

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012 (the Act).

AND

IN THE MATTER

of an application **DON'T STOP LIMITED** at **BEACH STREET/PARK STREET, QUEENSTOWN CBD, QUEENSTOWN** pursuant to s.99 of the Act for an on licence.

BEFORE THE QUEENSTOWN LAKES DISTRICT LICENSING COMMITTEE

Chairman: Mr LA Cocks
Members: Mr C Cooney
Mr G Pay

HEARING at Queenstown on 4th December 2025

APPEARANCES

Mr NG Wilson – the Applicant
Mr JD Bahr-Worley – Applicants Witness
Miss AE Smyth – Health New Zealand Te Whatu Ora Southern – in opposition
Ms S Swinney – QLDC Licensing Inspector – in opposition
Sergeant S Matheson – Police – in opposition

QUEENSTOWN LAKES DISTRICT LICENSING COMMITTEE

DECISION

The Application

1. An application was filed by Don't Stop Limited on the 26th June 2025 for a new on licence (other premises not otherwise specified – Conveyance), in respect of a bicycle conveyance known as 'Beercycle' with no fixed address but normally parked in the car park located at 12 Park Street, Queenstown. The application was considered in accordance with ss.105, 106 and 191(2) of the Act.
2. The principal purpose of the business is currently a pub crawl, however the Applicant seeks to serve alcohol on the bike itself between bar stops. The bike will seat a maximum 15 patrons and has space on the inner portion of the bike for two staff; one of whom will control the bike and be the driver, and the second staff member will serve patrons. The bike is pedal powered so reliant on patrons to pedal in unison to power and move the bike.

Other services offered are guided pedal tours, entertainment, music, and promotional partnerships with local bars.

3. Licensed hours sought are Monday to Sunday from 11.00am to 10.00pm which comply with the resource consent, RM250406, conditions. A 'supervised' designation has been requested, i.e. minors are only permitted onboard if accompanied by a parent or legal guardian.
4. The application was advertised correctly, and no objections were received. The Police and Medical Officer of Health (MOH) opposed the application as detailed below. The Inspector's report was not favourable and provided detail on a range of relevant issues which are addressed below. In view of the opposition and Inspector's unfavourable report, a public hearing was deemed necessary.

Applicant

5. Mr Wilson is the sole director and shareholder of the Applicant company and is the owner and operator of the Beercycle in Queenstown. He also operates Beercycles in Auckland, Hamilton and Christchurch. Mr Wilson has previously lodged an application for an on licence with Auckland Council for the Auckland Beercycle some ten years ago, however this application was subsequently withdrawn.
6. Based on concerns and issues raised in their submissions by the Agencies and the Inspector, Mr Wilson made significant changes to the original proposal which he considered was responsible conduct rather than reactive. Mr Wilson submitted the Police and MOH were relying on assumptions rather than evidence, and he considered his new proposed operation to be a safer, more controlled, and more accountable way of managing behaviour that already exists.
7. Mr Wilson submitted that the model he was now proposing for the Queenstown Beercycle operation only (which differed to the model originally proposed when the application was first lodged) is the safest, most structured, and most controlled version of the Beercycle in its ten years of operation. He asserted that passengers would drink less, drink more slowly, remain seated, be supervised at all times, and be subject to strict limits that do not exist for ordinary bar patrons walking between venues. Mr Wilson acknowledged that the Queenstown Central Business District (CBD) area does attract 'high-risk groups' but considered his model would make these groups safe because they would be supervised moving between bars on the Beercycle.
8. With regard to suitability, Mr Wilson emphasised he has operated Beercycle for almost a decade without any enforcement action, or a single incident of concern to Police or health authorities. He submitted suitability under the Act is not about whether someone has previously run a traditional bar or whether old footage of their operation on social media looked lively, but rather suitability is about whether the person is likely to comply with the law and he would comply strictly with licence conditions.
9. Mr Wilson promoted his Host Responsibility Policy, staff training, and operational procedures as outlining how he will manage intoxication issues, saying the tour would stop,

the intoxicated person would be removed and escorted to a safe location. He argued it is unrealistic to provide a place of safety on the Beercycle and considered it extremely unlikely that a passenger would reach the point where removal is necessary.

10. With regard to amenity and good order, Mr Wilson considered the concerns raised by the Police and MOH as based on hypothetical scenarios rather than evidence. His view was that the Beercycle will improve the amenity and good order by taking groups who currently walk between bars unsupervised, off the footpaths and onto the supervised Beercycle. He proposed it would be the same interaction with the public but with far greater control and considered that outdoor licensed bar areas with unsupervised patrons, unlimited consumption and footpath exposure reduced amenity more than his seated, supervised, slow-moving conveyance.
11. Mr Wilson challenged the 'party bus' case law presented by the Police as completely different activities to what he is proposing with the controlled "40-40-40 model" which was first provided to the agencies and Committee as part of his submission bundle ahead of the hearing.
12. Mr Wilson introduced Mr Bahr-Worley who gave evidence as the proposed primary duty manager for the Beercycle. He told us he is a certified duty manager working at Altitude Brewery as the Business Development Manager and has agreed to be the duty manager on the Beercycle until a full-time manager is hired. Mr Bahr-Worley indicated his support for the 40-40-40 operating model and was satisfied that the new systems in place are strong, responsible, and appropriate for this type of low speed, seated tourism activity.
13. During our questioning of Mr Wilson around his awareness of the busyness of the Queenstown CBD streets during the Christmas and New Year period given certain roads on the tour route will be closed for several days, Mr Wilson conceded that he would not operate the tours over the ten-day period of Christmas Eve to 3 January.
14. Mr Wilson concluded that the application meets the object of the Act as the proposed model is designed around pacing, supervision, seating, drink limits, sober staff, controlled service, clear procedures, and strict host-only pouring.

The Medical Officer of Health (MOH)

15. Ms Smyth a delegate of the MOH opposed the application pursuant to s.105(1)(a),(b),(e),(j),(h), and (k) of the Act. Enabling the consumption of alcohol on an open, moving vehicle operating in shared traffic zones, with unrestrained passengers is considered entirely inappropriate by the MOH. Further, Ms Smyth submitted the proposed activity encourages rapid and excessive alcohol consumption and increases the risk of intoxication.
16. The Applicant is considered unsuitable by Ms Smyth due to lack of detail of how the specific risks of selling and consuming alcohol onboard the Beercycle will be addressed, no prior experience managing licensed premises, and the evidence on the businesses social media page online showing how Beercycles currently operate in other locations

without alcohol onboard which reflects poorly on the Applicant's assurance of legal compliance.

17. With regard to the amenity and good order of the locality, Ms Smyth submitted the issue of this licence would negatively affect it to more than a minor extent as it is likely to increase visible intoxication, noise, litter and antisocial behaviour in areas not typically associated with drinking. Ms Smyth considered the new 40-40-40 model introduced at the hearing would increase this risk given the additional amount of time spent on the Beercycle moving around the Queenstown CBD.
18. Ms Smyth considered the Applicant fails to demonstrate the presence of adequate systems, staff, or training to ensure compliance, due to lack of detail, no certified staff, and how food, water and low-alcohol beverages will be provided.
19. Ms Smyth questioned the Applicant's transparency as the amended proposal appeared to be entirely reactive to concerns from the agencies and the Committee. She considered the Applicant had not produced evidence to improve the operation with detailed and consistent documents and therefore has not '*put its best foot forward*'. As the Authority observed in *Patels Superette 2000 Ltd v Muir* [2019] NZARLA 75:

"[228] ... while there is no onus of proof on an Applicant, it is for an Applicant to put its best foot forward if it expects a DLC to favour the application over significant opposition which is itself supported by evidence."

The Police

20. The Police opposed the application based on not meeting criteria at s.105(1)(j) and s.106 of the Act, nor achieving the object of the Act. Police found it difficult to see how a moving licensed premises with high-risk clientele undertaking a high-risk activity in a public space, which is open and visible to all members of the public, would comply or be compatible with the intent of the Act.
21. The suitability of the Applicant was questioned by Sergeant Matheson. It was acknowledged the Applicant has ten years of experience operating Beercycle but Sergeant Matheson submitted Mr Wilson does not possess the specific knowledge, skills or experience obtained from working in a licensed premises to manage risk and compliance with the Act. Examples from the application were highlighted by Sergeant Matheson to support this such as lack of food options, conflicting numbers of serves permitted, and lack of understanding of how to manage consumption of alcohol and the SCAB process. Sergeant Matheson considered this was further accentuated by the Applicant's response to dealing with an intoxicated person and allowing them to remain on the premises and no viable place of safety on the Beercycle.
22. Sergeant Matheson raised concerns that the licensed conveyance would be operating in an 'Alcohol Free Zone' and there may be risk and negative impact of interaction with the public. In terms of impact on amenity and good order, Sergeant Matheson submitted it will be reduced by the Beercycle's party events on proposed routes through narrow streets

(often congested) within the Queenstown CBD passing a large number of licensed premises and high-risk areas. Reference was made to Beercycle promotional material showing the party antics (e.g. stag and hen parties with people walking or running behind the conveyance) on current tours without alcohol being served.

23. Sergeant Matheson submitted the structure and design of the tour packages supplied by the Applicant encourages rapid consumption of alcohol, with the initial proposed tour package providing short stays at several licensed premises followed by brief 5-15 minutes of cycling between venues. This enabled consumption of alcohol at venues and on the short journey between venues. The Applicant's modified proposal to a '40-40-40 model was still a concern for the Police as Beercycle would be travelling around the CBD for 40 minutes with patrons consuming alcohol, causing greater congestion and boredom for patrons.
24. The systems, staff and training provided by the Applicant were considered insufficient and inadequate by Sergeant Matheson due to lack of substantive information and detail.

The Licensing Inspector

25. The Inspector reported that while processing the application a significant amount of information had to be requested and much of the information provided was Artificial Intelligence (AI) generated. Ms Swinney acknowledged this is a time saving technique but brings into question the Applicant's understanding of obligations and legal requirements in relation to alcohol licensing, and whether documents such as the Host Responsibility Policy and training materials have been AI generated rather than specific to this operation.
26. Ms Swinney advised that resource consent (RM250406) for the activity to take place in the Queenstown CBD was issued on 6th August 2025 and NZTA consented the use of Stanley and Shotover Streets (State Highway 6A) as part of the Applicant's route.
27. Several requests were made by Ms Swinney as to what routes would be taken and which bars would be visited during tours, but no clear response was provided. The Applicant did confirm the Beercycle would only stop in loading zones to load and unload passengers, however following a complaint, CCTV footage showed the Applicant was not adhering to the parking commitment.
28. Ms Swinney confirmed the Applicant operates Beercycles in Auckland, Hamilton and Christchurch, none of which hold on licences. The Applicant did lodge an on licence application for its Auckland Beercycle operation but withdrew it. Social media pictures and feedback from the existing operations provided by Ms Swinney showed people having a good time but also behaviour likely to reduce the amenity and good order of the route (e.g. intoxicated patrons, people vomiting into gardens, people pushing the bikes in traffic, people running behind the bikes).
29. With regard to Staff, Systems and Training, Ms Swinney reported with concern the lack of planned staffing and that no information has been provided as to how many staff are employed by the Applicant in Queenstown, and why none, other than Mr Wilson have applied for Managers Certificates. Ms Swinney suggested it appeared as though Mr

Wilson had applied for a Managers Certificate to satisfy the on licence requirements with no real consideration as to how the licence will be managed to ensure compliance with the Act. Further, she considered the systems and training outlined appear deficient to deal with incidences of intoxication and patron management particularly over busy times of the year.

30. Ms Swinney described pub crawls by their nature indicate a significant amount of alcohol will be consumed and based on the information in the application, patrons could purchase at least two drinks between bars on the Beercycle, as well as purchase drinks at the bars visited which equates to a large number of drinks within a two-hour period. Ms Swinney submitted the proposed activity does not appear to allow for the safe and responsible consumption of alcohol, nor does it minimise the harm from inappropriate or excessive alcohol consumption and therefore does not achieve the object of the Act.

31. Ms Swinney drew our attention to potential precedence being set and that precedence needs to be considered in alignment with s.4 of the Act as commented on in the Court of Appeal decision *My Noodle Ltd v Queenstown Lakes District Council* [2009] NZCA 564; [2010] NZAR 152¹ at [72]:

“[72] In our view, the Authority was entitled to give precedence to the overriding statutory object in s.4. The specific statutory criteria must be interpreted having regard to that purpose. The Authority was not restricted to consideration of individual licensees or individual premises.”

32. Further case law addressing previous on licence applications for bar crawl activities of party bus conveyances was referred to and provided by Ms Swinney as follows:

- a. *Oddballs Adventure Tours Limited* [2010] NZLLA 1541-1545² – refused due to omnibus nature of the application indicating that on *some* of the occasions abuse of alcohol is likely.
- b. *Alan Marshall* NZLLA PH 1801/2008³ – refused due to suitability of Applicant to control the supply of alcohol to patrons; promotion and supply of food inadequate; inability of agencies to monitor the business; and potential for serious problem with intoxication and resultant harm.
- c. *Texas Party Bus* [2011] NZLLA 808⁴ – refused due to proposals put forward by the Applicant would not lead to the reduction of liquor abuse, rather they would encourage it.
- d. *Ultimate Party Bus* [2011] NZLLA 1080⁵ – Approved as unlike the above cases, this was not to facilitate ‘pub crawls’ but rather to provide transport for specific events i.e. to and from the event.

¹ [My Noodle Ltd v Queenstown Lakes District Council NZCA 564; \[2010\] NZAR 152 \(1 December 2009\)](#) – Court of Appeal decision

² [Party Bus \[2010\] NZLLA 1541; Oddballs Adventure Tours Ltd \[2011\] NZLLA 1541 \(22 December 2010\)](#) – Liquor Licensing Authority decision

³ [Marshall, re \[2008\] NZLLA 1801 \(22 December 2008\)](#) – Liquor Licensing Authority decision

⁴ [Texas Party Bus \[2011\] NZLLA 808 \(2 August 2011\)](#) – Liquor Licensing Authority decision

⁵ [Ultimate Party Bus \[2011\] NZLLA 1080 \(27 September 2011\)](#) – Liquor Licensing Authority decision

The Committee's Decision and Reasons

33. As reported by the Inspector and as was evident at the hearing, the Applicant has made a number of changes to the proposed activity and supplied documentation in the final stages of the hearing to try and satisfy the application requirements and gain approval. The initial proposal was for the patrons on the Beercycle to ride on a pub crawl, stopping at a number of bars along a route in the Queenstown CBD. The on licence was being sought to enable sale of alcohol to the patrons to consume as they rode between bars.
34. Prior to the hearing the proposal was changed by the Applicant to what he termed a “40-40-40 model” based on an operation in Nashville, USA. This model has the patrons riding on the Beercycle for 40 minutes around a CBD route, stopping at a bar for 40 minutes, and then riding for another 40 minutes. During the 40-minute rides patrons would be able to purchase a maximum of two alcoholic drinks per 40 minutes. The Applicant told us the initial application lodged was incorrect and ‘not articulated very well’.
35. We acknowledge the large amount of material now provided by the Applicant, but most has been generated in response to ongoing requests for information by the Inspector, opposition comments by the agencies, and points raised by us at the hearing. The Applicant argued this is responsible conduct. We do not agree, as a suitable Applicant would have ‘front footed’ a proposal in the initial application that would achieve the object of the Act and be supported by all the relevant detail of systems, staff and training and showing the impact on the amenity and good order of the locality would be less than minor.
36. As reported by Ms Swinney, the details of staffing for the Queenstown Beercycle are obscure. Mr Wilson is the only person associated with the Beercycle to apply for a manager’s certificate; this application was declined by this Committee due to the lack of his experience controlling the sale and supply of alcohol. Mr Bahr-Worley told us that in addition to his full-time role working at Altitude Brewery, he would take on the duty manager for the Beercycle operation until a full-time manager was appointed. We questioned him on the feasibility of him working as the duty manager in addition to his full-time role with Altitude Brewery and were advised it could be done with the Beercycle tours scheduled around his availability. On the evidence of Mr Bahr-Worley and Mr Wilson, we are not convinced the Applicant has appropriate systems, staff, and training to comply with the law.
37. The Applicant has submitted that opposition to his proposal relies on assumptions and hypothetical scenarios rather than evidence. We accept that some assumptions are being made by the Agencies but are based on a significant amount of relevant experience of the current behaviour and impact on the locality.
38. We consider the Applicant’s argument that his model will reduce the risks the Agencies are worried about and provide greater supervision of people moving between bars, as nonsensical and unfounded based on evidence provided showing the inappropriate behaviour on the current Beercycles operating without on licences. Mr Wilson dismissed the evidence displayed on social media sites as ‘old footage’, but we note it was not removed or amended until after the hearing.

39. In his closing submission, Mr Wilsons diffuse assertion was that his proposed operation would be safer and reduce the impact on amenity and good order compared to what people can now do as he would provide supervision and control consumption more so than the existing licensed bars. Contrary to his view, people consuming alcohol on licensed premises are supervised and consumption is managed whether indoors or outside, and people walking between bars in alcohol free areas (e.g. Queenstown CBD) are not permitted to consume alcohol. As such, we do not accept that the Beercycle activity with an on licence will reduce the impact on amenity and good order.

40. In summary, the Applicant is proposing to have up to fifteen people ride on the Beercycle through the narrow streets (often congested) of the Queenstown CBD, buying and consuming alcohol in an alcohol-free area and passing by a large number of licensed premises in a high-risk public area. We do not accept that this can be undertaken safely and responsibly based on the history of the Applicant's operation and the proposed systems/structure he provided us at the hearing.

41. Having evaluated all evidence and submissions impartially, taken heed of case law for similar proposals, and considered the precedence effect of this application, we have determined this application is contrary to the object of the Act, and fails to meet the criteria at s.105 and s.106 of the Act. As such, the application for an on licence by Don't Stop Limited is declined.

DATED at Queenstown this 22nd day of January 2026.



L.A. Cocks
Commissioner
Queenstown Lakes District Licensing Committee

