

Reference no: OFF728 and OFF729

UNDER

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

AND

IN THE MATTER

of applications OFF728 and OFF729
pursuant to s127 of the Act for the renewal of
General Distributors Limited's (GDL) off-
licences 45/OFF/006/2022 and
45/OFF/005/2022 in respect of the premises
respectively situated at 6 Ngaio Rd,
Waikanae, known as Woolworths
Waikanae, and Coastlands Shoppingtown,
Paraparaumu, known as Woolworths
Paraparaumu.

MINUTE OF THE KAPITI COAST DISTRICT LICENSING COMMITTEE

Applicant's request to vacate hearing dates

1. On 16 July 2026 the committee granted General Distributors Limited (GDL) a one-day extension to file rebuttal evidence, following an extension granted to the Police, so that GDL's evidence in reply is due by 5:00 pm on 22 July 2026. By memorandum dated 17 July 2026, GDL now seeks to vacate that direction and to vacate the hearings set down for 29 and 30 July 2026. The ground is that GDL's witness is affected by a medical issue that arose at short notice and is unavailable both to prepare rebuttal evidence to the timetable and to attend the hearings. GDL is not able to propose alternative dates for either the exchange of evidence or the hearings.
2. I decline the request as made. The hearings will proceed. The directions in paragraph 10 give GDL a defined route to seek a proper accommodation for its witness if it wishes.
3. Subject to the Act, the Committee regulates its own procedure under s203(9), and as Chairperson I may give directions preliminary or incidental to the hearings under s201(3). An adjournment is not granted as of right. In determining whether to grant one I must balance the interests of the party seeking the adjournment against fairness to the other parties and the public interest in the timely determination of the applications. The licences continue in force under s122 pending determination. GDL continues to trade under its existing licences, so the delay causes it no material prejudice. Any prejudice is to the reporting agencies and the public interest. The reporting agencies have inquired, reported, and prepared for two hearings, and the public interest lies in the timely administration of the Act. A further adjournment of unknown length sets both back.

4. The request is open-ended. GDL seeks to vacate two hearings without identifying any date to which the matter might move. An adjournment of indefinite duration on set-down hearings is a significant step, and the material before me does not support it.
5. The medical ground is stated without particulars. I am told only that the witness is affected by a medical issue that arose at short notice. I am not told the nature of the incapacity in general terms, whether it is expected to be brief or extended, or when the witness is expected to be available. No medical certificate or other supporting material accompanies the request. A bare assertion of unavailability is not a sufficient foundation for vacating hearings, still less for an adjournment of unknown length.
6. GDL is a corporate applicant represented by counsel, and the witness concerned is its nominated representative. The principal evidence relevant to these renewal applications concerns the operation of the licensed premises, their compliance history, and GDL's systems for ensuring compliance with the Act. While I understand the witness holds national responsibility for alcohol compliance, I have not been told why the relevant evidence can be given only by that witness, why another appropriately informed representative could not address those matters, or why evidence from those directly responsible for the operation of the licensed premises would be insufficient. On the material presently before me, I am not satisfied that the unavailability of this particular witness necessarily requires the hearings to be vacated.
7. The lighter alternatives to vacating the hearings have not been adequately addressed. First, rebuttal evidence is not mandatory. GDL's evidence in chief has already been filed. If reply evidence cannot be prepared within the timetable, GDL may elect not to file it and the hearings may proceed on the evidence already exchanged. The absence of reply evidence affects GDL's own answer to the agencies' evidence and no one else's. Second, under s202(5) the Committee may permit attendance by audiovisual link where appropriate. The memorandum provides no explanation why attendance by audiovisual link is unavailable or unsuitable in the circumstances, nor why some other accommodation short of vacating the hearings would not meet the difficulty.
8. The renewal applications have been before the Committee for a considerable period. Throughout that time the licences have continued in force under s122. Final determination has already been delayed by the period these applications have taken. In those circumstances, an adjournment of indefinite duration should not be granted in the absence of cogent evidence demonstrating that no lesser accommodation is reasonably available.
9. The difficulty for GDL is not that a medical issue could never justify an adjournment. It plainly could. The difficulty is that the present application provides insufficient information for the Committee to assess whether vacating two hearings fixed for two sitting days is a proportionate procedural response. That is why the request is declined in its present form. The directions below provide the procedure by which GDL may renew the application if it wishes.

10. The following directions apply.

- (a) The hearings set down for 29 and 30 July 2026 will proceed.
- (b) The direction that GDL file any rebuttal evidence by 5:00 pm on Wednesday 22 July 2026 stands. GDL is not obliged to file rebuttal evidence. If it does not, the hearings will proceed on the evidence exchanged. A request under (c) does not extend or suspend this deadline.
- (c) If GDL seeks an accommodation for the hearings, whether attendance by its witness by audiovisual link under s202(5) or a defined adjournment, it is to file and serve a memorandum by 10:00 am on Tuesday 21 July 2026 that:
 - (i) identifies the specific accommodation sought;
 - (ii) states the nature of the witness's incapacity in general terms and its expected duration;
 - (iii) states when the witness is expected to be available; and
 - (iv) is supported by a medical certificate.
- (d) The reporting agencies may file and serve a response to any memorandum filed under (c) by 12:00 pm on Wednesday 22 July 2026. I will then determine any application on the papers by 5:00 pm on Thursday 23 July 2026.
- (e) If no memorandum is filed under (c) by 10:00 am on Tuesday 21 July 2026, the hearings will proceed on 29 and 30 July 2026 on the evidence exchanged, and no further application to vacate or adjourn the hearings will be entertained except on grounds arising after that time.
- (f) Any medical certificate and particulars of the witness's incapacity filed under (c) will contain personal medical information, which is not to be published pending determination of this question. If GDL seeks an order under s203(5), it is to say so in its memorandum and identify the extent of the order sought. The reporting agencies may respond under (d). I will then determine the question having regard to s203(6). No order can extend to the names of the parties or particulars of the premises.

DATED at Paraparaumu this 20th day of July 2026.



Bede Laracy
Chairperson
Kapiti Coast District Licensing Committee