



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

WCPP11/4/7

Report of the Standing Committee on Community Safety, Cultural Affairs and Sport on the Annual Reports of the Department of Community Safety and the Western Cape Liquor Authority for the 2021/22 financial year

The Standing Committee on Community Safety, Cultural Affairs and Sport having deliberated on the Annual Reports of the Department of Community Safety, and the Western Cape Liquor Authority, for the year ended 31 March 2022, reports as follows:

Introduction

The Western Cape Provincial Parliament's Annual Report programme for the 2021/22 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 (the Department) and the Western Cape Liquor Authority (WCLA) on 28 October 2022 as part of its oversight function. The Minister and the Head of Department were given an opportunity to make opening remarks. Likewise, the Chief Executive Officer and the WCLA's Governing Board Chairperson, were afforded the same opportunity.

The Department and its Entities 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. The public input is recorded in this report.

1. Western Cape Liquor Authority

Key points from the discussion

- 1.1. This year marks 10 years since the establishment of the Western Cape Liquor Authority.
- 1.2. The Department is in process of drafting instructions and guidelines regarding the minimum unit pricing for alcoholic items and the trading hours for legal liquor outlets.
- 1.3. A total of 116 liquor licensees did not have their liquor licenses automatically renewed. The WCLA started implementing S64 of the Western Cape Liquor Act of 2008 (Liquor Act). This legislative provision allows for the non-automatic renewal of liquor licenses, thus requiring persons/businesses to resubmit applications for liquor licences.
- 1.4. Additional junior liquor inspectors have been appointed and deployed to various Area Based Teams (ABTs). In many ways, the extra capacitation, and the implementation of S64 of the Liquor Act, has a symbiotic effect.
- 1.5. The WCLA also reported improved revenue collection due to better renewals management and fee increases. The revenue has been re-invested into the WCLA to further enhance its self-sustainability.
- 1.6. The WCLA had an over collection of R4.4 million, which Provincial Treasury returned for reinvestment into the WCLA. This year the over collection stand at R6.8 million.
- 1.7. There are no reward incentives for whistleblowing to report illegal liquor trade.

2. Department of Community Safety

Key points from the discussion

- 2.1. The deployment of Law Enforcement Advancement Plan (LEAP) officers to the 13 priority areas, including the 10 areas with the highest murder rate, is seen as a direct strategy to compensate for the under resourcing of South African Police Service members.
- 2.2. The Department is negotiating with the City of Cape Town to include amendments to the Western Cape Community Safety Act, 2013 (Act 13 of 2013), that allow the Western Cape Police Ombudsman to investigate complaints about members of the various municipal policing and law enforcement

structures. Any consensus and agreeance to the extension of the WCPO's investigative powers will be subject to the pending legal opinion sought by the Department and the City.

- 2.3. The Department's engagement with the SAPS has seen an increase in the 2022 December deployment of additional SAPS members to the province.
- 2.4. The Department aims to increase the roll out of K9 units. The units are used to further enhance the effects of municipal policing.
- 2.5. The funding allocation for the Youth Safety Ambassador programme was only funded until 31 March 2022.
- 2.6. The 150 investigators employed work within the City of Cape Town's Safety and Security Directorate. The investigators work across the different structures within the Directorate such as the LEAP, the Strategic Information Management Services (SIMS), and the Cape Town Metropolitan Police Department.
- 2.7. Chrysalis graduates have been deployed to the Community Service Centres (CSCs) at various SAPS stations, largely assisting with administrative tasks. This support significantly assists the SAPS to deploy its members to more operational policing duties.
- 2.8. The Department has submitted its recommendations to Provincial Treasury to rollout the Chrysalis Academy structure to other areas of the Western Cape.
- 2.9. Counterparts from other provincial departments has consulted the Court Watching Brief Unit on how to replicate and rollout the Court Watching Brief programme in those provinces.
- 2.10. The Department indicated that it is not able to fund insurance and/or life cover for Neighbourhood Watches (NHWs). The reasons include the high cost to cover thousands of NHW members as well as several legal restrictions to fund such cover for individuals. The Department also does not subsidise any funeral cover or a standard danger allowance to NHW members.
- 2.11. The Department paid R200 000 in legal fees, following a wrongful arrest conducted by a LEAP officer.

3. Public input on the Annual Reports of the WCLA and the Department of Community Safety

Mr D Carelse gave an oral submission on matters related to the concerns that trading of second-hand goods at scrap yards promote crime. He suggested that the City of Cape Town should issue second-hand goods permits to scrap yards to clamp down on illegal scrap yards in order to fight related crime. He raised a concern that there was no copper mine in the Western Cape, but copper is exported from the Western Cape. He requested the legislation to re-classify copper as a precious metal that requires more stringent requirements to obtain a second-hand goods trading permit.

Ms NV Mbombo questioned the issuing of liquor licenses, especially in informal settlements. She reported that there was a challenge of illegal shebeens that are selling alcohol in Atlantis. Due to these illicit shebeens, crime has increased in the area and there was a high murder rate in Atlantis. She requested that police must close shebeens at 22h00 for safety reasons. She asked for provisions made for neighbourhood watches regarding benefits and compensation. She further highlighted that some of the neighbourhood watch members in Atlantis were shot at and are now disabled, their cases were not resolved, and why and what happened to those cases because they were supposed to be prioritised.

4. Requests for information

The Committee requested that the Department of Community Safety submits: -

- 4.1. The legal opinion drafted on the extent of the Department's oversight over, the funding of, municipal policing and law enforcement structures, particularly the LEAP.

- 4.2. Request the Department of the Premier to submit a detailed report of the outcomes of the internal investigations of departmental officials linked to the sexual harassment case of the previous Minister of Community Safety, Mr A Fritz.
- 4.3. A breakdown of all the training offered to Chrysalis learners for the 2021/22 financial year.
- 4.4. A copy of the research study that was conducted as part of the national customised sector indicator on research as determined by the Civilian Secretariat for Police Service (CSPS). In particular, the Western Cape findings that were incorporated into the national consolidated report compiled by the CSPS.
- 4.5. The expected timelines to amend the Western Cape Community Safety Act, 2013 (Act 3 of 2013).
- 4.6. An explanation of the Department's considerations to provide funeral cover and/or standard danger allowance to registered NHW members. In addition to this, submit the Department's plans to increase the funding to NHWs in vulnerable and impoverished areas.
- 4.7. Details of the case of wrongful arrest of the LEAP officer for whom the Department paid R200 000, to cover legal proceedings. The information should include the Crime Administration Service (CAS) number, the role of the Western Cape Police Ombudsman in the investigation, if any.
- 4.8. An indication of the Department's Employment Equity targets and the plans to employ, especially African women to in management positions, and differently abled persons.
- 4.9. A list of the grievances lodged during the 2021/22 financial year. The details of the grievances lodged should be included in the submission.
- 4.10. A narrative on the impact of the Court Watching Brief in respect of the court cases that would have been lost were it not for the monitoring and reporting role of the CWB Unit.

5. Resolutions

The Committee resolved to: -

- 5.1. Request quarterly and annual reports from the City of Cape Town's Safety and Security Directorate on its implementation of the Law Enforcement Advancement Plan (LEAP), which forms part of the Western Cape Safety Plan.
- 5.2. Request the WCPP Research Unit to conduct research on the issuing of permits to scrap yards under the Precious Metal Act, 2005 (Act 37 of 2005), benchmark this process to international best practices, and whether or not there is a manner to reclassify copper as a highly regulated metal.
- 5.3. Request the Western Cape Police Ombudsman to brief the Committee on all open investigation cases, and the reasons as to why certain cases are not addressed.
- 5.4. Congratulates the Department of Community Safety for reaching 90% of its targets, as well as for achieving a clean audit for the 2021/22 financial year.



MR G BOSMAN. MPP

CHAIRPERSON: STANDING COMMITTEE ON COMMUNITY SAFETY, CULTURAL AND AFFAIRS AND SPORT