



Western Cape  
Government



Annual Performance Plan 2015/16  
Western Cape Liquor Authority



# WESTERN CAPE LIQUOR AUTHORITY

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## Annual Performance Plan for 2015 - 2016

# FOREWORD

It is with pleasure that I present the Western Cape Liquor Authority's Annual Performance Plan (APP) for 2015/2016.

This APP charts a clear path for the Western Cape Liquor Authority for the year ahead and is aligned to the goals as set out in the strategic objectives of the Province of the Western Cape.

The WCLA is committed to regulate the retail-sale and micro-manufacturing of liquor in the Province, to facilitate the transformation of the liquor industry in the Western Cape by promoting the entry of new licence holders and to partner with organisations to ensure the responsible use of liquor.

The abuse of liquor has engendered social illnesses that costs the Western Cape economy large sums of money annually and brings about severe negative social-economic effects on the population. The WCLA created a Social and Education Fund (SEF) to create awareness and to educate the general public on the industry with regards to the responsible sale and consumption of liquor as well as on liquor-related harms.

The Authority is in the process of increasing community participation by taking their comments into consideration with regards to the issuing of liquor licencing within specific areas. This will regulate liquor licencing in communities and promote the allocation of licences in accordance with community sentiment. This will reduce the above-mentioned negative socio-economic effects and contribute to the wealth and economic growth of the people and the Province as the economic burden of liquor abuse is reduced. The facilitation of the entry of Historically Disadvantaged Individuals (HDI's) into the industry will contribute to the economic growth and prosperity of the trade, thus making it more inclusive for those entrants.

The formulation of strategic partners with key stakeholders such as municipalities, provincial government departments, South African Police Services (SAPS), and the National Liquor Authority will ensure that key priorities in terms of the combating of the socio-economic effects will be achieved consistently.

The WCLA and its staff are committed to dealing with all these new priorities with professionalism and enthusiasm.



**Thys Giliomee**  
Chief Executive Officer of the WCLA

# OFFICIAL SIGN-OFF

It is hereby certified that this Annual Performance Plan:

- was developed by the management of the Western Cape Liquor Authority under the guidance of Mr A. Winde;
- was prepared in line with the current Strategic Plan of the Western Cape Liquor Authority; and
- accurately reflects the performance targets which the Western Cape Liquor Authority will endeavor to achieve, given the resources made available in the budget for 2015/16.

**Adv T Giliomee**



**Chief Executive Officer**

**Mr M Burton**



**Chairperson of the Governing Board**

**Approved by:**

**Minister A Winde**



**Executive Authority**

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# PART A: STRATEGIC OVERVIEW

## 1. Vision

- To be the leading liquor regulator in the world by endorsing compliance within the liquor industry and work towards the eradication of liquor's social ills to ensure responsible consumption and trade in liquor in the Western Cape.

## 2. Mission

- Creating an enabling environment for the efficient and effective regulation of the liquor industry in the Western Cape to further a resilient, sustainable, quality and inclusive living environment.
- Facilitate the entry of new liquor licence holders in the Western Cape to reduce illegal liquor trading and to create opportunities for growth and jobs.
- Maintaining sustainable partnerships with all relevant stakeholders to assist in the fight against the irresponsible use of and trade in liquor whilst increasing community wellness, safety and tackling the negative social ills of liquor abuse in the Western Cape.

## 3. Values

In the execution of their collective functions, the Authority places the highest value on:

- **Integrity**  
The quality of possessing and steadfastly adhering to a moral or ethical code and high professional standards.
- **Honesty**  
The quality, condition or characteristic of being fair, truthful, and morally upright in conduct and adherence to the facts.
- **Incorruptibility**  
Moral uprightness and selfless service of public servants.
- **Transparency**  
The principle that the organisation (WCLA) will conduct its business in an accessible, clear and visible manner and that its activities are open to examination by its stakeholders.
- **Responsibility**  
Having the authority to make decisions and following through on the expectation to make those decisions and take necessary action.
- **Accountability**  
The principle that the organisation is obligated to demonstrate and take responsibility for its actions, decisions and policies and that it is accountable to the public at large.

- **Human Resource Development**  
Encouraging and assisting human resources to acquire new skills and/or to advance skills, knowledge, and viewpoints, by providing opportunities for development.
- **Mutual respect**  
Encouraging a culture of mutual respect by treating every person with dignity and equal worth.

## 4. Legislative and other mandates

### 4.1 Constitutional mandates

The Regulation of liquor licencing is a provincial competency in terms of Schedule 5 of the Constitution. For this reason the Western Cape Liquor Authority was established in terms of Section 2(1) of the Western Cape Liquor Act, Act 4 of 2008.

### 4.2 Legislative mandates

Significant changes have been made to the Western Cape Liquor Legislation. In December 2010, the Western Cape Provincial Parliament passed the Western Cape Liquor Amendment Act, 2010 (Act 10 of 2010) (“the Amendment Act”) to be read in conjunction with the Western Cape Liquor Act No. 4 of 2008. On 21 December 2011 the Western Cape Liquor Regulations were passed containing the new price schedules.

*Other Legislation includes:*

#### **Magistrate Court Act, 1944 (32 of 1944)**

The Magistrate Court Act, 1944 (32 of 1944) provides for the procedure and processes to be followed in the approximate 350 South African District Magistrate’s Courts. These courts can hear civil cases where the value of the claim is no more than R100,000. In criminal cases they can impose a sentence of up to three years imprisonment and a fine of up to R100 000. The magistrate’s districts are arranged into regions, each region having a Regional Magistrate’s Court, which handles more serious criminal cases and can impose a sentence of up to 15 years imprisonment and a fine of up to R300 000. As of 2010 Regional Magistrates Courts can also handle civil cases where the value of the claim is no more than R300 000.

This act also provides for the Magistrate Court Rules. These rules govern how a lawsuit or case may be commenced, and what kind of service of process is required. These rules include the types of pleadings or statements of case, motions or applications, and orders allowed in civil cases, the timing and manner of depositions and discovery or disclosure, the conduct of trials, the process for judgment, various available remedies, and how the courts and clerks are to function.

#### **Supreme Court Act, 1959 (59 of 1959)**

The Supreme Court Act, 1959 (59 of 1959) provides for the divisions of the Supreme Court’s appointment of judges, appeals and high court procedure and processes.

This act also provides for the High Court Rules. These rules govern how a lawsuit or case may be commenced and what kind of service of process is required. These rules include the types of

pleadings or statements of case, motions or applications, and orders allowed in civil cases, the timing and manner of depositions and discovery or disclosure, the conduct of trials, the process for judgment, various available remedies, and how the courts and clerks are to function.

### **Customs and Excise Act, 1964 (91 of 1964)**

The Customs and Excise Act, 1964 (91 of 1964) provides for the levying of customs and excise duties and surcharges, a fuel levy, a Road Accident Fund levy, an air passenger tax and an environmental levy and for the prohibition and control of the importation, export, manufacture or use of certain goods.

### **Criminal Procedures Act, 1977 (51 of 1977)**

This act governs criminal procedure in South Africa's legal system. It details the procedure for the whole system of criminal law, including search and seizure, arrest, the filing of charges, bail, the plea, the testimony of witnesses and the law of evidence, the verdict and sentence and the appeal.

### **Liquor Act, 1989 (27 of 1989)**

It governs the control over the sale of liquor and for matters connected therewith.

### **Liquor Products Act, 1989, (60 of 1989)**

The Liquor Products Act, 1989 (60 of 1989) provides for:

- the control over the sale and production for sale of certain alcoholic products;
- the composition and properties of such products;
- the use of certain particulars in connection with the sale of such products;
- the establishment of schemes; and
- control over the import and export of certain alcoholic products.

### **Businesses Act, 1991 (71 of 1991)**

The Businesses Act, 1991 (Act 71 of 1991) is assigned national legislation that provides for the administration and regulation of informal trading by municipalities, subject to monitoring of the relevant bylaws by the Provincial Minister. It further provides that the Provincial Minister may act as an appeal authority in instances where municipalities refuse applications by certain types of businesses for licences to trade.

### **Tobacco Products Control Act, 1993 (83 of 1993)**

The Tobacco Products Control Act, 1993 (Act No. 83 of 1993) prohibits or restricts smoking in public places, regulates the sale and advertising of tobacco products in certain respects and prescribes what is to be reflected on packages.

## **Occupational Health and Safety Act, 1993 (85 of 1995)**

The Occupational Health and Safety Act, 1993 (85 of 1995) provides for:

- the health and safety of persons at work;
- the health and safety of persons in connection with the use of plant and machinery;
- the protection of persons other than persons at work;
- measure against hazards to health and safety arising out of or in connection with the activities of persons at work; and
- establishing an advisory council for occupational health and safety.

## **Labour Relations Act, 1995 (66 of 1995)**

The Labour Relations Act, 1995 (66 of 1995) governs labour relations in South Africa and to that effect:

- gives effect to section 27 of the Constitution;
- regulates the organisational rights of trade unions;
- promotes and facilitates collective bargaining at the workplace and at sectorial level;
- regulates the right to strike and the recourse to lockout in conformity with the Constitution;
- promotes employee participation in decision-making through the establishment of workplace forums;
- provides simple procedures for the resolution of labour disputes through statutory conciliation, mediation and arbitration (for which purpose the Commission for Conciliation, Mediation and Arbitration is established), and through independent alternative dispute resolution services accredited for that purpose;
- establishes the Labour Court and Labour Appeal Court as superior courts, with exclusive jurisdiction to decide matters arising from the Act;
- provides for a simplified procedure for the registration of trade unions and employers' organisations, and to provides for their regulation to ensure democratic practices and proper financial control; and
- gives effect to the public international law obligations of the Republic relating to labour relations.

## **South African Police Service Act, 1995 (68 of 1995)**

To provide for the establishment, organisation, regulation and control of the South African establishment, organisation, regulation and control of the South African Police Service; and to provide for matters in connection therewith.

## **Basic Conditions of Employment Act, 1997 (75 of 1997)**

The Basic Conditions of Employment Act, 1997 (75 of 1997) gives effect to the right to fair labour practices referred to in section 23(1) of the Constitution. It does this by establishing and making provision for the regulation of basic conditions of employment and states how to comply with the obligations and connected matters of the Republic as a member state of the International Labour Organisation.

## **Employment Equity Act, 1998 (55 of 1998)**

The Employment Equity Act, 1998 (55 of 1998) promotes the constitutional right of equality and the exercise of true democracy. It eliminates unfair discrimination in employment; ensures the implementation of employment equity to redress the effects of discrimination; achieves a diverse workforce broadly representative of our people; promotes economic development and efficiency in the workforce; and gives effect to the obligations of the Republic as a member of the International Labour Organisation.

## **Competition Act, 1998 (89 of 1998)**

The Competition Act, 1998 (89 of 1998) provides for the establishment of a Competition Commission responsible for the investigation, control and evaluation of restrictive practices. It includes the abuse of dominant position and mergers; the establishment of a Competition Tribunal responsible to adjudicate such matters; and for the establishment of a Competition Appeal Court by:

- providing all South Africans equal opportunity to participate fairly in the national economy;
- achieving a more effective and efficient economy in South Africa;
- providing for markets in which consumers have access to and can freely select the quality and variety of goods and services they desire;
- creating greater capability and an environment for South Africans to compete effectively in international markets;
- restraining particular trade practices which undermine a competitive economy;
- regulating the transfer of economic ownership in keeping with the public interest;
- establishing independent institutions to monitor economic competition; and
- giving effect to the international law obligations of the Republic.

## **Local Government: Municipal Structures Act, 1998 (117 of 1998)**

The Local Government: Municipal Structures Act, 1998 (117 of 1998) provides for:

- the establishment of municipalities in accordance with the requirements relating to categories and types of municipalities;
- the establishment of criteria for determining the category of municipality to be established in an area;
- defining the types of municipality that may be established within each category;
- an appropriate division of functions and powers between categories of municipalities;
- regulation of the internal systems, structures and office bearers of municipalities; and
- the appropriate electoral systems.

## **Refugee Act, 1998 (130 of 1998)**

The Refugee Act, 1998 (130 of 1998) gives effect within the Republic of South Africa to the relevant international legal instruments, principles and standards relating to refugees, provides for the reception into South Africa of asylum seekers, regulates applications for and recognition of refugee status and provide for the rights and obligations flowing from such status.

## **Public Finance Management Act, 1999 (1 of 1999)**

The Public Finance Management Act, 1999 (1 of 1999) regulates financial management in the public sector and therefore in respect of the Western Cape Liquor Authority by ensuring that all revenue, expenditure, assets and liabilities are managed efficiently and effectively as well as to provide the responsibilities and authority to persons entrusted with financial management.

## **Promotion of Access to Information Act, 2000 (2 of 2000)**

The Promotion of Access to Information Act, 2000 (2 of 2000) was promulgated to give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights.

The aims of the Promotion of Access to Information Act, 2000 (2 of 2000) is to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.

## **Promotion of Administrative Justice Act, 2000 (3 of 2000)**

The Promotion of Administrative Justice Act, 2000 (3 of 2000) gives effect to the right to administrative action that is lawful, reasonable and procedurally fair and to the right to written reasons for administrative action as contemplated in section 33 of the Constitution of the Republic of South Africa by:

- promoting an efficient administration and good governance; and
- creating a culture of accountability, openness and transparency in the public administration or in the exercise of a public power or the performance of a public function, by giving effect to the right to just administrative action.

## **Local Government: Municipal Systems Act, 2000 (32 of 2000)**

The Local Government: Municipal Systems Act, 2000 (32 of 2000) provides for:

- the core principles, mechanisms and processes that are necessary to enable municipalities to move progressively towards the social and economic upliftment of local communities, and to ensure universal access to essential services that are affordable to all;
- the definition of the legal nature of a municipality as including the local community within the municipal area, working in partnership with the municipality's political and administrative structures;
- the manner in which municipal powers and functions are exercised and performed;
- community participation;
- the establishment of a simple and enabling framework for the core processes of planning, performance management, resource mobilisation and organisational change which underpin the notion of developmental local government;
- a framework for local public administration and human resource development;
- the empowerment of the poor and to ensure that municipalities put in place service tariffs and credit control policies that take their needs into account by providing a framework for

the provision of services, service delivery agreements and municipal service districts; to provide for credit control and debt collection;

- establishment of a framework for support, monitoring and standard setting by other spheres of government in order to progressively build local government into an efficient, frontline development agency capable of integrating the activities of all spheres of government for the overall social and economic upliftment of communities in harmony with their local natural environment; and
- legal matters pertaining to local government.

### **Immigration Act, 2002 (15 of 2002)**

The Immigration Act, 2002 (15 of 2002) provides for the regulation of admission of persons to their residence in, and their departure from, the Republic.

### **Liquor Act, 2003 (59 of 2003)**

This act provides for the establishment of:

- national norms and standards in order to maintain economic unity within the liquor industry;
- regulations concerning the manufacturing and distribution within the liquor industry;
- essential national standards and minimum standards required for the rendering of services;
- the devolution of functions relating to retail sale and micro manufacturing to the Provincial Minister; and
- measures to promote co-operative government in the area of liquor regulation.

### **National Credit Act, 2005 (34 of 2005)**

The National Credit Act, 2005 (Act 34 of 2005) is national legislation that provides for the regulation of a fair, transparent, competitive, sustainable, responsible, efficient, effective and accessible credit market and industry.

### **Western Cape Liquor Act, 2008 (4 of 2008)**

The Western Cape Liquor Act, 2008 (4 of 2008) came into full effect on 1 April 2012. In respect of the Western Cape this act provides for the licencing of the retail sale and the micro-manufacture of liquor and this act provides for a number of matters incidental to liquor licencing in the Western Cape Province.

The Western Cape Liquor Act, 2008 (4 of 2008) provides for the establishment of an independent juristic person, to be known as the Western Cape Liquor Authority, a Governing Board for the Western Cape Liquor Authority to be appointed by the Minister, a Liquor Licencing Tribunal to be appointed by the Governing Board and which must perform the judicial function in respect of applications for liquor licences and related matters, an Appeal Tribunal to be appointed by the Minister and an administration with a Chief Executive Officer which reports to the Governing Board.

## **Consumer Protection Act, 2008 (68 of 2008)**

The Consumer Protection Act, 2008 (68 of 2008) promotes a fair, accessible and sustainable marketplace for consumer products and services, establishing national norms and standards relating to consumer protection, providing improved standards of consumer information, prohibiting certain unfair marketing and business practices, promoting responsible consumer behaviour, promoting a consistent legislative and the enforcement of a framework relating to consumer transactions and agreements and establish the National Consumer Commission.

## **Western Cape Liquor Amendment Act, 2010 (10 of 2010)**

The Western Cape Liquor Amendment Act, 2010 (10 of 2010) amended the Western Cape Liquor Act, 2008 substantially before last mentioned came into operation

## **Preferential Procurement Policy Framework Act, 2000 (5 of 2000)**

This act gives effect to section 217(3) of the 1996 Constitution by providing a framework for the implementation of the procurement policies contemplated in section 217(2) of the 1996 Constitution and to provide for matters connected therewith.

## **Broad-Based Black Economic Empowerment Act, 2003 (53 of 2003)**

This act establishes a legislative framework for the promotion of broad-based black economic empowerment. It furthermore empowers the Minister to issue Codes of Good Practice, to publish transformation charters, to establish the Black Economic Empowerment Advisory Council and to provide for matters connected therewith. The unit Economic Empowerment uses the Act as the basis for its existence.

## **4.3 Policy mandates**

### **The Western Cape Liquor Policy, 2005**

This policy, commonly referred to as the Liquor White Paper, was the result of a process of intensive and extensive public participation based on the Liquor Green Paper of 2004. It was drafted by a Policy Drafting Panel consisting of DEDAT officials, legal experts and health professionals specialising in the research and treatment of alcohol-related diseases.

The policy had five objectives, namely:

- to make it possible for *bona fide* unlicensed traders in the historically disadvantaged communities to legitimise their businesses without encountering unnecessary barriers when applying for a liquor licence and to create an environment that would encourage them to do so;
- to consider land use planning issues as determined by the municipal planning authorities;
- to provide for the involvement of communities in determining the location of licensed liquor outlets;
- to involve the municipalities in the Western Cape; and

- to reduce the social cost of liquor abuse to society in general, and to the people of the Western Cape in particular.

The policy formed the basis on which the initial Western Cape Liquor Bill of 2006 was drafted. On completion of a comprehensive baseline study this policy will be revisited and reconsidered to align it with current and future trends and developments in the liquor industry.

## 4.4 Relevant court rulings

The Constitutional Court matter known as *Ex Parte* the President of the Republic of South Africa in re: Constitutionality of the Liquor Bill, heard as case CCT 12/99 by the Constitutional Court of South Africa on 31 August 1999 and decided on 11 November 1999 with the judgment delivered by Cameron AJ refers. The State President, at the time, took the unprecedented step to utilise section 79(4)(b) of the 1996 Constitution to refer a bill to the Constitutional Court to have the constitutionality thereof tested after the bill has been approved by the National Assembly. The State President stated his reasons to include that the bill clearly intends to deal with the registration for the manufacture, wholesale distribution and retail-sale of liquor and that according to his understanding it might be in conflict with the “liquor licencing” a provincial competency in terms of Part A of Schedule 5 of the Constitution, 1996.

The Constitutional Court found that if the exclusive provincial legislative competence regarding “liquor licences” in Schedule 5 applies to all liquor licences, the national government has made out a case in terms of Section 44(2) justifying its intervention in creating a national system of registration for manufacturers and wholesale distributors of liquor and in prohibiting cross-holdings between the three tiers in the liquor trade. No case has however been made in regard to retail sales of liquor, whether by retailers or by manufacturers, nor for micro-manufacturers whose operations are essentially provincial. The Minister has to this extent failed to establish that Parliament had the competence to enact the Liquor Bill and it is therefore unconstitutional.

This finding is of utmost importance in establishing the legislative and functional powers and responsibilities of the national and the provincial governments regarding liquor licencing.

## 4.5 Planned policy initiatives

The Western Cape Liquor Authority is in the process of engaging on various policy initiatives. These policy initiatives include but will not be limited to:

- the contribution of the WCLA in the reduction of irresponsible and illegal liquor trading;  
and
- liquor at sporting events.

The Department of Economic Development and Tourism in conjunction with the Western Cape Liquor Authority is currently working on an amendment Bill. These amendments have been identified as required critical changes to the Western Cape Liquor Act (4/2008).

The National Liquor Authority has issued the national norms and standards. It is expected from provinces to align with these norms and standards.

Alcohol game changer is in the planning stages and might result in a provincial liquor policy.

## 5. Situational analysis

### 5.1 Performance environment

The liquor industry is an extremely important economic driver and supplier of employment. The employment opportunities in the Western Cape provided by the wine and liquor industry are enormous. These opportunities are with manufacturing, controlling, bottling, storage, transportation, distribution, retail and management.

#### Communication, Education and Stakeholder Relations

Liquor is seen as a potentially harmful substance. In 2012 a research study conducted in Western Cape schools, grades 8 to 12 showed that of learners who consumed alcohol, almost ⅓ reported initiation of alcohol use before the age of 13; at least 10% reported using alcohol on a weekly basis; and a small proportion reported being drunk on a daily (2%) or weekly (10%) basis. Foetal alcohol syndrome is further ravaging Western Cape farming communities with hundreds of children affected. Research done in 2011 found a prevalence of foetal alcohol syndrome of between 61 and 94 per 1000 children in the Wellington area. Medical Research Council (MRC) calculations put the cost of liquor-related violence, drunk driving and other alcohol related injuries and illness at around R6 billion per annum in the Province (covering medical costs, emergency services, legal services, and infrastructure damage) (Parry, 2009).

The Authority will via the Communications, Education and Stakeholder Relations component, engage with communities and liquor licence holders to create awareness and educate them on the negative social illness of liquor abuse as well as the Western Cape Liquor Act 4/2008 as amended by means of various interventions.

	2011/12	2012/13	2013/14
Number of awareness interventions conducted	103	123	103
Number of people reached through awareness interventions	1 635	1 212	4 331

#### Compliance and Enforcement

The Compliance and Enforcement Component is the compliance monitoring and enforcement arm of the Western Cape Liquor Authority. Inspectors are mandated by Chapter 12 of the Western Cape Liquor Act 4 of 2008 ("the Act") to monitor and enforce compliance by licenced liquor outlets with the provisions of the Act by conducting routine compliance inspections, formal inspections, the issuing of compliance notices, the investigation of complaints against licenced liquor outlets and the prosecution of breaches of the Act and licence conditions.

During the 2013/14 financial year 3 520 licenced liquor outlets were inspected,.

	2011/12	2012/13	2013/14
Number of routine inspections	2 306	2 404	3 820
Number of formal inspections	-	-	275
Number of compliance notices issued	-	-	227

The licenced liquor industry in the Western Cape poses many challenges which may impact on the performance environment of the inspectorate. Some of the key challenges include the sale and supply of liquor to minors, the illegal sale and/or distribution of liquor to unlicensed premises and crime occurring, on or emanating from licenced premises. According to a much quoted statistic by the South African Police Service (SAPS) approximately 80% of all crime is alcohol related.

The inspectorate works very closely with SAPS and other law enforcement agencies to monitor and enforce compliance with the Act. Targeted joint enforcement operations, in conjunction with SAPS and other law enforcement agencies, are conducted regularly in areas with a high prevalence of non-compliance and/or crime.

## Liquor Licencing Administration

The Liquor Licencing Administration (LLA) unit forms the core of the licencing application process in the Western Cape. In order to facilitate the entry of new liquor licence holders into the liquor industry, the application process and administering of applications need to be dealt with in an effective and timeous manner. The Liquor Licencing Administration unit will administer all applications for consideration by the Liquor Licencing Tribunal in the Western Cape.

For the 2013/2014 financial year, the total number of applications received by the LLA unit was 3 316 (which is split up into new applications, secondary applications as well as special event and temporary licence applications). Licences issued for that same period totaled 1 857 (being broken up into the same sub-categories as above). In addition to the afore-mentioned, the Western Cape Liquor Authority (WCLA) is also in the process of implementing an action plan aimed at addressing the section 19 applications backlog.

	2011/12	2012/13	2013/14
Number of applications received	2 456	3 364	3 308
Number of licences and certificates issued	1 172	916	1 602

As opposed to the previous liquor legislation where 26 different licence types were identified, the Western Cape Liquor Act 4/2008 makes provision for four categories of licences in the Western Cape, namely: micro-manufacture on & off consumption; on consumption, off consumption and on & off consumption. Currently the number of licenced liquor outlets in the Western Cape stands at approximately 8 100 licences.

## Khayelitsha Commission of Enquiry

The Premier appointed the Commission in August 2012 in response to a complaint she received from a group of non-governmental organisations, the Social Justice Coalition, the Treatment Action Campaign, Equal Education, the Triangle Project and Ndifuna Ukwazi ('the complainant organisations'), who asserted that there were "widespread inefficiencies, apathy, incompetence and systemic failures of policing" in Khayelitsha. The Khayelitsha Commission was asked by the Premier of the Western Cape to investigate complaints of allegations of inefficiency at the three Khayelitsha police stations (Khayelitsha Site B, Lingeletu West and Harare) as well as an alleged breakdown in the relationship between the Khayelitsha community and members of the South African Police Service (SAPS) based in Khayelitsha (Khayelitsha Commission of Enquiry Report 2014).

Some of the findings that emerged from the enquiry relating to liquor are as follows (Khayelitsha Commission of Enquiry Report 2014):

- There are apparently 1 400 illegal taverns (or shebeens) in Khayelitsha and 35 licensed outlets. There is also evidence that there is a close correlation between abuse of alcohol and contact crime. The record also shows that most serious contact crimes take place on weekends, and generally at night.
- Mr Giliomee, the Chief Executive Officer of the Western Cape Provincial Liquor Authority, told the Commission that it is generally easier to ensure that licensed liquor outlets comply with the terms of the law, in terms of trading hours and the prohibition on selling to children. He therefore felt that it would be helpful if more of the liquor traders in Khayelitsha could be licensed, but he said that the zoning laws, which prohibited licensed premises in residential areas, restricted the licensing of many taverns.
- The SAPS units in Khayelitsha conduct 'operations' to close illegal taverns from time to time. These operations are often undertaken with partners, such as the Liquor Authority, the City and also other units of SAPS. However, as several witnesses testified, one of the difficulties with closing an illegal tavern is that others spring up almost immediately, as it is one of the ways in which people can make a living. Major General Jacobs told the Commission that SAPS was considering a range of strategies to seek to address the problem, but that it was a very difficult issue.
- Another difficulty with large-scale operations to close taverns, according to Professor Steinberg, is that they undermine the relationship between the community and SAPS. Professor Steinberg acknowledged the challenges that SAPS face in dealing with liquor and illegal taverns.
- The Commission concludes that the abuse of alcohol is a key driver of violent crime. The Commission also acknowledges that the development of an appropriate strategy to deal with the licensing of taverns and the regulation of alcohol is a matter that falls outside the mandate of SAPS. Nevertheless, given the close relationship between crime and alcohol in Khayelitsha, the Commission urges the provincial government to develop a strategy to alleviate the harm caused by the abuse of liquor in Khayelitsha. The Commission does not conclude that there are inefficiencies in the operation of the SAPS units in Khayelitsha in this regard.

The Commission recommended that the Department of Community Safety establishes a provincial task team to investigate policy options relating to unlicensed liquor outlets in Khayelitsha. The task team should commence by conducting research in Khayelitsha to determine the views of residents of Khayelitsha regarding unlicensed liquor outlets. The Commission suggested that the provincial task team should include the Provincial Commissioner or Deputy Provincial Commissioner, as well as the head of Metro Police, and the Western Cape Liquor Authority. The Commission suggested that this research be completed within nine months of the Commission publishing its report (Khayelitsha Commission of Enquiry Report 2014).

Recommendation six of the Commission's Report makes specific reference to the fact that the human resource implications of routine patrols of informal neighbourhoods should be taken into account. This will be the case for the WCLA, once the Authority engages with SAPS in conducting more visible enforcement by means of joint operations.

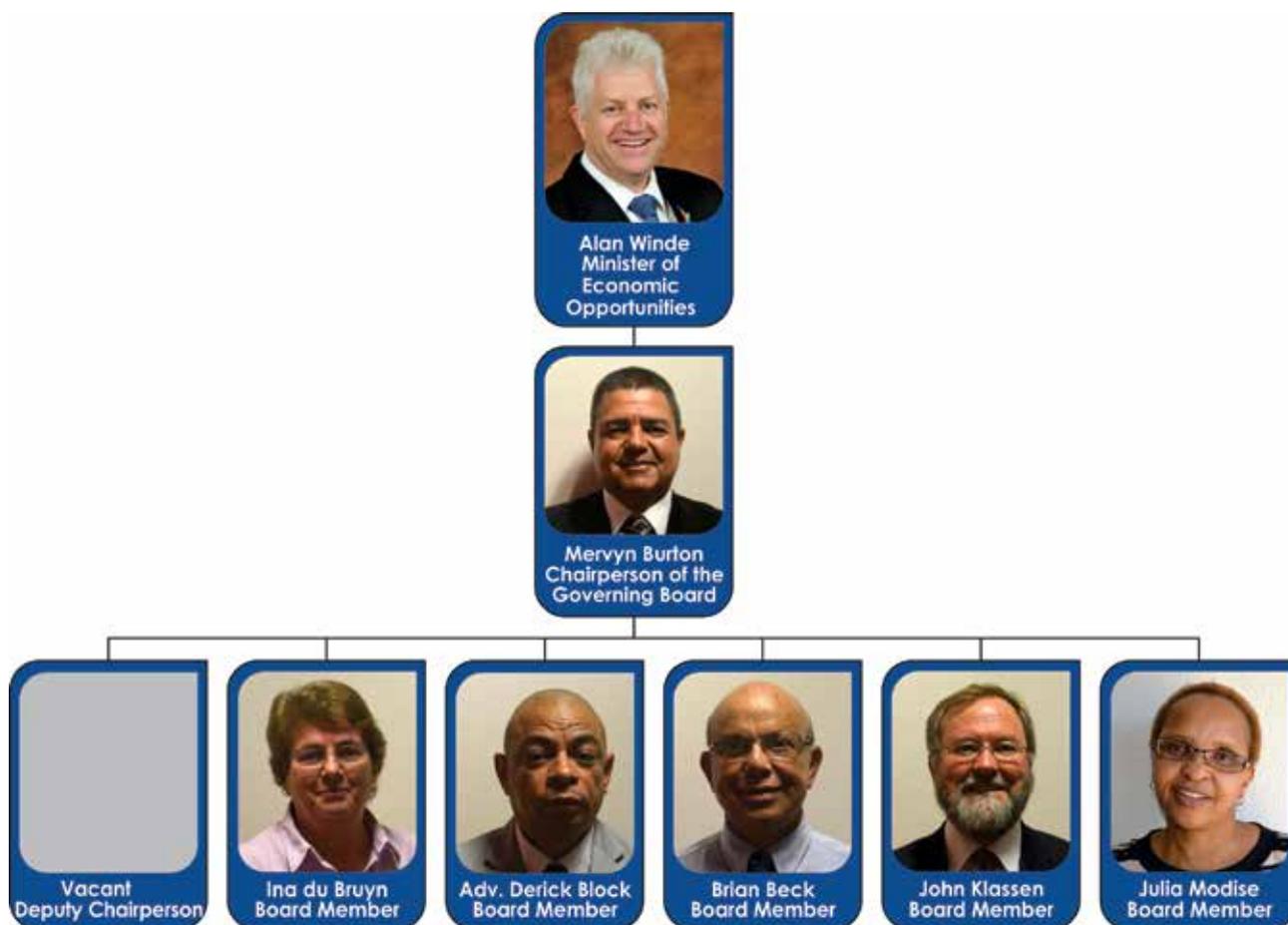
The WCLA is required by the Western Cape Liquor Act, 4 of 2008 (as amended) to regulate the retail sale and micro manufacturing of liquor in the Western Cape. This means that the Authority has to enforce compliance, create awareness around the negative social ills of liquor abuse and educate licence holders and communities on the provisions of the Act. This will happen within the

Cape Town Metro to as far as Bitterfontein on the N7, Beaufort West on the N1, Plettenberg Bay on the N2, Vredendal on the West Coast and other rural areas that are not easily accessible.

Currently the fact that the Western Cape Liquor Authority does not have district offices nor does it have sufficient staffing capacity. This seriously hampers its ability to effectively execute its mandate throughout the Western Cape.

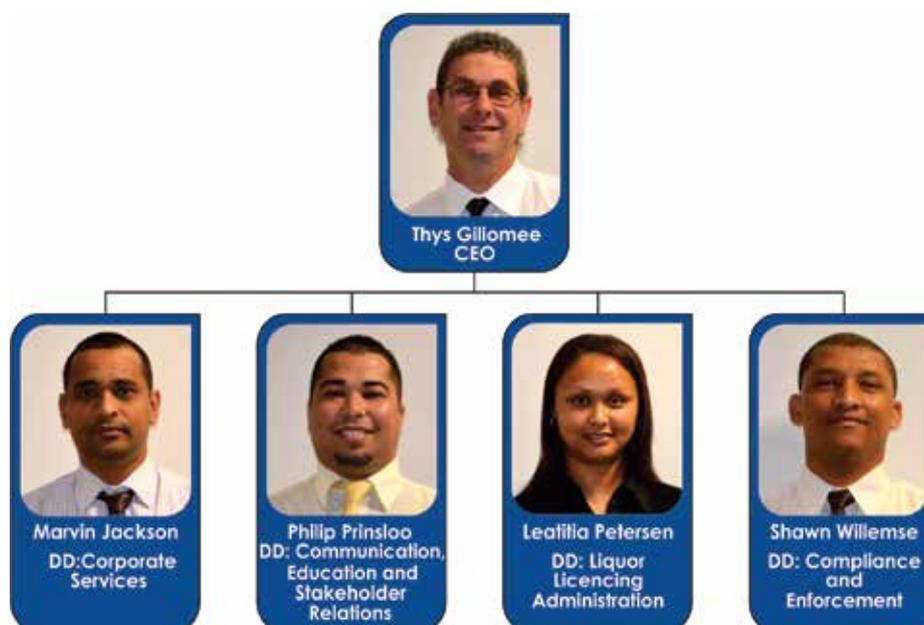
## 5.2 Organisational environment

The Governing Board comprises seven voting members who are appointed for a maximum of a four year term as non-executive members.



The organisation has 5 main programmes / components being:

- Communication, Education and Stakeholder Relations;
- Compliance and Enforcement;
- Liquor Licencing Administration;
- Liquor Licencing Tribunal; and
- Corporate Services.



Currently the WCLA conducts its business out of offices situated within the Cape Town CBD. This provides many obstacles to the Authority in effectively achieving its mandate of regulating the retail sale and micro-manufacturing of liquor in the Western Cape. These obstacles include but are not limited to:

- Eight liquor inspectors who have to monitor and enforce compliance with the provisions of the Act at over 8 000 licenced liquor outlets across the Western Cape by doing:
  - Routine compliance inspections;
  - Formal inspections;
  - Investigations;
  - Enforcement operations; and
  - Prosecution of non-compliant licence holders.
- One awareness and education officer who provides education sessions and awareness interventions to the licence holders and communities across the Western Cape as well as conducting educations sessions to all prospective licence holders;
- One call centre agent who attends to approximately 200 liquor complaints and queries per month;
- One licence administrator responsible for processing and issuing the almost 200 special event licence applications per month;
- Two licence administrators attend to nearly 60 new liquor applications on a monthly basis;
- One licence administrator to issue the more than 50 licences and certificates per month; and
- A limited budget in order to implement key initiatives.

From the above it is clear that the Authority has to achieve much with the limited resources available to it. Steps have been taken to help address the obstacles faced by the Authority. These steps include and may be further amended to better address the current situation faced by the Authority:

- an organisational re-design;
- the establishment of district offices;
- IT Infrastructure; and
- regular meetings with the Authority's parent department regarding the correct budget allocation.

**Table 1 – Employment and vacancies by programme component, 31 Dec 2014 (Full Time positions only)**

Programme / Component	Number of posts	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Communication, Education and Stakeholder Relations	4	4	0	0
Compliance and Enforcement	9	9	0	0
Liquor Licence Administration	11	9	2	0
Liquor Licencing Tribunal (consultants)	6	6	0	0
Corporate Services	16	15	1	0
<b>Total</b>	<b>46</b>	<b>43</b>	<b>3</b>	<b>0</b>

The Communication, Education and Stakeholder Relations component has implemented stakeholder inclusive interventions with all relevant stakeholders. Regular communications on key decisions are communicated to the industry via circulars. Education sessions are conducted with all potential licence holders. Awareness campaigns in the form of industrial theatre (drama) are held with communities and in schools to create awareness of the negative social ills of liquor abuse. Notwithstanding all of these efforts, there is no guarantee that behavioural change will be effected in these stakeholders.

The Compliance and Enforcement component has put into operation an integrated enforcement strategy in conjunction with relevant enforcement agencies. This allows the Compliance and Enforcement component to conduct regular joint enforcement operations to address non-compliance issues. In terms of prosecutions the said component has seen a significant increase in the number of non-compliant licence holders appearing before the Liquor Licencing Tribunal for contraventions of the Western Cape Liquor Act, 4 of 2008 (as amended). The inspectors of this component have successfully been appointed as Peace Officers which infers on them the same powers and functions as the SAPS in terms of the Criminal Procedures Act, 51 of 1977 specifically related to offences committed in terms of the Western Cape Liquor Act, 4 of 2008 (as amended). In spite of all of these advances this component cannot guarantee compliance with the Western Cape Liquor Act, 4 of 2008 (as amended) due to the complexity of liquor enforcement.

The Liquor Licencing Administration component processes have been documented in terms of standard operating procedures and checklists which ensure a more streamlined application process. These documents have been made available to applicants as well as liquor licencing consultants to better assist them in submitting quality applications. With specific reference to special event and temporary licence applications the Liquor Licencing Administration has made significant

strides in ensuring turnaround times are kept to a minimum by effective communication with all relevant stakeholders and adherence to the aforementioned standard operating procedures and checklist. Despite all of these efforts by the Licencing Administration component the Authority still experiences many challenges with the quality and standard of the applications submitted as well as the timeframes within which these applications are received.

**Table 2 – Employment and vacancies by salary bands, 31 Dec 2014**

Salary band	Number of posts	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Interns (6-12 months contract)	8	8	0	9
Lower skilled (Levels 1-2)	0	0	0	0
Skilled (Levels 3-5)	3	2	1	0
Highly skilled production (Levels 6-8)	20	18	2	0
Highly skilled supervision (Levels 9-12)	18	18	0	0
Senior management (Levels 13-16) (36 month contract)	1	1	0	0
<b>Total</b>	<b>50</b>	<b>47</b>	<b>3</b>	<b>9</b>

### 5.3 Description of the strategic planning process

Senior Management developed the 2015/2016 Annual Performance Plan (APP) by:

- revisiting the Strategic Goals set in the Strategic Plan;
- analysing the Authority’s external environment – performance environment;
- analysing the Authority’s internal strengths and weaknesses in terms of its resources and capabilities - organisational environment;
- analysing the Authority’s strategic options by matching its resources and capabilities with the performance environment;
- developing annual objectives and short term strategies to achieve the goals;
- identifying the 2015/2016 activities required to achieve the objectives;
- identifying and evaluating the risks which could prevent the implementation of the activities and consequently the achievement of its objectives and goals;
- allocating financial resources to mitigate the risks and for the performance of the activities by developing a budget; and
- presenting the developed APP to the Governing Board and DEDAT for review and approval.

The following table represents the process in respect of the finalisation of the existing Strategic Plan:

Date	Item
15 May 2014	Presentation of Annual Performance Plan to the DEDAT
11 to 15 August 2014	Finalisation of first draft of Annual Performance Plan with Provincial Treasury before submission to Provincial Treasury
29 August 2014	Submit first draft of Strat Plan to Provincial Treasury
	Presentation to Governing Board and DEDAT for Annual Performance Plan approval
20 November 2014	Submit second draft to Provincial Treasury
19 February 2015	Final submission of Annual Performance Plan to Provincial Treasury
	Submit Annual Performance Plan to Minister Winde for signature
4 March 2015	Submit printed copies of the Annual Performance Plan document to Parliament, Provincial Treasury

## 6. Strategic outcome oriented goal of the WCLA

<b>Strategic Outcome Oriented Goal 1</b>	Optimal regulation of the retail sale and micro-manufacturing of liquor and a reduction in the negative social ills of liquor abuse in the Western Cape.
<b>Goal statement</b>	Promotion of an enabling environment that allows for the ease of entry into the regulated liquor trading space, meanwhile ensuring that all liquor licence holders stringently comply with the Western Cape Liquor Act 4 of 2008, whilst educating and creating awareness surrounding the negative social impact of liquor abuse as well as informing the community about the liquor licencing application public participation process.

# PART B: STRATEGIC OBJECTIVES

## 7. Programmes/Components

PROGRAMME/COMPONENT	
1.	Communication, Education and Stakeholder Relations
2.	Compliance and Enforcement
3.	Liquor Licencing Administration
4.	Liquor Licencing Tribunal
5.	Corporate Services

### Programme/Component 1: Communication, Education and Stakeholder Relations

#### Programme/Component purpose

The purpose of this component is to provide a communication, marketing, education and awareness service for and on behalf of the Western Cape Liquor Authority.

#### Programme/Component description

The Communication, Education and Stakeholder Relations Component will inform the industry and stakeholders by active, efficient and effective communication and intervention. Actions will include, but are not limited to, an up to date website, an in-house call center, workshops with industry specific stakeholders, information sessions with stakeholders, on-going electronic communication with the major players in the industry and targeted specific interventions.

#### Programme/Component situational analysis

There exists a vast body of evidence that indicates the massive negative impact of liquor on the Western Cape economy and population. While the liquor industry is a major contributor to the regional economy, especially the agricultural, hospitality and tourism sectors, much of this is offset by the toll of liquor abuse that continues to exist.

This component currently has four permanent and filled posts to roll out their functions. Some of these functions include training sessions to schools, communities and liquor licence holders; call center administration; development and the management of the website with future enhancements; media function; managing the Social and Education fund; as well as the day to day running of the component.

At the beginning of each financial year a set budget is allocated to the component and the component plans all its interventions within the allocated budget.

#### Programme /Component Interventions

The Component's strategic intervention for addressing this problem, which costs the economy billions of rands in the areas where the costs are quantifiable, consists of the following:

- **Intervention 1: General Awareness through mass-media initiatives**

This will be done through newspaper advertisements, commuter-targeted notices on trains and taxis and at terminals for these transport services (train stations and terminuses), fliers, pre-recorded radio insert and TV public service programmes e.g. youth programmes. By implementing the aforementioned we aim to create extensive knowledge of the aspect of alcohol-related harms.

- **Intervention 2: Creating knowledge and inculcating behavioural change**

This will be done through targeted specific interventions that will include industrial theatre at schools and in communities; radio discussions on university radio stations; television talk programmes covering specific topics on liquor abuse; and newspaper articles. A wide range of topics will be covered through the aforementioned interventions.

## Strategic objectives

<b>Strategic Objective 1.1</b>	To provide an external and internal communication service as well as to co-ordinate education and awareness services to the liquor industry and the citizens of the Western Cape.
<b>Objective statement</b>	To ensure a consistent application of the communication strategy and corporate brand of the Western Cape Liquor Authority and to co-ordinate education and awareness sessions to the liquor authority employees, liquor industry and the citizens of the Western Cape.  600 targeted specific interventions to create awareness of the harms related to liquor abuse and educate liquor licence holders and reaching 20 000 people through these interventions.
<b>Baseline</b>	The Western Cape Liquor Act and regulations came into operation as of 1 April 2012. The processes and procedures are new to the licence holders, consultants, SAPS and other industry players.

## Strategic Objective Annual Target for 2015/16

Strategic objective performance indicator	Audited/Actual performance			Estimated performance	Medium-term targets		
	2011/ 12	2012/ 13	2013/ 14	2014/15	2015/ 16	2016/ 17	2017/ 18
1.1 Percentage of the social and education fund budget spent or contractually committed annually	-	-	-	100%	80%	85%	90%

## Annual Targets for 2015/16

Programme/Component performance indicator		Audited/Actual performance			Estimated performance	Medium-term targets		
		2011/ 12	2012/ 13	2013/ 14	2014/15	2015/ 16	2016/ 17	2017/ 18
Sector specific indicators								
1.1	Number of awareness interventions conducted	103	123	103	100	150	160	170
1.2	Number of persons reached through an awareness intervention	1 635	1 212	4 331	3 000	5 000	5 200	5 400
1.3	Number of social responsibility programmes conducted	-	-	-	2	1	1	1

## Quarterly Targets for 2015/16

Programme / Component performance indicator		PSG no. linkage	Reporting period	Annual target 2015/ 16	Quarterly targets			
					1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>
Sector specific indicators								
1.1	Number of awareness interventions conducted	1	Quarterly	150	35	40	40	35
1.2	Number of persons reached through an awareness intervention	1	Quarterly	5 000	500	2 000	2 000	500
1.3	Number of social responsibility programmes conducted	1	Annually	1	-	-	-	1

## Risk Management:

Risks inherent to Communication, Education and Stakeholder Relations that could hinder the realisation of the strategic objective *inter alia* include:

Risks	This risk is mitigated by:
Inadequate co-ordination of internal and external communication activities.	Implement a communications strategy to improve communication interventions.
Untimely response to media queries result in a negative publicity for the WCLA.	All media queries are routed to the responsible head of communication. All major media houses also have his direct contact details including cellphone number, e-mail address and office number. Alternative contact details of the ASD are also provided to journalists to assist in the absence of the DD.
Non co-operation of stakeholders (licencees, objectors, industry) due to wrong perception of the value added by the services rendered by the WCLA.	Targeted communication and marketing initiatives to stakeholders. Work with other relevant organisations, especially when engaging with communities e.g. Community Development Workers (CDW's). Develop a stakeholder inclusive approach for interventions.
The Social & Education Fund established under the WCL Act is not administered appropriately.	The Social sub-committee of the Governing Board (GB) will give approval for projects to be financed by this fund and will present all projects under the Social and Education Fund to the GB for noting. When the Social sub-committee gives their approval, the projects will be implemented. The Social sub-committee of the GB exercises the oversight function of the SEF.
The under achievement of planned targets.	The prioritisation of limited resources.

## Programme/Component 2: Compliance and Enforcement

### Programme/Component purpose

The purpose of this component is to provide an enforcement and compliance service to the Western Cape Liquor Authority.

### Programme/Component description

The Compliance and Enforcement component will monitor and enforce compliance of licenced liquor outlets with the provisions of the Act. Routine compliance inspections, formal inspections, the issuing of compliance notices, enforcement operations, the investigation of complaints against licenced liquor outlets and the prosecution of the breaches of the Act and licence or licence conditions will be conducted.

## Programme/Component situational analysis

This component currently has eight permanent and filled liquor licence inspector posts. One inspector functions in the capacity of a prosecutor. The functions attached to this component include conducting inspections, issuing compliance notices, investigation of complaints, attending joint enforcement operations and the prosecution of non-compliant licence holders.

At the beginning of each financial year a set budget is allocated to the component. The component plans all its interventions within the allocated budget.

## Programme/Component Interventions

- routine compliance inspections;
- formal inspections;
- issue compliance notices;
- enforcement operations;
- investigation of complaints; and
- prosecution for breaches of the Act and/or licence conditions.

## Strategic Objectives

<b>Strategic Objective 2.1</b>	To monitor and enforce compliance of licenced liquor outlets with the provisions of the Act.
<b>Objective statement</b>	To monitor and enforce compliance of licenced liquor outlets with the provisions of the Act by conducting inspections, the issuing of compliance notices, enforcement operations, the investigation of complaints against licenced liquor outlets and the prosecution of the breaches of the Act and licence conditions.  Ensuring that approximately 16 250 licenced liquor outlets are inspected. Approximately 125 non-compliant licence holders are prosecuted.
<b>Baseline</b>	In excess of 8 000 liquor licence holders in the Western Cape.

## Strategic Objective Annual Targets for 2015/16

Strategic objective performance indicator	Audited/Actual performance			Estimated performance	Medium-term targets		
	2011/ 12	2012/ 13	2013/ 14	2014/15	2015/ 16	2016/ 17	2017/ 18
2.1 Number of enrolled hearings for non-compliant licenced outlets.	-	-	-	12	30	32	35

## Annual Targets for 2015/16

Programme/Component performance indicator		Audited/Actual performance			Estimated performance	Medium-term targets		
		2011/ 12	2012/ 13	2013/ 14	2014/15	2015/ 16	2016/ 17	2017/ 18
Sector specific indicators								
2.1	Number of inspections conducted	2 306	2 404	3 820	3 000	4 000	4 100	4 200
Provincial specific indicators								
2.2	Number of compliance notices issued	-	-	-	180	450	475	500

## Quarterly Targets for 2015/16

Programme / Component performance indicator		PSG no. linkage	Reporting period	Annual target 2015/ 16	Quarterly targets			
					1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>
Sector specific indicators								
2.1	Number of inspections conducted	1	Quarterly	4 000	1 000	1 000	1 000	1 000
Provincial specific indicators								
2.2	Number of compliance notices issued	1	Quarterly	450	112	113	112	113

## Risk Management:

Risks inherent to Compliance and Enforcement that could hinder the realisation of the strategic objective *inter alia* include:

Risks	This risk is mitigated by:
Safety of inspectors.	The DLO and/or other SAPS members will normally accompany the inspectors on blitzes. The DD is aware of all inspections being conducted. Training will be conducted for the inspectors.
Violation of licence conditions by licence holders.	Regular inspections and enforcement operations to monitor compliance with the Act and licence conditions.
Licence holders are not aware of their responsibilities in terms of the Act.	We continue to educate licence holders during routine inspections. The Communication, Education and Stakeholder Relations Component is specifically tasked with training and educating all stakeholders. The Liquor Forums are attended.

Risks	This risk is mitigated by:
Overlap of roles and responsibility of the SAPS and inspectors in enforcing the provisions of the Act.	Close working relationship with the SAPS and training on the Act.
Confusion of roles and responsibilities in enforcing Municipal by-laws at liquor outlets.	Regular engagement with municipalities on their roles and responsibilities in respect of enforcing Municipal by-laws at liquor outlets.

## Programme/Component 3: Liquor Licencing Administration

### Programme/Component purpose

The purpose of the Liquor Licencing Administration component is to administer all liquor licence applications in the Western Cape for consideration by the Liquor Licencing Tribunal.

### Programme/Component description

To provide an administrative support function to the Liquor Licencing Tribunal. To accept and process all liquor licence applications for consideration by the LLT.

### Programme/Component situational analysis

This component is structured according to the following functions:

#### Reception

The Reception function is responsible for the receipt and electronic capturing of all newly lodged liquor licence applications. This unit also has the task of attending to all walk in clients who report to the reception desk and serves as the main point of receipt for all incoming correspondence (via hard copy when hand delivered as well as via a centralised e-mail account).

#### Processing (processing of applications)

The Processing function is responsible for the processing of all newly lodged liquor licence applications once received from the reception unit. This unit is comprised of various administrators, each tasked with the function of processing a specific type of application (section 36, secondary, minor and special and temporary event applications) from date of lodgement up until the application is considered by the LLT or Presiding Officer. The administrators must also follow up on any outstanding documentation according to a specified checklist, draft correspondence to applicants and operate according to a specific standard operating procedure. This function is also responsible for issuing renewal notices to all valid liquor licence holders.

#### Issuing (issuing of licences and certificates)

The Issuing function is responsible for the issuing of all licences and certificates for all applications which have been approved by the LLT or Presiding Officer. This function is comprised of one administrator tasked with the function of issuing notices and certificates for all applications approved

by the LLT and Presiding officer, following up on any outstanding documentation before the licence or certificate can be issued and also operating according to a standard operating procedure.

## LLT Support

Various support functions are also provided to the LLT by means of the LLT Secretariat as well as one office administrator. The functions performed by these staff members include, but are not limited to the following: developing case rolls for the consideration of applications, drafting of minutes from LLT sittings, scheduling of applications and inspectorate hearings, logistical arrangements and recordings of hearings and all other ancillary matters pertaining to the LLT.

## Programme/Component interventions

This component currently has a staff complement of 11 permanent staff. These staff members are responsible for, amongst others, the following:

- reception duties for the Western Cape Liquor Authority;
- receiving, capturing and processing applications lodged with the Authority;
- following up on outstanding information from applicants and liquor consultants in respect of applications lodged;
- tending to telephonic and walk in queries from clients;
- issuing correspondence to clients communicating the outcomes of applications considered by the Liquor Licencing Tribunal;
- issuing licences and certificates for all fully approved applications; and
- issuing renewal notices to all valid liquor licence holders.

## Strategic Objectives

<b>Strategic Objective 3.1</b>	To administer all liquor licence applications in accordance with the provisions of the WCL Act (Act 4 of 2008, as amended).
<b>Objective statement</b>	To administer all liquor licence applications in accordance with the provisions of the WCL Act (Act 4 of 2008) by receiving and processing all new, secondary, special event and temporary liquor licence applications and the issuing of licences (straight and conditional, transfer and removal certificates as well as special event and temporary liquor licences).  Processing an estimated 10 000 liquor licence applications.
<b>Baseline</b>	Number of applications lodged with the WCLA.

## Strategic Objective Annual Targets for 2015/16

Strategic objective performance indicator	Audited/Actual performance			Estimated performance	Medium-term targets		
	2011/ 12	2012/ 13	2013/ 14	2014/15	2015/ 16	2016/ 17	2017/ 18
3.1 Number of applications processed	-	-	-	-	2 200	2 250	2 300

## Annual Targets for 2015/16

Programme/Component performance indicator		Audited/Actual performance			Estimated performance	Medium-term targets		
		2011/ 12	2012/ 13	2013/ 14	2014/15	2015/ 16	2016/ 17	2017/ 18
Sector specific indicators								
3.1	Number of applications received	2 456	3 364	3 308	2 650	2 700	2 750	2 800
3.2	Number of licences issued	1 172	916	1 602	1 750	1 500	1 550	1 600

## Quarterly Targets for 2015/16

Programme / Component performance indicator		PSG no. linkage	Reporting period	Annual target 2015/ 16	Quarterly targets			
					1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>
Sector specific indicators								
3.1	Number of applications received	1	Quarterly	2 700	675	675	750	600
3.2	Number of licences issued	1	Quarterly	1 500	400	400	450	250

## Risk Management:

Risks inherent to the Liquor Licencing Administration that could hinder the realisation of the strategic objective *inter alia* include:

Risks	This risk is mitigated by:
The application process not followed accurately and completely by applicants.	Reception only accepts all documents. The admin staff has a checklist to follow up on missing documentation.
Conditional licence conditions not accurately and completely resolved before licence is issued.	Standard operating procedure for meeting conditions. The presiding officer for the LLT has to sign-off that conditions have been met, before the licence will be issued.
Renewals not issued for all valid licencees in a timely manner	Liquor system would identify which valid licences are eligible for renewal. Notices will be posted to these licence holders via normal post.
Collusion between officials, applicants and licence holders.	Annually updated declaration of interest by administration staff members including well-defined delegations of authority.
The under achievement of planned targets.	The prioritisation of limited resources.

## **Programme/Component 4: Liquor Licencing Tribunal**

### **Programme/Component Purpose**

This component is tasked with the responsibility of adjudicating liquor licence applications.

### **Programme/Component Description**

The Liquor Licencing Tribunal has been established to consider and make a final decision regarding:

- any application for a licence referred to in section 33(1) of the Act;
- any application for the transfer of a licence in terms of section 65(9) of the Act;
- representations for or against the granting of applications;
- any report lodged with the Tribunal by a designated liquor officer, an inspector or a municipal official;
- any complaint lodged with the Tribunal regarding the conduct of a licenced business;
- representations by a licensee or other interested person regarding the rescission of the suspension of a licence or the removal or amendment of any condition imposed upon a licence; or
- any other matter referred to the Tribunal by the Chief Executive Officer or which the Tribunal may or must consider in terms of this Act.

### **Programme/Component situational analysis**

The Liquor Licencing Tribunal is made up as follows:

- Presiding Officer;
- Deputy Presiding Officer;
- SAPS representative;
- SALGA representative; and
- representatives from the broader public

The Liquor Licencing Tribunal component is composed of six members. These members are responsible for performing functions as prescribed in terms of section 20 of the Western Cape Liquor Act 4 of 2008, as amended which include the following:

- consideration of all liquor licence applications lodged with the Western Cape Liquor Authority; and
- conducting application and inspectorate hearings.

### **Programme/Component intervention**

This component currently has a staff complement of six members. These members are responsible for, amongst others, the following:

- To perform judicial functions regarding any application for liquor licenses as provided for in section 20 of the WCL Act (Act 4 of 2008 as amended) regarding:
  - any application for a license referred to in section 33(1) of the Act;
  - any application for renewal in terms of section 64;
  - any application for the transfer of a license in terms of section 65;

- any application for the removal of a license in terms of section 66;
- representations for or against the granting of applications;
- any report lodged with it by a designated liquor officer, an inspector or municipal official;
- any complaint lodged with it regarding the conduct of a licensed business;
- any complaint lodged with it regarding the conduct of a licensee or the section 52 manager at a liquor outlet;
- any other matter the liquor licensing tribunal may consider in terms of the Act;
- any other matter referred to it by the Chief Executive Officer or which it may or must consider in terms of this Act; and
- any matter referred to it by the Presiding Officer of the Liquor Licensing tribunal.

## Strategic Objectives

<b>Strategic Objective 4.1</b>	To perform the judicial function regarding any application in terms of the Act.
<b>Objective statement</b>	To perform judicial functions regarding any application for liquor licences as provided for in section 20 of the WCL Act (Act 4 of 2008 as amended)  Consider an estimated 12 000 liquor licence applications.
<b>Baseline</b>	Number of applications prepared by the LLA and presented to the LLT

## Strategic Objective Annual Targets for 2015/16

Strategic objective performance indicator		Audited/Actual performance			Estimated performance	Medium-term targets		
		2011/ 12	2012/ 13	2013/ 14	2014/15	2015/ 16	2016/ 17	2017/ 18
4.1	Number of hearings for non-compliance concluded	-	-	-	-	20	25	30

## Annual Targets for 2015/16

Programme/Component performance indicator		Audited/Actual performance			Estimated performance	Medium-term targets		
		2011/ 12	2012/ 13	2013/ 14	2014/15	2015/ 16	2016/ 17	2017/ 18
Provincial specific indicators								
4.1	Number of section 36 liquor licence applications considered	-	-	-	500	650	650	650
4.2	Number of section 19 liquor licence applications considered	-	-	-	750	1 000	1 000	1 000

Programme/Component performance indicator		Audited/Actual performance			Estimated performance 2014/15	Medium-term targets		
		2011/ 12	2012/ 13	2013/ 14		2015/ 16	2016/ 17	2017/ 18
4.3	Number of secondary liquor licence applications considered	-	-	-	400	400	400	400
4.4	Number of event liquor licence applications considered	-	-	-	800	800	800	800
4.5	Number of temporary liquor licence applications considered	-	-	-	200	200	200	200

### Quarterly Targets for 2015/16

Programme / Component performance indicator		PSG no. linkage	Reporting period	Annual target 2015/ 16	Quarterly targets			
					1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>
Provincial specific indicators								
4.1	Number of section 36 liquor licence applications considered	1	Quarterly	650	162	163	162	163
4.2	Number of section 19 liquor licence applications considered	1	Quarterly	1 000	250	250	250	250
4.3	Number of secondary liquor licence applications considered	1	Quarterly	400	100	100	100	100
4.4	Number of event liquor licence applications considered	1	Quarterly	800	200	200	200	200
4.5	Number of temporary liquor licence applications considered	1	Quarterly	200	50	50	50	50

## Risk Management:

Risks inherent to the Liquor Licencing Tribunal that could hinder the realisation of the strategic objective *inter alia* include:

Risks	This risk is mitigated by:
Not all applications considered by the LLT in a timely manner.	Inherited backlog. New project in place to address backlog.
LLT makes incorrect decisions, resulting in the requirements of the Act not being met.	They make sound decisions. Very thorough process followed.
An application presented to the LLT contains incorrect information.	DLO has to vouch for certain information, as well as for the municipalities. Certified copies of IDs and proof of address are in the files. Admin makes sure that the information is complete, not accurate. LLT has to make that decision. Regulation 9 puts onus on applicant to ensure correctness of information.
LLT does not consider all pertinent information while making decisions.	They make sound decisions. Very thorough process followed.
Time constraints of LLT members could possibly create a new backlog of applications and hearings.	Legislative amendments to the Act addressing the current restraints of the LLT.

## Programme/Component 5: Corporate Services

### Programme/Component purpose

Provide strategic direction and ensure quality financial and other operational support services to the Governing Board and Authority.

### Programme/Component description

The Corporate Services component provides strategic and administrative support to the components of the WCLA to ensure that the Authority achieves its performance targets. This component strives to ensure compliance with all relevant rules and legislations that govern public sector financial management.

### Programme/Component situational analysis

This component renders the following services:

- Board Secretariat;
- Human Resource Management; and
- Financial Management.

## **Board Secretariat**

This function provides secretarial and administrative services to assist the Governing Board with the performance of their legislative responsibilities as Accounting Authority of the Western Cape Liquor Authority.

## **Human Resource Management**

The HRM section is responsible for the following functions, but are not limited to, fair and unbiased recruitment and selection, employment equity, sound labour relations, employee wellness and leave management, proper performance management, training and development and creating a safe and healthy working environment (occupational health and safety).

## **Financial Management**

This function is spread across five competencies.

The Management Accounting function is responsible for the compilation of annual and adjusted budgets, quarterly and annual performance reports, and the monitoring and control of expenditure.

The Financial Accounting function is responsible for maintaining an effective payments system, for compiling the annual financial statements and maintaining the ledger accounts of the Authority.

The Supply Chain Management function (SCM) is responsible for providing and developing the SCM policies and procedures, maintaining and safeguarding assets and providing administrative support in respect of the acquisition of goods and services.

The Internal Control function must ensure that effective internal control measures are in place throughout the Authority, particularly in high-risk areas and also ensure the prevention of adverse internal and external audits.

Currently the Auxiliary Services function includes the registry, government motor vehicles, telephone services, and messenger services.

Sustainability is the capacity of an individual entity, community, or global population to continue to survive successfully by meeting its intended outcomes while living within its resource limits. The long-term nature and impact of many of the public sector's responsibilities mean that in defining its outcomes, through a political process or otherwise, the entity must ensure they can be delivered on a sustainable basis. This also emphasises the importance of managing the capacity of entities in order to ensure the delivery of services is sustainable. In this respect, it is essential that future obligations to citizens are fully reflected in the long-term budget and that all future liabilities are completely transparent.

Human capital is arguably the most important capital for many public sector entities. Recruiting, motivating, and retaining staff are, therefore, vital issues if public sector entities are to be successful. The entity needs to provide an environment in which staff can perform well and deliver effective services by creating a positive culture that, for example, welcomes ideas and suggestions, responds to staff views and explains decisions. It is important that staff have realistic job descriptions to ensure that their core responsibilities can be performed effectively.

Effective governance in the public sector encourages better decision making and the efficient use of resources and strengthens accountability for the stewardship of those resources. Effective

governance is characterised by robust scrutiny, which provides important pressures for improving public sector performance and tackling corruption. Effective governance can improve management, leading to more effective implementation of the chosen interventions, better service delivery, and, ultimately, better outcomes. People's lives are thereby improved.

## Strategic Objectives

<b>Strategic Objective 5.1</b>	To provide an effective, efficient, compliant and transparent financial management, human resource management and auxiliary support service to the Authority.
<b>Objective statement</b>	Deliver a fully effective accounting, supply chain management, human resource management and auxiliary support service to the Authority to achieve an unqualified audit.
<b>Baseline</b>	Unqualified Audit.

## Strategic Objective Annual Targets for 2015/16

Strategic objective performance indicator		Audited/Actual performance			Estimated performance	Medium-term targets		
		2011/ 12	2012/ 13	2013/ 14	2014/15	2015/ 16	2016/ 17	2017/ 18
1.1	Percentage of the approved budget (operational and capital) spent or contractually committed annually	-	-	-	-	80%	85%	90%

## Annual Targets for 2015/16

Programme/Component performance indicator		Audited/Actual performance			Estimated performance	Medium-term targets		
		2011/ 12	2012/ 13	2013/ 14	2014/15	2015/ 16	2016/ 17	2017/ 18
Provincial specific indicators								
5.1	Submit in-year monitoring reports to Provincial Treasury	-	-	-	-	4	4	4

## Quarterly Targets for 2015/16

Programme / Component performance indicator	PSG no. linkage	Reporting period	Annual target 2015/ 16	Quarterly targets			
				1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>
Provincial specific indicators							
5.1	Submit in-year monitoring reports to Provincial Treasury	Quarterly	4	1	1	1	1

### Risk Management:

Risks inherent to Corporate Services that could hinder the realisation of the strategic objective *inter alia* include:

Risks	This risk is mitigated by:
Non-achievement of an unqualified report in terms of financial statements submitted by the Authority tabled by the due date.	Development of standard operating procedures associated with good practice guidelines and assistance with the preparation of comprehensive audit files, well in advance of the year-end.
Lack of capacity to implement accounting reforms (GRAP Standards).	To continuously obtain clarification of the practical implication of current and new accounting standards.
A budget that is unsustainable, operationally insufficient.	Structured assessments of the budget and in-year financial performance monitoring against a range of financial management and budget performance criteria, including appropriate feedback to the Governing Board and Provincial Treasury.
The efficient management of Supply Chain Management Function in order to adhere to applicable rules and legislation.	The development and implementation of a Financial Manual which will become operative during the first year of the next five-year cycle. In general, external factors will also have to be guided by both the Provincial and National Treasury to ensure that the SCM unit receives guidance and support over the next five years.
Conflict of interest by employees.	A system of clear and well defined segregation of duties.
Non-compliance with employment equity targets.	An employment equity policy and an employment equity committee to ensure compliance with the employment equity targets.

## 8. Reconciling performance targets with the Budget and MTEF

### Programme/Component 1: Communication, Education and Stakeholder Relations

Expenditure estimates

Programme/Component	Expenditure outcome			Adjusted Appropriation	Medium Term Expenditure Estimate		
	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Communication, Education and Stakeholder Relations	-	-	2 441	3 999	3 136	3 554	4 733
<b>TOTAL</b>	-	-	<b>2 441</b>	<b>3 999</b>	<b>3 136</b>	<b>3 554</b>	<b>4 733</b>
Economic Classification							
<b>Current payments</b>							
Compensation of employees	-	-	1 031	1 459	1 609	1 749	1 896
Goods and services	-	-	1 410	2 155	1 527	1 805	2 837
<b>Payments for capital assets of which:</b>							
Intangible assets	-	-		385			
<b>Total</b>	-	-	<b>2 441</b>	<b>3 999</b>	<b>3 136</b>	<b>3 554</b>	<b>4 733</b>

### Performance and expenditure trends

- The Communication, Education and Stakeholder Relations component has an approved complement of four employees.
- The Communication, Education and Stakeholder Relations Unit will inform the industry and stakeholders through communication and interventions as far as resources allow. Actions will include an up to date website, a call center, workshops with industry specific stakeholders, information sessions with stakeholders, on-going electronic communication with the major players in the industry and targeted specific interventions.
- The component's structure is being reviewed in order to achieve greater efficiency.
- All the current posts in the Communication, Education and Stakeholder Relations component are filled and the current challenge is to provide timeous feedback to stakeholder queries and complaints.
- In order to ensure that the Authority stays abreast of all licencing related trends/expectations/best practices, the component has made provision for the attendance of industry related Conferences and/or Seminars, which may be National and/or International. An allocation for liaison meetings with stakeholders and industry role-players has also been made in the budget.
- The Communication, Education and Stakeholder Relations component will continually seek to improve on its mandate.

## Programme/Component 2: Compliance and Enforcement

### Expenditure Estimates

Programme/Component	Expenditure outcome			Adjusted Appropriation	Medium Term Expenditure Estimate		
	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Compliance and Enforcement	-	-	5 806	4 380	5 911	6 293	6 787
<b>TOTAL</b>	<b>-</b>	<b>-</b>	<b>5 806</b>	<b>4 380</b>	<b>5 911</b>	<b>6 293</b>	<b>6 787</b>
Economic Classification							
<b>Current payments</b>							
Compensation of employees	-	-	3 168	3 314	4 475	4 866	5 296
Goods and services	-	-	2 638	1 066	1 436	1 427	1 511
<b>Payments for capital assets of which:</b>							
Intangible assets	-	-					
<b>Total</b>	<b>-</b>	<b>-</b>	<b>5 806</b>	<b>4 380</b>	<b>5 911</b>	<b>6 293</b>	<b>6 787</b>

### Performance and expenditure trends

- The Compliance and Enforcement has an approved complement of 9 employees.
- The component's structure is being reviewed in order to achieve greater efficiency.
- It is critical that the staff fully understand the operations of licence holders as well as the manner in which liquor licences operate so that they may identify the areas of greater risk.
- Therefore on-going training and development which comprises both formal sessions as well as attendance at conferences, workshops and national forums, to equip the staff with the relevant competencies as well as being able to respond to licence holders.
- The component will focus more on compliance with licence conditions with emphasis on the legislative mandates.
- With the illegal liquor trading taking on different forms, efforts will be made to stay abreast of such new developments and at the same time forging a closer working relationship with the local law enforcement agencies.

## Programme/Component 3: Liquor Licencing Administration

### Expenditure Estimates

Programme/Component	Expenditure outcome			Adjusted Appropriation	Medium Term Expenditure Estimate		
	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Liquor Licencing Administration	-	-	8 246	7 913	9 726	10 450	11 219
<b>TOTAL</b>	<b>-</b>	<b>-</b>	<b>8 246</b>	<b>7 913</b>	<b>9 726</b>	<b>10 450</b>	<b>11 219</b>
Economic Classification							
<b>Current payments</b>							
Compensation of employees	-	-	5 389	5 266	6 163	6 698	7 265
Goods and services	-	-	2 857	2 647	3 563	3 752	3 954
<b>Payments for capital assets of which:</b>							
Intangible assets	-	-					
<b>Total</b>	<b>-</b>	<b>-</b>	<b>8 246</b>	<b>7 913</b>	<b>9 726</b>	<b>10 450</b>	<b>11 219</b>

### Performance and expenditure trends

- The Licencing component continuously strives to achieve its goals, more so in respect of meeting the demands related to the annual renewals of all licencees. In terms of the previous performance trend these are completed timely, irrespective of new or ad-hoc applications also received.
- All posts in the Licencing component are filled and the current challenge is that of sourcing suitable training in order to keep staff abreast with their specific areas of responsibility. Liquor industry related training is hard to come by in South Africa and the component will continue to source same.
- This team continues to face the challenges in terms of delivering on its demands thus ensuring that licence applications received are processed accordingly. Whilst a proposal for the expansion of the team could be tabled, a limitation exists in terms of accommodation constraints. The Authority continues to make provision for additional support/assistance for the administration division in order to ensure that any administrative backlogs are addressed.
- The Licencing component will continue to seek system improvements, more so as the organisation migrates to a new data system that has the potential to facilitate electronic reporting. An exercise in terms of scanning in applications received will continue to receive attention as it is necessary in terms of freeing up the limited storage space available for filing within the Authority.

## Programme/Component 4: Liquor Licencing Tribunal

### Expenditure Estimates

Programme/Component	Expenditure outcome			Adjusted Appropriation	Medium Term Expenditure Estimate		
	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Liquor Licencing Tribunal	-	-	1 768	2 009	2 973	3 130	3 318
<b>TOTAL</b>	-	-	<b>1 768</b>	<b>2 009</b>	<b>2 973</b>	<b>3 130</b>	<b>3 318</b>
Economic Classification							
<b>Current payments</b>							
Compensation of employees	-	-	1 714	1 937	2 732	2 477	3 049
Goods and services	-	-	54	70	241	253	269
<b>Payments for capital assets of which:</b>							
Intangible assets	-	-					
<b>Total</b>	-	-	<b>1 768</b>	<b>2 009</b>	<b>2 973</b>	<b>3 130</b>	<b>3 318</b>

### Performance and expenditure trends

- The Liquor Licencing Tribunal consists of six members and are deemed to be consultants, not permanently employed by the Authority.
- Their remuneration is regulated by the provisions as stipulated in Treasury Regulations.
- In addition to their functions as stipulated in section 20 of the Western Cape Liquor Act 4 of 2008, as amended they are also responsible for the consideration of the section 19 and secondary applications backlogs (old Act).

## Programme/Component 5: Corporate Services

Expenditure estimates

Programme/Component	Expenditure outcome			Adjusted Appropriation	Medium Term Expenditure Estimate		
	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Corporate Services	-	-	6 113	22 647	19 638	18 554	18 509
<b>TOTAL</b>	-	-	<b>6 113</b>	<b>22 647</b>	<b>19 638</b>	<b>18 554</b>	<b>18 509</b>
Economic Classification							
<b>Current payments</b>							
Compensation of employees	-	-	3 534	6 188	6 927	7 518	8 144
Goods and services	-	-	2 149	5 278	7 739	9 189	8 679
<b>Payments for capital assets of which:</b>							
Computer equipment	-	-	342	5 216	1 920	640	463
Office and other equipment	-	-	88	4 575	1 710	10	10
Intangible assets				1 390	1 342	1 197	1 213
<b>Total</b>	-	-	<b>6 113</b>	<b>22 647</b>	<b>19 638</b>	<b>18 554</b>	<b>18 509</b>

### Performance and expenditure trends

- Critical to the performance of the Corporate Services component is the requirements in terms of the PFMA, National Treasury and Provincial Treasury regulations.
- More and more emphasis is placed on compliance with these regulations and this in turn adds to the already onerous workload of the limited staff compliment in this component.
- The Component's structure should be reviewed and restructured in order to achieve greater efficiency.
- The need for a skilled workforce has been highlighted and provision has been made in the budget to accommodate the expense of training and developing staff.
- The budget has been set to fund the activities required to achieve the Component's mandate and successfully perform the activities as set out in the Authority's APP.
- Current staffing capacity of the Authority does not allow for the effective execution of its legislative mandate. Staff is compelled to work longer hours which is not sustainable. The Authority has requested an Organisational Re-design - the inception date being October 2014.
- The need for an organisational re-design has thus become one of the main focus points for the management of the Authority and as such will be placed high on the budgetary schedule.

## PART C: LINKS TO OTHER PLANS

### 9. Links to the long-term infrastructure and other capital plans

This section is not applicable to the Western Cape Liquor Authority as its functional responsibilities do not relate to capital investment.

### 10. Conditional grants

This section is not applicable to the Western Cape Liquor Authority as its functional responsibilities do not relate to capital investment.

### 11. Public entities

Not Applicable

### 12. Public-private partnerships

The Authority has no private public partnerships.

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