regarding the type of operation being proposed including consumption of alcohol prior to the use of go-karts, suitability of alcohol consumption and axe throwing activities, size of licensed area and exposure of minors to alcohol consumption, experience to manage the safe sale and supply of alcohol, and the provision of food.

Site Visit

[9] The District Licensing Committee members undertook a site visit on 15 August 2025 along with the Committee Administrator. The Applicant was present when the Committee toured the premises.

Submissions and Evidence

[10] All parties to the hearing who made submissions were sworn in by the chairperson with an affirmation. This occurred throughout the duration, prior to each individual or group making their submission.

[11] The applicant told the Committee he has owned the business for just over a year. He stated that he has grown the business from only offering go-karts to a wide range of activities including axe throwing, smash room, escape room, teddy bear making and arcades. He had further plans to bring in more activities in the future.

[12] The applicant confirmed neither himself or his partner had any experience in licensed premises, though his partner who would be the day-to-day manager, had experience in hospitality through food trucks and catering. They both intended to get experience on-site and undertake their manager's certificates in the future.

[13] The applicant submitted there were several other venues around the country with similar activities available as XEvents, who also held an alcohol licence. He told the Committee these were based in the Wellington region, Christchurch and Auckland. As far as the applicant knew, no venue offered identical activities in total as some just focused on one activity such as axe throwing.

[14] The applicant spoke about the make up of the team with 2 permanent staff and 6 casual staff. Activities ran concurrently when staffing numbers allowed for it. When speaking about the current activities levels, the applicant described weekends as the busiest time where they needed to 'load up' staff and Monday-Wednesday as next to nothing happening.

[15] The applicant explained to the Committee what process customers undertook when coming in for activities. He spoke about the proposed licensed area which had two entry/exit points and did not have a direct line of sight for those participating in activities. When asked what controls were in place to ensure customers could not go from the bar out to activities, the applicant stated customers needed to sign in and find a host. It would be up to staff to monitor customers through CCTV screens in the office, and communicate among the team via two-way radios which all staff carried and kept on the same frequency.

[16] The applicant told the Committee they've previously had bachelor party groups turn up intoxicated and have turned them away. They now push those bookings to be first thing in the morning, and make clear what their expectations around alcohol consumption are.

[17] The Committee asked how the applicant assesses people who may be under the influence of alcohol, drugs or prescription medications as it was stated in their terms and conditions that they wouldn't be permitted to participate in activities. The applicant told the Committee it was a visual assessment when undertaking tasks such as putting a helmet on someone using the go-karts, through conversation when explaining an activity, whether someone filling out a health and safety form can read, understand and complete the form, getting up close when handing someone an axe and listening to them talk.

[18] In response to questioning, the applicant confirmed that whilst they had a policy which stated people participating in activities could be randomly breathalysed, they didn't own any device that could breathalyse people. He told the Committee the policy was in place when he purchased the business and probably needs to be reviewed. The applicant stated that if they are granted a licence there is a lot of information in their policies that needs to be reviewed and updated because some of it will change.

[19] In response to questions regarding training in recognising signs of people under the influence of alcohol or other substances, the applicant told the Committee he has undertaken a significant amount of training for his job working as the 3 Waters Operations Manager for the Palmerston North City Council. He confirmed he has not worked within the alcohol or drug sector but his knowledge and information he has gained through training in his day job, has been passed onto his staff and team.

[20] The Committee asked the applicant why he had applied for 105 licensed hours when the operating hours were significantly shorter. He told the Committee he was looking at ways of generating income and didn't want to apply for special licences at short notice. The applicant gave examples of a televised rugby game on a Sunday morning, stating he wouldn't need to apply for a special licence to run an event in that situation, if he had flexible licensed hours. The applicant stated he wanted to offer the opportunity for people to come in, have a burger and a drink, and watch a rugby game. He told the Committee that may encourage patrons to see what was on offer and bring their family back the following week. The applicant further stated he wanted to explore other events such as a comedy night or live music, as well as a general function setting.

[21] The Committee asked the applicant if he had considered applying for limited licensed hours for the first year to see how things went, and then a variation to broaden hours if that was required after 12 months. The applicant responded stating he wanted consistency and that just because he had the hours it wouldn't necessarily mean they would be operating. He told the Committee it was a lot harder to put in a special licence as his event bookings came in waves. The Committee further questioned the challenge of obtaining a special licence for the event examples given by the applicant, highlighting the examples of televised sports games all had advance notice, the applicant told the Committee special licences didn't align with corporate bookings who called with only a week's notice.

[22] The Committee asked the applicant about the evidence presented, stating he wanted to host motorcycle events in the carpark and offer breakfast and beverage options, requiring licensed hours to cover the mornings. The applicant confirmed they do not currently get requests for breakfast bookings with alcohol provision at the moment and that this was another idea he had to offer other services.

[23] In response to questions around bookings, the applicant explained they have an online booking system with people generally making bookings during the week for activities over

the following weekend. Alongside this they have walk-ins regularly, estimating half of their customers were walk ins and half made bookings. The applicant stated all group and corporate bookings were done via email or in person, and that they do not get too many of these. He told the Committee they were typically booked two to three weeks out and bookings during the week typically occur later in the afternoon, though they have started getting Christmas bookings now (in August).

[24] The applicant told the Committee the school holidays were one of the busier times during the year with families and young people coming through. He stated they had school holiday groups book in for sessions but most families were walk-ins.

[25] The applicant submitted that they have a permanent container set up as a food truck on-site. The applicant confirmed the food truck operated whenever the venue was open with a dedicated staff member running it.

Licensing Inspector

[26] The Licensing Inspector told the Committee, when the Application was originally submitted, they had concerns over the type of operation being proposed. These concerns included consumption of alcohol prior to the use of go-karts, suitability of alcohol consumption and axe throwing activities, size of licensed area and exposure of minors to alcohol consumption, experience to manage the safe sale and supply of alcohol, and the provision of food. The Licensing Inspector stated these concerns were shared by the reporting agencies. He told the Committee though there were initial concerns over the proposed operation, the applicant had demonstrated a willingness to adopt all reasonable steps requested by the inspectorate to minimise any alcohol related harm. The Licensing Inspector stated the original application lacked a defined plan on how the sale and supply of alcohol would be managed.

[27] The Licensing Inspector submitted that the applicant had developed policies and training programs including a host responsibility plan and health and safety policies which addressed the initial concerns. He stated the design of the licensed area does not provide direct access to anybody outside of that area who may be participating in or observing high risk activities, and that these activities were located away from the proposed licensed area. The Licensing Inspector told the Committee CCTV cameras had been installed, improving the ability of staff and managers to monitor the licensed area and wider premises

[28] Responding to questions regarding similar licensed premises, the Licensing Inspector stated there were no venues locally to compare except a bowling alley which was much lower risk. He told the Committee he was aware of venues in other cities which offered high risk activities and had a licensed area but couldn't give further detail of their conditions on any issued licenses.

[29] The Licensing Inspector told the Committee he thought a condition of a minimum of two duty managers would be appropriate. When asked about the designation of the proposed area to be licensed, the Licensing Inspector told the Committee it would be reasonable to designate the area as supervised.

Medical Officer of Health

[30] The Medical Officer of Health told the Committee she is still concerned about the exposure of alcohol to children in a recreational environment. She highlighted the licensed area contains a small fenced off section with a children's play space especially for parties. The Medical Officer of Health gave an example of a children's birthday party booked in with a separate group of people in the same room, watching a big screen and having a

few beers, who may get a bit ruckus. She told the Committee it would be ideal for the party area to be shifted out of the licensed area.

[31] The Medical Officer of Health raised a concern that the applicant would be undertaking a visual assessment to determine if people had consumed alcohol. She talked about different people metabolising alcohol at varying speeds and that a visual assessment may not determine if someone had consumed alcohol or substances immediately prior to participating in the activities on offer.

[32] The Medical Officer of Health told the Committee they were withdrawing their opposition to the Application, however they still acknowledge their concerns as documented. She requested conditions to be imposed, including a minimum of three duty managers to be appointed and a visual system of either stamps or wristbands to identify those who have consumed alcohol at the premises.

New Zealand Police

[33] The Police unexpectedly did not attend the hearing. The chairperson read through an email received the week prior, from the Police, confirming they were withdrawing opposition to the application. The email explained Police had met with the applicant on-site and requested the following conditions if the licence was issued:

- No alcoholic beverages shall be sold or supplied for consumption on the premise to any individual scheduled to participate in axe throwing, go-karts, or smash room activities.
- An individual must have discontinued participation in axe throwing, go-karting or smash room activities prior to being authorised to be sold and supplied alcohol.
- A reduction of hours to 10am to 12am Monday to Sunday

Right of Reply / Closing Submissions

[34] The Committee requested the applicant consider the hours requested for the on-licence, the designation of unsupervised, the systems for monitoring participation in activities after being served any alcohol and whether there needs to be a minimum number of duty managers employed at any time, and include any further response to these matters in his right of reply. The hearing adjourned for a break while the applicant considered his closing submissions and right of reply.

[35] The applicant submitted that through the Application process he had listened to concerns from the tri-agencies and put additional controls and measures in place. He was seeking a designation of unsupervised as the proposed licensed area was a cafe and function space where alcohol was not the main focus. The applicant stated he wanted minors to be able to come in and grab food.

[36] In response to the proposed licensed hours the applicant agreed to reduce the hours further to be 10am-11pm Monday to Sunday. He told the Committee he would look to apply for a variation of conditions after the first year if he needed extra hours.

[37] The applicant stated all staff would undertake external drug and alcohol training, not just the duty managers. He spoke about his plans to explore additional CCTV monitoring

[38] The applicant concluded his statement by requesting the licence be granted so he has a year to prove that he takes the sale of alcohol seriously and is a responsible host. He

reminded the Committee he takes health and safety as an utmost importance and that through the application process he has listened to agencies and put additional controls in place.

Criteria for issuing a license

Section 105

[39] In deciding whether to issue a license, the licensing authority or the licensing committee concerned must have regard to the following matters:

- (a) the object of this Act:
- (b) the suitability of the applicant:
- (c) any relevant local alcohol policy:
- (d) the days on which and the hours during which the applicant proposes to sell alcohol:
- (e) the design and layout of any proposed premises:
- (f) whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods:
- (g) whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:
- (h) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the license:
- (i) whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licenses that—
 - (i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but
 - (ii) it is nevertheless desirable not to issue any further licences:
- (j) whether the applicant has appropriate systems, staff, and training to comply with the law:
- (k) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103.

Considerations of the Committee

[40] The Committee must first have regard to the objects of the Act and in particular to minimising the harm caused by the excessive or inappropriate consumption of alcohol. Considering the criteria identified in s105, The Committee now looks to undertake our evaluative function assessing the risk.

[41] As stated in [2018]NZARLA273, "In undertaking this assessment of risk, it is the risk profile which is relevant and there is no requirement to link specific alcohol-related harm to a specific licence (in that case an off-licence), or as Clark J put it in *Medical Officer of Health (Wellington Region) v Lion Liquor Retail Limited*, 'for the premises to be at the centre of the harm'.

The Issues

[42] The District Licensing Committee note the following issues initially raised through reporting from Agencies:

- The object of the Act not being met
- The suitability of the applicant
- The hours the applicant proposes to sell alcohol
- The combination of high-risk activities with the sale and supply of alcohol
- Insufficient duty managers
- Provision of food

[43] Furthermore, the Committee identified additional concerns which arose through the hearing:

- Proposed designation of licensed area being unsupervised
- Ability of staff to assess intoxication
- Process for monitoring people consuming alcohol and engaging in activities

[44] Having considered the Application together with Agency Reports and Objections placed before it, and the oral evidence and submissions received at the hearing, the Committee must now stand back and determine whether the application for a new licence should be granted.

[45] The Committee notes in *Kaiti Club Hotel Ltd*, in *Medical Officer of Health (Wellington Region) v Lion Liquor Retail Limited*, Clark J summarised the principles applicable to issuing licences, including that:

- a) there is no presumption that an application will be granted;
- (b) after having regard to the criteria in the Act, the decision-maker is required to step back and consider whether there is any evidence indicating that granting the application will be contrary to statutory object in s 4;
- (c) the application of rules involving onus of proof may be inappropriate, and similarly, there is no onus on the reporting agencies to prove the application should not be granted;
- (d) the criteria for the issue of licences are not to be interpreted in any narrow or exhaustive sense and the decision-maker may take into account anything which,

from the terms of the statute as a whole, appears to be regarded by the legislature as relevant to licence conditions and the terms on which they should be granted.

[46] With this in mind, we now look to assess the issues.

The suitability of the applicant

[47] The Committee finds there is no evidence to suggest the applicant is not suitable to hold a licence. We accept the applicant has a lack of experience with the sale and supply of alcohol, but believe a condition concerning a minimum number of duty managers, can be applied to the licence to mitigate any risk.

The hours the applicant proposes to sell alcohol

[48] The Committee finds the initial licensed hours requested were excessive for the nature of the premises. We do not accept the argument from the applicant that they receive short notice bookings and it would not be possible to apply for a special licence within the required timeframes. The Committee were pleased the applicant agreed to a reduction of licensed hours to 10am-11pm Monday to Sunday, and agreed the reduced hours are appropriate.

The combination of high-risk activities with the sale and supply of alcohol, and the process for monitoring people consuming alcohol and engaging in activities

[49] The Committee finds there is a lack of evidence from the applicant to demonstrate how they propose to manage the sale and supply of alcohol to people engaging in activities at the premises. We have not been satisfied with the explanation from the applicant that the use of two-way radios and a visual assessment of intoxication is sufficient to minimise the risk of alcohol consumption on-site, prior to engaging in activities. The Committee finds it is appropriate to put a condition in place to address this.

Insufficient duty managers

[50] The Committee finds there is evidence to support a sufficient number of duty managers for the premises. We note further plans from the applicant, for himself and the day-to-day manager, to obtain their manager's certificate once they have obtained the necessary experience.

Provision of food

[51] The Committee finds there is an adequate provision of food available to meet the requirements under the Act.

Proposed designation of unsupervised

[52] The Committee finds there is a lack of evidence from the applicant to support the licensed area being designated as unsupervised. The Committee noted the plans from the applicant to utilise the environment as a bar-style area with live sports or music, hoping people would come down for a burger and drink. We find this to not be compatible with the current set up of a cafe style space with a children's birthday party area.

[53] The Committee agrees with the submissions from the Licensing Inspector and Medical Officer of Health and finds a more appropriate designation to be supervised.

Ability of staff to assess intoxication

[54] The Committee finds there is a lack of robust systems in place to assess intoxication for a premises offering high risk activities. We were disappointed to hear despite comprehensive policies stating so, the applicant does not own a breathalyser or routinely breathalyse people engaging in activities.

[55] The Committee acknowledges the applicant intends to update policies at some point but are concerned about the sole reliance of a visual assessment in the meantime. We expect to see these concerns addressed ahead of any future licence renewal.

The object of the Act

[56] Having considered the Application together with Agency Reports and written Objections, together with the oral evidence and submissions received, the Committee believes that with conditions imposed, the concerns raised have been addressed and the object of the Act has been met.

Non-publication order

[57] The Chairperson directed the non-publication of the names of committee members and licensing inspectors.

Decision

[58] The Committee, based on the evidence provided in the reports dated 11 February 2025, 12 February 2025, 6 May 2025, 29 May 2025 and 12 August 2025 by the Licensing Inspector, the New Zealand Police and the Medical Officer of Health, and related documents, is satisfied that the matters to which it must have regard as set out in section 105 of the Act have been properly addressed and considered.

The On-Licence is granted subject to the following conditions, pursuant to section 14 of the Act.

- Hours of trade being 10.00am to 11.00pm Monday to Sunday
- A minimum of 3 duty managers to be employed
- Alcohol is only to be served or supplied for consumption to any person who is not, or has stopped participating in activities on the premises
- The introduction of a wristband or stamp system to monitor people who have been served or supplied alcohol
- The licensed area is designated supervised
- Any other conditions listed on licence number 39/ON/9414/2025.

The licence may be issued immediately.

DATED at Palmerston North this 26th day of September 2025

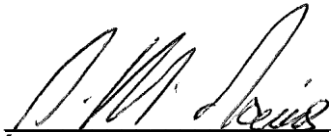


Aleisha Rutherford
Chairperson

Palmerston North District Licensing Committee



Antonia Crisford
Committee Member
Palmerston North District Licensing Committee



Stewart Davies
Committee Member
Palmerston North District Licensing Committee

