

IN THE MATTER of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER of the application by **Fireballs Imports Limited**

for the renewal of an On-Licence and Off-Licence pursuant to s127 of the Sale and Supply of Alcohol Act 2012 in respect of the premises situated at 5726 Masterton Castlepoint Road, Masterton known as The Castlepoint Hotel.

BEFORE THE MASTERTON DISTRICT LICENSING COMMITTEE

Chair: Mr A Plimmer

Members: Mr B Johnson

Mrs R Barnes

HEARING at Masterton on 28th October 2024

APPEARANCES

Mr J Osborne – representing Fireballs Imports Limited – applicant

Mr J Le Grove – representing Fireballs Imports Limited – applicant

Mr A Thomas – representing Fireballs Imports Limited – applicant

Mr D Gallagher – Alcohol Licensing Inspector – Masterton District Council – witness in opposition of application

Ms Cherie Bulled – Alcohol Licensing Inspector - Masterton District Council (assisting)

Sergeant Manu Leuluai – NZ Police (Alcohol Harm Prevention Office)

Senior Sergeant Gillian Flower - NZ Police

Constable Daniel Chu - NZ Police

Mr J Kay - Summoned witness

OTHER

Ms N Larkin – Environmental Services Coordinator – Masterton District Council

Ms H Turner - South Wairarapa District Council – Technical Support

DECISION OF THE COMMITTEE

1. Introduction

- 1.1 An application for a renewal of an on and off-licence pursuant to section 100 of the Sale and Supply of Alcohol Act 2012 (the Act) by Fireballs Imports Limited for their premises, known as The Castlepoint Hotel, was received by the Masterton District Licensing Committee on the 4th and 8th October 2024 respectively.
- 1.2 The premises are located at 5726 Masterton Castlepoint Road, Masterton.
- 1.3 The general nature of the business is that of a hotel and bar.
- 1.4 The applicant, Fireballs Imports Limited, is a legal company incorporated on 14 March 2017 with two directors, Jason Osborne and Jason Le Grove, and one 100% shareholder Ashley Thomas.
- 1.5 No criminal convictions have been recorded against the applicants and the Police report at the time of application for renewal did not identify any matters of concern with respect to the applicant's suitability.
- 1.6 While no opposition was raised by the NZ Police and the Medical Officer of Health at the time of the application, subsequent occurrences in the intervening period between the application and the objection being raised have caused the Police to comment that they would take a different stance if the application was placed today.
- 1.7 No public objections were lodged with the District Licensing Committee.
- 1.8 The issuing of a renewal on and off licence for Fireballs Imports Limited, for their business trading as The Castlepoint Hotel has been opposed by the Alcohol Licensing Inspector of the Masterton District Council.

2. Alcohol Licensing Inspector Objection

- 2.1 The Alcohol Licensing Inspector's objections to the granting of an on and off-licence are:
 - 2.1.1 The applicant fails to meet the Object of the Act (s105(1)(a)).
 - 2.1.2 The applicant fails the Suitability test under the Act (s105(1)(b)).
 - 2.1.3 That the applicant has failed to demonstrate appropriate systems, staff and training to comply with the Act (s105(1)(j)) and
 - 2.1.4 That the applicant fails in the manner of alcohol sale and supply (s131(1)(d)).

- 2.1.5 Specifically, the Alcohol Licensing Inspector states that:
 - 2.1.5.1 He is satisfied that, by the management and issues identified, the applicant has failed to meet the statutory requirements for responsible alcohol service at The Castlepoint Hotel.
 - 2.1.5.2 That both the actual and prospective risks of alcohol-related harm cannot be reconciled with the Object of the Sale and Supply of Alcohol Act 2012; and
- 2.2 The Alcohol Licensing Inspector is not satisfied that there is a suitable level of staffing to adequately manage the premises in terms of the sale and supply of alcohol.

3. Pre Hearing Issue

- 3.1 The Applicant, in their written evidence, quoted a number of ARLA Cases as evidence in support of their submission. The Chair attempted to find the full cases quoted as part of pre-reading, however he was unable to find the source cases.
- 3.2 The Alcohol Licensing Inspector was requested to research the cases and provide comment to the Committee as part of the pre-circulated evidence.
- 3.3 This report was provided to the Committee, however in an administrative oversight the applicant was not provided with the Alcohol Licensing Inspector's comments.
- 3.4 The Chair addressed this oversight as part of the hearing and is discussed later in this report.

4. Applicant Evidence

- 4.1 Mr Osborne introduced himself as one of the directors of Fireballs Imports Limited.
- 4.2 Mr Osborne outlined their application, noting that the committee has received and read his submitted evidence. The outcome that he and his fellow applicants are seeking at today's hearing is a renewal of their on and off licence for The Castlepoint Hotel.
- 4.3 Mr Osborne offered the following comments with regards the evidence submitted by the Alcohol Licensing Inspector:
 - 4.3.1 The applicants believe that they are continually improving their systems and are open to any assistance offered to improve, and
 - 4.3.2 That they have, following advice, improved the training of their staff.
- 4.4 The Committee noted the key points in the applicant's written submission as follows:
 - 4.4.1 The applicants believe that the Act is forward looking and that the emphasis should be on the improvements rather than past incidents.
 - 4.4.2 The issuing of a Manager's Certificate to Mr Thomas in April 2025 should be enough to show improvement in suitability and management on site.
 - 4.4.3 That, given there was no objection by the Police or Medical Officer of Health at the time of submitting the application, this should carry a significant amount of weight towards the question of suitability and public safety.
 - 4.4.4 That the incidents raised by the Alcohol Licensing Inspector are historic and that the focus should be on the future.

- 4.4.5 In the main disputed Mr Kay's evidence as that of a disgruntled employee.
- 4.4.6 That the incidents referred to by Police statements are again historical and occurred in the very early part of the probationary licence as the management systems were being put in place.
- 4.5 The Committee then asked a series of questions:
 - 4.5.1 Questions were asked with regards staff training to which the applicant stated they were continually improving. It was noted that the answers to the questions were in general a "work in progress". This sort of response was with regards to training, cameras, record keeping and incident management.
 - 4.5.2 Questions were raised with regards to their understanding of the aim of Section 105 and the Case Law that they had introduced as evidence. As noted earlier, the references to the cases quoted were not correct. The applicant was unable to articulate what the references were stating and their relevance to the issues at hand. It was very apparent from the responses that the applicants were relying on "remote" legal advice due to their lawyer being otherwise engaged.
 - 4.5.3 With regards the evidence introduced in the Police statements concerning the two separate occurrences in December 2024 and September 2025, it was noted that these were at least a year after the probationary licence was issued. They could hardly be termed "teething issues" as alluded to in the applicant's written evidence. The Committee asked what had changed in the intervening period. The answer was in effect more monitoring by the staff. It was noted that there was no dispute with the evidence offered by the Police in their written statements, however they were still working through what had occurred in the September 2025 incident.
 - 4.5.4 Questions were then asked with regards to the employment of Mr Kay. In all cases, the applicant stated that Mr Kay was employed due to his experience and they were anticipating relying on him to assist with the early days of the licence. This however did not happen as they had hoped and that the relationship quickly fell apart. My Kay left the employment 12 months after joining.
- 4.6 The Committee notes in the written submission, the staff training records provided by the applicant are in fact a register of training attended but not an actual record of what training was undertaken. It was also noted that the bulk of the training has almost all occurred in 2025, almost two years after the approval of the probationary licences were issued.
- 4.7 The other co-applicants declined to address the committee.

5. Alcohol Licensing Inspector Evidence

- 5.1 The Alcohol Licensing Inspector submitted his written reports into evidence. It was noted by the Committee and taken as read, and he was asked to highlight the specific points he wished the Committee to pay particular attention to.
- 5.2 The Alcohol Licensing Inspector made an opening statement, outlining the main areas of his objection to the granting of the licences, specifically the areas of The Act where he lays his objection. He outlined what each witness would say and how their evidence, both written and verbal, would support the areas of his objection to the granting of the on and off-licence requested by the applicant. He then called his first witness, Senior Sergeant Flower.

- 5.3 The evidence provided by the two Police Officers effectively mirrored their statements and offered very little further to proceedings, except to confirm their written statements in the hearing and give a bit more context, specifically how the incidents were viewed from the police perspective and how the incidents were handled by the duty staff, including the applicants themselves. The verbal evidence however did not add anything significant to that already contained in the statements submitted.
- 5.4 However, one question was asked of Senior Sergeant Flower by the Committee regarding the non-objection to the renewal by the Police, given the applicant had made repeated comments about there being no Police objection to the granting of the licences. Senior Sergeant Flower advised that the question would be better directed to Sergeant Leuluai. The Chair advised that Sergeant Leuluai would be allowed to answer the question at the end of the witnesses being called by the Alcohol Licensing Inspector.
- 5.5 Constable Chu, like Senior Sergeant Flower, again gave a verbal context to the incidents involving both drunkenness and the vehicle accident involving excess blood alcohol.
- 5.6 Mr Kay gave evidence about the following matters:
- 5.6.1 After closing "lock-ins"
 - 5.6.2 The incident resulting in Mr Thomas's comment regards "it's my pub".
 - 5.6.3 Involvement of Mr Thomas in the running of alcohol matters in the pub.
 - 5.6.4 The lack of training he (Mr Kay) was responsible for and the reasons why.
 - 5.6.5 Ownership intoxication on site.
 - 5.6.6 His eventual disengagement with the business and his responsibilities, eventually leading to his resignation.
 - 5.6.7 That he believes that the directors could eventually get to the required level but that it would take significant training with input from both the council and the police.
- 5.7 Following on from Mr Kay's evidence, the Chair requested a copy of Mr Kay's job description given that it had been referred to by both the applicant and Mr Kay. That was produced by the applicant and entered into the record.
- 5.8 Sergeant Leuluai was then called to the stand to answer the question put to Senior Sergeant Flower. Sergeant Leuluai eventually stated that, had the incidents that occurred in December 2024 and September 2025, occurred before the reporting period, he would have indeed opposed the issuing of both an on and off licence to the applicants.

6. Applicant Right of Reply Evidence

- 6.1 The applicant, prior to their right, of reply was granted an adjournment in order to review the email advice from the Alcohol Licensing Inspector with regards the cases submitted in the applicant's evidence.
- 6.2 After an initial one-hour adjournment, the Chair offered the applicant the opportunity for a two-day adjournment to consult their lawyer. This was declined by the applicant who stated that they had spoken with their lawyer and were ready to proceed after another ten minutes.

- 6.3 Once the hearing reconvened, the Chair again, for the record, asked if the applicant was ready to proceed or would they prefer an adjournment. The applicant stated they were ready and had spoken with their lawyer.
- 6.4 The rebuttal from the applicant covered off the points raised by the Alcohol Licensing Inspector. The following comments were offered:
 - 6.5 With regards to the 24 December incident, we sent a text asking police for assistance. The text was to a private police mate so no official record on the police help line.
 - 6.6 With regards to the intoxication of the spokesman's fellow applicant's wife, Mr Osborne stated that he did in fact cut her off after he had finished speaking with the Police.
 - 6.7 With regards to the delayed paperwork, the applicant stated that it seemed to be an occurrence from both themselves and the Alcohol Licensing Inspector.
 - 6.8 The applicant suggests that the objection by the Alcohol Licensing Inspector seems to be of a more personal nature but offered no evidence to support that statement, instead asking why certain witnesses were called by the Alcohol Licensing Inspector, rather than more recent employees.
 - 6.9 With regards to the other incident of intoxicated patrons referenced in the Police evidence, the applicant stated they provided water and food to the table.
 - 6.10 With regards to the cases offered in their written evidence, advice from their lawyer was that they were a summation of the cases, not verbatim and that they still hold weight in these proceedings.

7. Requested Information re Text Messages

- 7.1 The applicant, during their right of reply, stated that as part of the management of the incident Constable Chu's evidence related to, they had in fact contacted the Police requesting support via a text message to a police officer they knew personally.
- 7.2 The Chair requested a copy of the text be provided and gave the applicant 48 hours to submit the text as evidence to the Hearing Administrator.
- 7.3 After 48 hours there was no evidence forthcoming so the Chair, with no objection from the Alcohol Licensing Inspector, granted another 24 hours.
- 7.4 The Hearing Administrator received an email from the applicant a short time later stating that no texts had been sent.

8. Closing Arguments

- 8.1 The Alcohol Licensing Inspector reiterated the following points in his closing argument:
 - 8.1.1 Key failures included:
 - 8.1.1.1 Serving intoxicated patrons,
 - 8.1.1.2 Operating outside licensed hours through "lock ins"
 - 8.1.1.3 Systemic failures in staff training, manager notifications and compliance systems, and
 - 8.1.1.4 A management attitude inconsistent with the object of The Act.

- 8.1.2 With regard to the legal framework for his objection the Alcohol Licensing Inspector offered the following:
 - 8.1.2.1 Onus of proof is for the applicant to show, on the balance of probabilities, they meet the required criteria.¹
 - 8.1.2.2 The applicant must meet the object of the Act in that they must ensure that the sale and supply of alcohol is undertaken safely and responsibly as well as proving it is minimising any alcohol related harm²
- 8.1.3 Evidence offered showing non-compliance included:
 - 8.1.3.1 The incident of assault on a duty manager on 27 December 2024,
 - 8.1.3.2 Statements by the NZ Police of intoxicated persons on 30 December 2024,
 - 8.1.3.3 Evidence of an alcohol-related vehicle accident with the driver aged 19 with a blood alcohol level of 783 micrograms,
 - 8.1.3.4 Lack of action following Police direction about Mrs Le Grove's intoxication,
 - 8.1.3.5 Remaining open past licensed hours,
 - 8.1.3.6 Obstruction of duty managers trying to fulfil their legal obligations under The Act,
 - 8.1.3.7 Owner's interference stating "it was his pub", and
 - 8.1.3.8 More police evidence of multiple intoxicated persons.
- 8.1.4 The examples provided demonstrate, in the Alcohol Licensing Inspector's view, that the applicant fails in the following areas:
 - 8.1.4.1 S105(1)(a) failing both objects of The Act,
 - 8.1.4.2 S105(1)(b) failing the suitability test in that the evidence shows:
 - 8.2 Deliberate non-compliance with licence conditions,
 - 8.2.1.1.1 Failure to provide adequate environment for staff compliance
 - 8.2.1.1.2 Allowing intoxication to occur and allowing intoxicated patrons to remain on the premises, and
 - 8.2.1.1.3 Attitude inconsistent with the privilege of holding a licence.
 - 8.2.1.2 S105(1)(j) with a lack of appropriate systems, staff and training, and
 - 8.2.1.3 S131(1)(d) Manner of Sale. Evidence presented to support this include:
 - 8.2.1.3.1 Evidence of intoxicated persons on site and continuing to serve them.
 - 8.2.1.3.2 Directors and shareholder overriding legally required decisions made by duty managers.
 - 8.2.1.3.3 Shareholder direct involvement in the management of the establishment, over-riding duty manager's decisions.

¹ Liquor to Go (2013) NZARLA PH 920

² Medical Officer of Health (Wellington Region) v Lion Liquor Retail Limited (2018) NZHC 1123

- 8.3 Licensees drinking in the establishment putting staff in an “inherently invidious position”.³
 - 8.3.1.1.1 Other examples already described in evidence and referenced in this report.
- 8.3.2 The Alcohol Licensing Inspector also reiterated a number of more “administrative” non-compliance issues relating to the following:
 - 8.3.2.1 Incident logs being incomplete or not representing actual occurrences.
 - 8.3.2.2 Managers Register failing to comply with legislative requirements.
 - 8.3.2.3 Acting and Temporary Manager Register showing minor non-compliance with The Act.
- 8.4 The applicant, in their closing statement offered the following comments:
 - 8.4.1 The applicant drew attention to what he described as inconsistencies and over exaggerations such as:
 - 8.4.1.1 The staff are aware of the SCAB system and there are cards available around the bar area.
 - 8.4.1.2 That the young man involved in the driving accident was nearly four times the adult limit was just over-exaggeration.
 - 8.4.1.3 The assault charge on one of the staff was done by the designated driver that night and states that he was not intoxicated.
 - 8.4.2 A renewal hearing is about the future, not about punishing past mistakes. The applicant stated they understand the concerns raised about how things were early on, but the law is focused on whether we are running the premises safely now and going forward. They stated that they “have taken lessons from the past, improved our training and incentivised management and strengthened our host responsibility systems”.
 - 8.4.3 Finally, the applicant in closing stated that the committee's job today is to decide whether they are able to run the premises safely now and into the future, not whether everything was perfect when they first started.

9. Criteria for the Approving of a Renewal On-Licence

- 9.1 It should be noted that in all cases when evaluating the approval or otherwise of a renewal, there is no presumption that an existing licence will be renewed, and that the task of determining the outcome is an evaluative one in which the notions of onus of proof are unlikely to be helpful.
- 9.2 The changes introduced under the Sale and Supply of Alcohol Act 2012 meant, as observed by Clark J in *Medical Officer of Health (Wellington Region) v Lion Liquor Retail Ltd*, “there is no presumption that an application for a licence will be granted or that a licence will be renewed.”⁴
- 9.3 That in assessing the suitability of an applicant to hold a licence, an application can be declined based on a failure to satisfy even just one of the Section 105 factors:

³ *Robertson v Papanui Road Ltd – Carlton Bar & Restaurant* (2019) NZARLA 262

⁴ *Medical Officer of Health (Wellington Region) v. Lion Liquor Retail Limited* [2018] NZHC 1123 at [46], citing *Christchurch Medical Officer of Health v. J & G Vaudrey Ltd* [2015] NZHC 2749 at [54]

“One or more of the criteria in s 105 may assume prominence. That is, there will be cases where the matter(s) to which the decision maker is required to have regard are so fundamental or critical that they assume an elevated mantle.

As a result, it may be that a single criterion is itself a sufficient reason to decline an application. Indeed, within the requirement to stand back and cross-check the application against the object of the Act is the obligation to decline an application where the object of the Act cannot be achieved by an application, even if one or more of the other criteria are satisfied. As Gendall J put it, “if the object of the Act cannot be achieved by the application, then it cannot succeed”⁵

9.4 That the suitability for a licence application is broadly construed:

“... “The real test is whether the character of the applicant has been shown to be such that he is not likely to carry out properly the responsibilities that go with the holding of a licence...”⁶

9.5 That suitability is not a simple yes or no answer but rather a wider view is required:

“As suitability is ultimately about how well the appellant will operate the premises in light of the twin object in s 4, it is necessary for a DLC to consider the appellant’s suitability relative to the premises including both the nature of those premises and the operation of the business, and the characteristics of their location. Suitability cannot be assessed in a vacuum.”⁷

9.6 The Committee, in deciding the application for the issue of a renewal licence, must, in making its decision, take into account the criteria noted below in the Sale and Supply of Alcohol Act 2012 s131.

131 Criteria for renewal

- (1) *In deciding whether to renew a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:*
 - (a) *the matters set out in paragraphs (a) to (g), (j), and (k) of [section 105\(1\)](#)*
 - (b) *whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence:*
 - (c) *any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made by virtue of [section 129](#):*
 - (d) *the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.*

⁵ *Patels Superette 2000 Ltd v Muir* [2019] NZARLA 75 at 186–187

⁶ *Re Nischay’s Enterprises Ltd* [2013] NZARLA 837 at [54].

⁷ *Capital Liquor Ltd v Police* [2018] NZARLA 335 at 119–120.

- (2) *The authority or committee must not take into account any prejudicial effect that the renewal of the licence may have on the business conducted pursuant to any other licence.*

9.7 For clarity, the applicable parts of s105 are shown below.

s105 Criteria for issue of renewal of licences

- (1) *In deciding whether to issue a licence, 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:*
 - (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](#).*

9.8 During the hearing and following a detailed reading of the submitted evidence, it became clear that the provisions of s105 that were in contention between the applicant and the Alcohol Licensing Inspector were as follows:

- (a) *the object of this Act:*
- (b) *the suitability of the applicant: and*
- (j) *whether the applicant has appropriate systems, staff, and training to comply with the law.*

And s131(1)(d), the manner in which the applicants are selling alcohol.

- 9.9 None of the other provisions in s105 were raised as a cause for concern by the Alcohol Licensing Inspector, and there was no evidence submitted or introduced during the hearing that raised any questions. The Committee therefore determined that in all other respects of s105 the applicant meets the criteria for a renewal of licence and that only the remaining areas of contention, as identified above, will be addressed in this decision.

10. The Committee's Decision and Reasons

- 10.1 The Committee, in reaching its decision has assessed the evidence against each provision in the Act upon which the Alcohol Licensing Inspector bases their objections.

Object of Act

- 10.2 With regards s105(1)(a), the Committee notes that the object of the Act is to ensure that:
- "the sale, supply, and consumption of alcohol should be undertaken safely and responsibly".⁸*
- 10.3 In assessing the evidence, the Committee believes that "safely and responsibly" entails meeting not only the letter of the Act but the intent and therefore carries with it a duty of care for those people utilising the services the on/off-licence will allow.
- 10.4 It was noted by the Committee that Castlepoint is relatively isolated from the other major centres in the district, taking approximately 50 minutes to drive from Masterton.
- 10.5 As such, the Committee believes that there is a more pressing onus due to the relative isolation and distance from support, if required, on the applicant to show that they understand the requirements of the Act and have the systems and staff training in place to not only demonstrate compliance, but to ensure that the patrons are suitably and responsibly served.
- 10.6 An example of isolation and the limited support was the assault on the member of staff in December 2024 as described in written evidence submitted. Had such an incident occurred in town, it is likely that police support would have been able to be sought very quickly. This was not the case due to the relative isolation of The Castlepoint Hotel.
- 10.7 The Committee also noted the traffic accident, entered into evidence, as an example of what could and did go wrong, noting that such incidents however are not limited to rural, isolated establishments.
- 10.8 In order to determine if the applicant meets the Object of the Act, in this case the Committee notes that "safely and responsibly" needs to be assessed with regard to the other areas of the objection. The failure of one area of s105 could therefore have a direct bearing on whether the applicant meets the object of the Act.
- 10.9 The Committee notes from the direct evidence provided by Senior Sergeant Flower and Constable Chu, outlining separate incidents, that there have been several major breaches of the requirement to ensure the suitability and responsible serving of alcohol to their patrons.

⁸ Sale and Supply of Alcohol Act 2012, s4(1)(a)

- 10.9.1 In one such documented and undisputed example, it was the wife of one of the Directors who was being served alcohol despite showing clear signs of intoxication.
 - 10.9.2 Management and owners drinking in their own establishment has placed undue pressure on employed staff to abide by potentially unsafe alcohol practices rather than abiding by the object of the law in order to retain their employment.
 - 10.9.3 There was a clear and undisputed issue between the employed general manager and the 100% shareholder, who seemed to be acting as an employer and director and directing unsafe practices.
 - 10.9.4 The applicant did not offer any evidence of changes to their practices, despite the clear indications from the Alcohol Licensing Inspector of the key ingredients of his objection.
 - 10.9.5 There was no indication of formal documented training being provided to staff, especially since the resignation of the original general manager in October 2024.
- 10.10 Although not verbally discussed in the hearing, the Committee also notes the incident of assault previously mentioned, as entered in written evidence, on an employee as further evidence of a systemic breach.

Suitability

- 10.11 Assessing the suitability of the applicant to hold an on and off licence (s105(1)(b)), the Committee believes that the evidence presented by the Alcohol Licensing Inspector, and largely uncontested in substance by the applicant, of clear breaches of the Act, the most recent being in September 2025, shows beyond a reasonable doubt that the applicant fails to adequately understand their responsibilities under the Act. Those failures furthermore demonstrate a lack of management acumen, business systems and staff training required to show responsible compliance. These failures alone give rise to the question of suitability of the applicant to hold a licence.
- 10.12 Specifically, the evidence that the Committee accepts, as presented by the Alcohol Licensing Inspector, that supports questioning the suitability of the applicant is:
- 10.12.1 The incident of assault on a duty manager on 27 December 2024,
 - 10.12.2 Statements by the NZ Police of intoxicated persons on 30 December 2024,
 - 10.12.3 Evidence of an alcohol related vehicle accident with the driver aged 19 with a blood alcohol level of 783 micrograms,
 - 10.12.4 Lack of action following Police direction about Mrs Le Grove's intoxication,
 - 10.12.5 Remaining open past licensed hours,
 - 10.12.6 Obstruction of duty managers trying to fulfil their legal obligations under The Act,
 - 10.12.7 Owner's interference stating "it was his pub", and
 - 10.12.8 More Police evidence of multiple intoxicated persons.
- 10.13 Of further concern to the Committee is that, despite clear direction from Police, the applicant failed to take any actions to rectify the faults/omissions immediately.

- 10.14 Given the applicant was unable to provide any evidence to the contrary of these incidents, the Committee fully accepts the Alcohol Licensing Inspector's evidence.

Business Systems

- 10.15 Assessing whether the applicant has appropriate business systems, staff and training in place to comply with the law (s105(1)(j)), the Committee supports the Alcohol Licensing Inspector's concerns that the applicant does not have these in place. In support of this conclusion the Committee was guided by the following:
- 10.15.1 No evidence of actual staff training was presented as having been done during the probation period of the licence. Additional evidence was presented that, despite the initially employed Manager attempting to advise the applicant of the necessity for staff training, none was completed. This evidence is supported by the applicant's own evidence showing no training records of any staff until March 2025 with the one exception of C Lawson passing a Host Responsibility training in October 2024.
- 10.15.2 Even with the more recent training, it is clear that there is no experienced management available, except for Mr Thomas. Unfortunately for the applicant, the initial application for a licence was opposed by the Police due to the involvement of Mr Thomas as a Director. In order to qualify for a licence, the applicant removed Mr Thomas as a Director and stated he would not be involved in the management of the licence. Evidence has shown that undertaking by the applicant was not fully adhered to.
- 10.15.3 The Duty Manager record keeping has not been managed in accordance with the Act and, even given the time from the application to the hearing, the applicant has still failed to rectify the records.

S131 The Manner

- 10.16 The Committee, in deciding the manner in which the applicant has managed their probationary licence and their management since the renewal application was lodged, finds that the Applicant shows a lack of understanding of the Act, its meaning, intent and obligations.
- 10.17 The manner in which The Castlepoint Hotel has been, and most recently as September 2025, continues to provide alcohol to its patrons shows little, if any level of responsibility and accountability. Along with the examples already reported on, the lack of urgency shown by the applicant with regards to the camera monitoring of the licensed areas being made available to duty staff on the in-house monitors reinforces the manner in which the applicant views their responsibilities.

Conclusion

- 10.18 The Committee notes that, in accordance with *Patels Superette 2000 Ltd v Muir [2019] NZARLA 75 at 186–187*, the applicant need only fail in one area of s105 for a licence to be declined.
- 10.19 As outlined, the Committee had determined that the applicant has failed in the three areas of Meeting the Object of the Act, Suitability, and appropriate systems, staff and

training to comply with The Act. The Committee also finds that the manner in which the applicant has been operating is of concern.

- 10.20 The Committee finds little in the evidence provided by the applicant of an understanding of or a willingness to actually take the responsibility necessary to hold either an on or off licence in what is a particularly remote part of the district.
- 10.21 It is however noted that while the Committee has major reservations, there is the potential ability to remedy the issue with a complete change in management structure, with clear devolved responsibilities and authority for the day-to-day operations by a trained, competent General Manager. Until such action is undertaken however, the Committee sees little potential for a new application being successful.
- 10.22 Therefore, the application for both applications for an on and off licence by Fireballs Imports Limited for The Castlepoint Hotel is **declined**.
- 10.23 The final day of the current licence will be the 22nd of November 2025.

Dated at Tauherenikau this 12th day of November 2025



Alistair Plimmer
Chair
Masterton District Licensing Committee



IN THE MATTER

of the Sale and Supply of Alcohol 2012

AND

IN THE MATTER

of a rehearing pursuant to s.201(4) of the Act for applications by FIREBALLS IMPORTS LIMITED pursuant to s.127 of the Sale and Supply of Alcohol Act 2012 for renewal of an On Licence and Off Licence in respect of premises situated at 5726 Masterton Castlepoint Road, Masterton, known as "The Castlepoint Hotel"

BEFORE THE Masterton District Licensing Committee

Commissioner: Mr A Plimmer
Members: Mr B Johnson
Mrs R Barnes

DECISION ON THE PAPERS

1. In decision 2025/144-145 dated 12th November 2025, following a public hearing in Masterton on 28th October 2025, we declined an On Licence and Off Licence in respect of premises situated at 5726 Masterton Castlepoint Road, Masterton, known as "The Castlepoint Hotel".
2. The applicant seeks a rehearing to administratively amend or extend the specified expiry date so that the licences continue in force until the conclusion of the statutory appeal period being Wednesday 26 November 2025
3. The Licensing Inspector has provided a response to this request allow them the opportunity to resolve any outstanding business matters. In his response he has stated that he does not believe that it is unreasonable to allow the applicant their full 10 working day appeal period, and recommends that the decision should be amended accordingly.
4. After considering applicants submission, and noting the recommendation from the Licensing Inspector in support of the request, we grant the application to extend the specified expiry date to Wednesday 26 November 2025.
5. In all other respects the decision remains unaltered.

DATED at Taupo this 20th day of November 2025



Alistair Plimmer
Chairperson
Masterton District Licensing Committee

