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Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
IPalamente yePhondo leNtshona Koloni

**Report of the Standing Committee on Community Safety, Cultural Affairs and Sport on the 2019/20
Annual Reports of the Department of Community Safety and the Western Cape Liquor Authority**

The Standing Committee on Community Safety, Cultural Affairs and Sport having deliberated on the 2019/20 Annual Reports of the Department of Community Safety (the Department) and the Western Cape Liquor Authority (WCLA), for the year ended 31 March 2020, reports as follows:

Introduction

The Western Cape Provincial Parliament's Annual Report programme for the 2019/20 financial year was advertised in newspapers inviting stakeholders and members of the public to attend and participate in the discussions. The Committee deliberated on the Annual Reports of the Department of Community Safety and the Western Cape Liquor Authority on 10 December 2020 as part of its oversight function. The Minister, the Head of Department and the Acting Chief Executive Officer of the WCLA were given an opportunity to make opening remarks.

The Department and WCLA were examined on:

Part A: General Information,

Part B: Departmental Performance Information; and

Part D: Human Resources Management of the Department's Annual Report.

Members of the public were also given an opportunity to pose questions and to make input during the discussions. There were no submissions.

1. Western Cape Liquor Authority's Annual Report

Overview

During the year under review the Western Cape Liquor Authority has enhanced its automated Licence Management and Tracking System that has helped to streamline the processing and consideration of applications. There has been a marked decline in the number of incomplete applications received, due largely to the assistance given to applicants on the processes. However, the costs of advertising for liquor licence applications continues to be a concern.

The WCLA has improved the use of its social media platforms to expand its communication platform. This has allowed for better networking with various partners in promoting the WCLA core business and public reach.

The WCLA achieved an unqualified audit opinion with no findings. In terms of the alcohol related harms outlined in Alcohol Harms Reduction White Paper, the WCLA has taken a strategic lead and therefore require effective capacitation in order to reap optimal results.

1.1 Key points from the discussion on the Western Cape Liquor Authority's 2019/20 Annual Report

- 1.1.1 The position of the WCLA's Chief Executive Officer (CEO) has been vacant for nearly two years. The WCLA however indicated that following re-advertising, and an increased grading of the CEO position, interviews for the position are expected to be conducted in January 2021.
- 1.1.2 The WCLA launched a pilot project to assist liquor licence applicants with their applications. The WCLA also has a contact centre to assist applicants, especially small business owners, with understanding and completing application forms, other key documentation, as well as providing updates on the status of applications.

- 1.1.3 The Liquor Licence Tribunal, in line with the Western Cape Liquor Act, 2008 (Act 4 of 2008) imposed sanctions, and/or issued hefty fines to non-compliant licensees. During 2019/20, 344 cases of non-compliance were referred to the WCLA's prosecutor, of which 220 were referred to the Liquor Licensing Tribunal (LLT) for consideration.
- 1.1.4 The WCLA reported that there continues to be a significant number of illegal outlets in especially informal settlements, and that the challenges of zoning requirements in such areas, continue to hinder the regulation of these outlets. However, pursuing the route of upstream prosecution is an arduous but viable option to combat the illegal outlet concerns.
- 1.1.5 Some of the keys transgressions included, the on-premises storage and sale of more than 150 litres of alcohol, after hour trading, the off-premises sale of alcohol by on-consumption outlets, and, the inefficient record keeping of alcohol sales by on-consumption outlets. Other common transgressions by specifically on-consumption outlets included lack of control and security measures, allowing children in restricted areas or the premises.
- 1.1.6 In its efforts to become self-sustainable, the WCLA has over the years, steadily increased the liquor licensing fees and also implement projects and measures to curtail the lapsing of liquor licences.
- 1.1.7 The WCLA is developing a fee structure that is based either on the type of liquor licence or the volume of alcohol sold. However, any implementation will be dependent on the amendments to the Western Cape Liquor Act, 2008, (Act 4 of 2008).
- 1.1.8 The WCLA has forged partnerships with other government departments and linked structures such as Community Police Forums (CPFs) and Neighbourhood Watches (NHWs), as well as academic institutions, Non-Governmental Organisations (not funded by the liquor industry) and liquor industry related organisations.

2. Department of Community Safety Overview

The Department of Community Safety embarked on a repurposing and realignment process to become a more service delivery based department. The Department has conducted extensive internal consultative workshops as part of its repositioning objectives. The Department is also the co-lead, along with the Department of Health, in the safety focus areas, namely jobs, well-being and safety.

2.1 Key points from the discussion on the 2019/20 Annual Report

- 2.1.1 The five year contract of the previous Head of Department, Mr GA Morris, expired at the end of March 2020. His contract was subsequently extended until the end of June 2020. At the start of July 2020, Adv Y Pillay was appointed as the Acting Head of Department and subsequently appointed as permanent Head of Department in early December 2020.
- 2.1.2 The Law Enforcement Advancement Project (LEAP) allocates 100 officers to the five key areas. These areas are Hanover Park, Nyanga, Khayelitsha, Bishop Lavis and Delft. Five new areas have been identified for further rollout of the LEAP. These areas are Mfuleni, Kraaifontein, Mitchells Plain, Harare and Gugulethu. All these areas are linked to crime statistics ratings where the identified locations are listed amongst the hotspot areas for serious crime, particularly murder offenses. These deployments form part of the Western Cape Safety Plan.
- 2.1.3 Although each identified area usually has an allocation of 100 LEAP officers, there have been instances where officers were redeployed to assist when any of these areas experience marked increases in violent crimes.

- 2.1.4 Area based teams are expected to commence deployment during December 2020 to the five hotspot areas. Through this monitoring mechanism, the Department will be able to identify evidence based and data led interventions for violence prevention methodologies.
- 2.1.5 Only 455 or the 500 LEAP officers were approved as being fire arm compliant during 2019/20.
- 2.1.6 The Department reported that re-accreditation of NHWs occur every two years. There were 338 NHWs for 2019/20 financial year. Accreditation processes are often hindered by the submission of incomplete documentation.
- 2.1.7 The Department provided an update on the amendments to the Western Cape Community Safety Act, 2013 (Act 3 of 2013). Currently, the amendments have been sent for regulating impact assessment.
- 2.1.8 The Department reported on the incapacity leave taken by its personnel for the 2019/20 financial year. There were two employees in particular who experienced serious and lengthy illnesses which led to the marked number of days used for sick leave.
- 2.1.9 The Department's Annual Report reflected low promotion percentages for its staff.
- 2.1.10 In terms of oversight through the Court Watching Briefs, the Department looks at the systemic inefficiencies that lead to cases being struck off the court roll. The Department subsequently provides recommendations to the Provincial Police Commissioner to enhance the overall systems and professionalism of the South African Police Service.

3 Requests for information

The Committee requested that the Western Cape Liquor Authority provides the following information:-

- 3.1 Details of the policy decision that sets out the criteria for the types of partnerships that the Western Cape Liquor Authority forms with external stakeholders.
- 3.2 A list of outlets that were fined or had their licences revoked during the 2019/20 financial year. The information should include the nature of the offenses, the names of the outlets and the locations of these outlets.
- 3.3 The number of enforcement interventions and operations conducted in Sea Point, Camps Bay, Clifton and surrounding areas, for the 2019/20 financial year.

The Committee requested that the Department of Community Safety provides the following information:-

- 3.4 A breakdown of the 1388 work opportunities created through partnerships.
- 3.5 A breakdown of the partnerships with whom Chrysalis Graduates were afforded work placements.
- 3.6 An explanation of the Department's tracking and monitoring mechanisms of Chrysalis Graduates. Indicate the methodology that guides this monitoring tool.
- 3.7 Copies of the District Municipalities safety plans.
- 3.8 The list of schools where School Resource Officers were deployed.
- 3.9 Details on the nature and causes of the injury on duty cases.



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CHAIRPERSON STANDING COMMITTEE: COMMUNITY SAFETY, CULTURAL AFFAIRS AND SPORT