

IN THE ALCOHOL REGULATORY AND LICENSING AUTHORITY
TE MANA WAETURE TAKE WAIPIRO

[2025] NZARLA

UNDER the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER of an appeal by FIREBALLS IMPORTS LIMITED against a decision of the Masterton District Licensing Committee dated 12 November 2025 declining to grant the renewal of the on-licence and off-licence in respect of premises situated at 5726 Masterton Castlepoint Road, Masterton known as “The Castlepoint Hotel”

BETWEEN FIREBALLS IMPORTS LIMITED.
Appellant

AND MASTERTON DISTRICT LICENSING COMMITTEE
First Respondent

AND DAVID GALLAGHER, Licensing Inspector for the Masterton District Licensing District
Second Respondent

Hearing: 17 December 2025 at Wellington

Authority: Judge R L B Spear
Dr D Raman
Mr P M Jones

Counsel: D J S Parker for the Appellant
A J Cumming for the Second Respondent

MINUTE OF THE AUTHORITY

(Order for the Stay of the Decision)

18 December 2025

1. On 12 November 2025, the Masterton DLC released its decision declining to renew the on-licence and off-licence held by Fireballs Imports Ltd (Fireballs) in respect of the Castlepoint Hotel and directing that “the final day of the current licence will be the 22nd November 2025”.
2. On 19 November 2025, Fireballs applied to the Authority for a stay of that decision pending hearing of an appeal against that decision. An appeal was filed on 25 November 2025.
3. Pursuant to s 153 of the Act, the decision of the DLC has effect¹ unless the Authority orders that the decision not have effect while the appeal is pending².
4. We note that applications for renewal of the licences were filed in October 2024. That notwithstanding, the hearing of the applications did not take place until 28 October 2025³.
5. This hearing was convened on an urgent basis to hear the application for a stay of the decision pending hearing of the appeal.
6. The essence of the opposition to the renewal of the licences relates to allegations against Fireballs of numerous and repeated breaches of the conditions of the licences and the commission of offences against certain provisions of the Act. The documentation filed in support of both the appeal and application for the stay indicates that some of the allegations are denied and others are subject to explanation that diminishes their level of seriousness. Given that the appeal will by way of a rehearing⁴, it is clear that the Authority when hearing the appeal will need not only to consider the evidence that was adduced before the DLC, but likely also further evidence about the allegations in question. At present, we do not have a sufficient record of the evidence adduced before the DLC.

¹ Sale and Supply of Alcohol Act 2012: s 153(2)

² Sale and Supply of Alcohol Act 2012: s 153(3)

³ The decision mistakenly refers to the date of the hearing as 28 October 2024

⁴ Sale and Supply of Alcohol Act 2012: s 157

7. At this time, and with the limited evidential material currently available, it is difficult for the Authority to contemplate a decision that would deny a stay given that this would mean that the hotel business would effectively be shut down as to the sale and supply of alcohol. Given that the decision relies effectively on performance breaches, clearly any stay would need to be made subject to strict conditions.
8. Counsel have conferred and presented the Authority with a memorandum detailing conditions that they agree can appropriately cover the interim position pending the hearing of the appeal. Those proposed conditions are as follows:

The conditions agreed by the parties are as follows:

- a. On licence hours
 - Sunday to Thursday - 11:00am to 10:00pm
 - Friday and Saturday- 11:00am to 11:00pm (last drinks to be served by 10:30pm and licensed area vacated and closed by 11:00pm, with qualified security staff holding current Certificate(s) of Approval (**COA**) between 8:00pm and 11:00pm.
 - New Years Eve - 31 December -11:00am to 1:00am the following day with qualified security staff holding current COA between 7:00pm and 1:00am.
- b. Off licence hours
 - Monday through Sunday: 11am-8pm
- c. Alcohol will not be sold or supplied to any person who is intoxicated.
- d. Intoxicated persons are not permitted to be or remain on the licensed premises.
- e. The licensee will not permit any person to become intoxicated on the licensed premises.
- f. No owner or director may consume alcohol on the premises while working, or overseeing staff. Any consumption by owners while *off* duty must occur out of staff areas and under the direction of the duty manager.

- g. The licensee must have CCTV that covers all the licensed premises at all times.
- h. CCTV footage must be retained for 90 days, and available upon request by Police and Licensing Inspectors.
- i. All staff involved in sale or supply of alcohol must complete intoxication identification training;
 - SCAB or equivalent impairment-assessment training; and
 - host responsibility refresher training within 30 days.
- j. Ongoing engagement of Hince Hospitality Limited for:
 - staff training;
 - system design and incident-log review;
 - monthly operational oversight; and
 - reporting (see below).
- k. Monthly written reports from Hince Hospitality Limited to the Licensing Inspector confirming:
 - staff training completed;
 - host responsibility practices;
 - intoxication management compliance;
 - adherence to the SCAB model;
 - incident log audits; and
 - any recommended improvements.
- l. Maintain a training register available to Police and the Inspector on request.
- m. Maintain a detailed incident log, recording:
 - o refusals of service;
 - o removal of intoxicated patrons;
 - o disorderly behaviour;

- o Police attendance; and
- o transport arrangements for impaired patrons.
- n. Weekly copies of the incident log to be supplied to the District Licensing Inspector and Police during the stay period.
- o. the top floor be removed from the licensed area, to be utilised as an appropriate "place of safety" should any intoxicated patron be identified.

9. The Authority accepts that those conditions are appropriate. **Accordingly, the Order of the Authority is that the decision of the Masterton DLC is not to have effect while the appeal is pending subject to those proposed conditions which are endorsed accordingly. This order has immediate effect.**

10. The Authority reserves leave to the District Licensing Inspector to apply for the stay to be lifted in the event of any breach of the conditions of either the licences or this stay order (as above), or the commission of any offence under the Act. The Authority has indicated to the parties that in the event of any such breach or an offence under the Act, the Authority will hear an application to lift the stay on an urgent basis.



Judge RLB Spear
Chair, Alcohol Regulatory & Licensing Authority
Date of authentication | Rā motuhēhēnga: 18/12/2025