



WESTERN CAPE
LIQUOR AUTHORITY

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Licensed liquor outlet fined R500 000 for illegal distribution of liquor

On 20 September 2022, the Liquor Licensing Tribunal (LLT) in the Western Cape handed down a fine of R500 000 to an Off-Consumption licence holder found guilty of contravening licence conditions. A total of 17 counts related to the following provisions of the Western Cape Liquor Act (the Act) are applicable:

- Selling liquor in excess of the prescribed maximum amount (150 litres) to one person in a single day for consumption off the licensed premises.
- Selling liquor to a person, knowing, or having reasonable grounds to suspect, that such person will resell the liquor otherwise than is permitted.

In considering an appropriate sanction, the LLT combined all counts. This amounted to a R500 000 fine, of which R200 000 was suspended for a period of two years on condition that the licensee does not contravene the provisions referred to during the period of suspension. The LLT further determined that the R300 000 fine is to be paid on or before 31 January 2023.

Should the licensee fail to pay the fine by 31 January 2023, it will constitute a further contravention necessitating an enquiry into the additional offence. The LLT may thereafter suspend the licence pending compliance with the order, impose a fine, refer the matter to the South African Police Service for prosecution or revoke the licence.

The significance of the fine is commensurate with the seriousness of the contraventions and the number thereof. These contraventions enable the unlicensed outlets which contribute significantly to the harms associated with alcohol in our communities and escape regulation. Law enforcement agencies are already seriously constrained by the totality of crime and criminality within our communities.

The mandate of the Western Cape Liquor Authority (WCLA) does not extend to unlicensed outlets, but where licensed outlets enable unlicensed outlets, the consequences must be a deterrent.

The WCLA has commenced with institutional mechanisms collating volume and turnover data (records), in written or electronic form, from all off-consumption licensees. This provides for the introduction of capacity incorporating the audit/data analytics/forensic skills required to enhance the regulatory effectiveness and impact of the WCLA.

The Western Cape Government has prioritised the reduction of alcohol-related harms, to address the substantial social costs inflicted by Liquor. The WCLA facilitates determination of public interest to contribute to bringing about safe and cohesive communities, and is committed to effectively regulating liquor in the public interest.

We encourage communities to report incidents of underage drinking and illegal distribution of liquor, among other violations, to the Western Cape Liquor Authority: 021 204 9805 or liquor.enquiries@wcla.gov.za