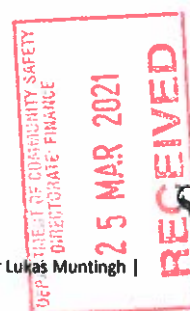




# WESTERN CAPE LIQUOR AUTHORITY

## BUSINESS PLAN

### Additional Inspectorate Capacity



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# 1. Executive Summary

The Western Cape Government (WCG) Safety Plan is already well-developed, with various aspects thereof already in the implementation phase. The plan has tasked the Department of Community Safety with the responsibility of reviewing the Western Cape Liquor Act (the Act) in order to ensure alignment thereof to the Alcohol Harms Reduction White Paper policy as approved in 2017.

The link between alcohol and violence is well established in research and anecdotally, when alcohol was banned during the lockdown, we experienced a considerable decrease in levels of violence in the province. A complete ban of liquor is however not sustainable in the long term, therefore it is imperative to drive legislative amendments and smart interventions to reduce alcohol related harms.

As part of the initiatives linked to the WCG safety plan, Minister Albert Fritz has appointed an Alcohol Related Harms Task Team. This team will drive a series of proposed legislative amendments which include:

- a) Reviewing the license fees charged by the Western Cape Liquor Authority (WCLA);
- b) Permanently confiscating liquor seized from illegal traders;
- c) Inserting an objective test within the Act to determine whether alcohol has been sold to an unlicensed outlet or an individual;
- d) Obliging license holders to take reasonable measures to check that patrons and clients are of a legal drinking age;
- e) Aligning the Act with the Liquor Products Act to ensure that the definition of "illicit liquor" is aligned in both;
- f) Providing for a public participation process to alter existing licenses;
- g) Ensuring that a record of all liquor sales is kept by outlets and prescribe the measure of detail required;
- h) Limiting the delivery of more than the prescribed limit of liquor by inserting a requirement to produce the written consent of the Presiding Officer of the Liquor Licensing Tribunal (LLT);
- i) Expanding the powers of Liquor Licensing Tribunal Committees under section 24 of the Act, to also hear enforcement matters;
- j) Expanding the capacity and availability of the Appeal Tribunal/Authority; and

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- k) Enabling the Minister of Community Safety to prescribe by way of regulation, additional and relevant information to be considered by the Liquor Licensing Tribunal or the Presiding Officer.

The current fee structure for the WCLA is not based on actual application processing costs and renewal fees are also not based on or linked to volumes traded, consequently the WCLA is currently not self-sustainable (i.e. the WCLA receives more money from the fiscus than it collects on behalf of the Provincial Revenue Fund). This means that the fiscus is currently subsidising the liquor industry and the industry is not equitably contributing towards reducing alcohol related harms.

Accordingly, fee increases are meant to go beyond merely achieving self-sustainability but also be part of the smart intervention to reduce alcohol related harms. The WCLA aims to be regarded as the vehicle driving the strategy of alcohol related harms reduction as part of the WCG safety plan. In order to achieve this, the enforcement unit of the WCLA needs to be appropriately capacitated for it to be pro-active and not reactive to preventing the alcohol related harms even before they occur. This can be done through visible enforcement and pre-inspections during the application phase (where currently the WCLA is required to rely on designated liquor officers appointed by the SAPS to perform this task, which is not ideal since the SAPS has their own resource constraints and various focus areas, of which liquor is but one). The fee increases should thus result in additional revenue which can be utilized towards strengthening the enforcement capacity of the WCLA. This will further enable pertinent information to be placed before the LLT thus enabling it to make informed decisions in the granting of licenses and sanctioning errant license holders, thereby enabling the prevention of alcohol related harms even before they occur.

## 2. Introduction and Background

The WCLA, is a schedule 3C public entity that was established on 1 April 2012 in terms of the Act, to provide for the licensing of the retail sale and micro manufacture of liquor in the Western Cape Province and to provide for incidental matters.

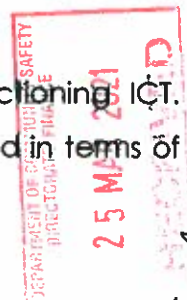
No formal Organizational Design (OD) was conducted when the WCLA separated from its then custodial department, the Department of Economic Development and Tourism. The structure when the operations of the WCLA were still a directorate under the custodial department was adopted without adjusting it to the new mandate in terms of the Act or the new strategic responsibilities.

Consequently, the WCLA has never been appropriately capacitated to deliver on its core mandate despite many initiatives since inception. This has led to many institutional challenges being experienced by the WCLA, which has hampered its ability to effectively deliver on its core mandate.

One of these initiatives, prior to the approval and adoption of the White paper on Alcohol Harms reduction (AHR) by the Western Cape Cabinet in 2017, in 2016 was the appointment of a service provider, Work Dynamics (Pty) Ltd, to conduct an organizational review of the WCLA structure in order to ensure it is able to fully meet its mandate. This was deemed necessary as no formal organizational design process had been done when the WCLA was separated from the Provincial Government in 2012.

Based on the information gathered during the Work Dynamics\WCLA OD a thorough organizational design process was not conducted when the organization was founded. There was thus no clear analysis of the structural requirement in order for the Authority to fulfil its legal mandate. This includes the support functions as well as core operational functions. The Work Dynamics organizational design took note of the following:

- a) Currently the Authority is operating without being able to meet certain mandatory functions. For example, within Compliance and Enforcement the shortage of staff results in limited capacity to inspect all the licensed outlets at least once a year, or to inspect special events.
- b) The vast geographical distances within the Province provides further challenges for already stretched resources. As a result, the services tend to be focused on the Metro area, with limited attention placed on the remainder of the Province due to capacity constraints.
- c) Within the support structure there is no provision for a fully functioning ICT. Furthermore, the registry and finance services are under capacitated in terms of the support they need to provide by virtue of the Authority's business.



d) No previous grading exercises were done, resulting in current inequity of remuneration when compared to the market.

The White paper on Alcohol Harms reduction (AHR) was approved and adopted by the Western Cape Cabinet in 2017. Chapter 3 of the White Paper, which refers to Enforcement, also highlighted the capacity challenges as follows (Figure 1):

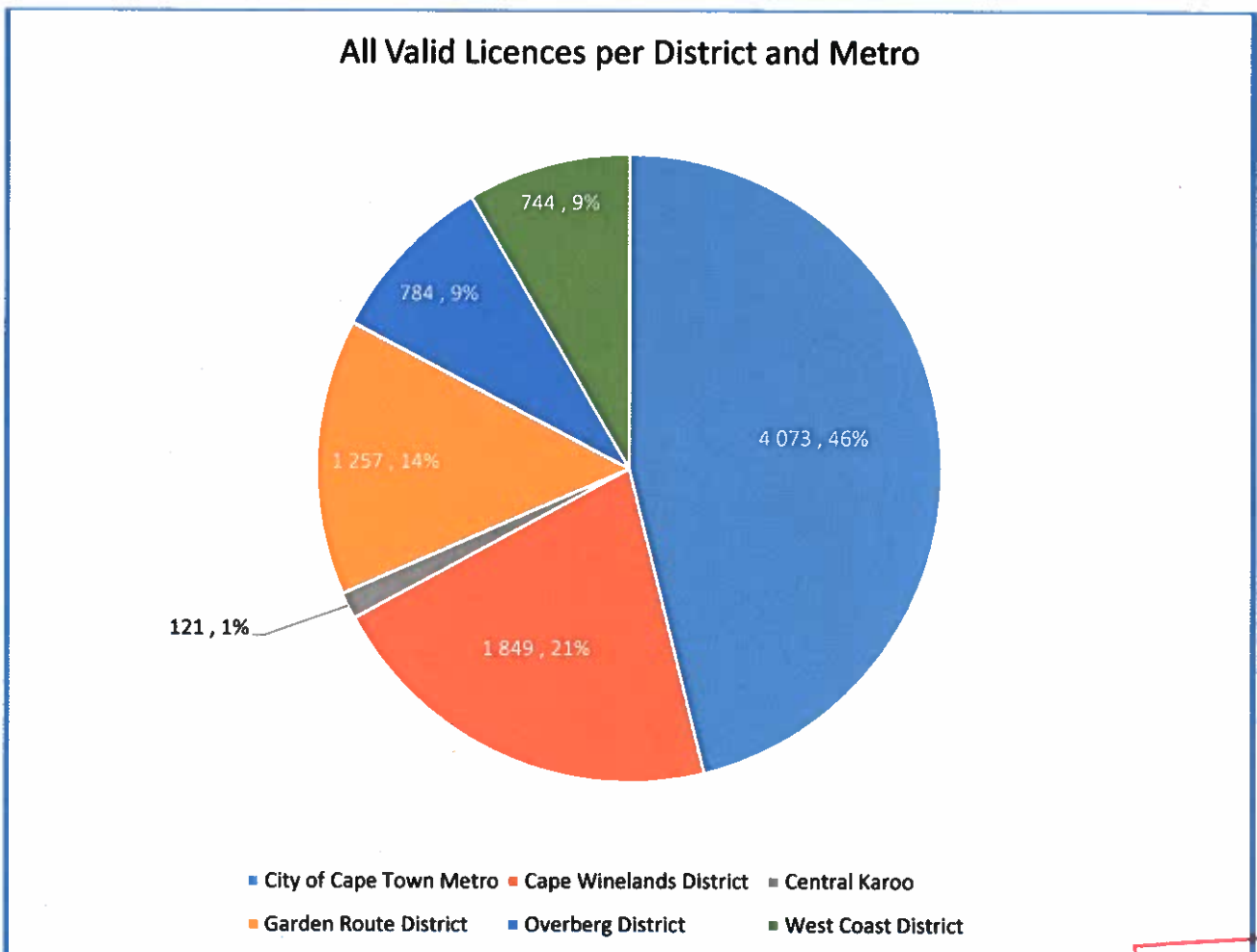
**The WCG is committed to the following policy interventions:**

**Reduce unlicensed liquor outlets and focus on problematic outlets.**

*Capacitate and strengthen liquor enforcement units further through increased resources.*

As discussed under the *Institutional arrangements* chapter, renewal fees based on volume category will provide additional resources for enforcement officers.

Figure 2: All valid licenses per District 8 November 2020



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Figure3: Inspection statistics based over four years up to 8 November 2020

<b>Inspections for April 2017 to March 2018</b>	3,194
<b>Inspections for April 2018 to March 2019</b>	3,906
<b>Inspections for April 2019 to March 2020</b>	3,929
<b>Inspections for April 2020 to March 2021</b>	2,975
<b>Licences Inspected over 4 year period</b>	5,786
<b>Licences Awaiting Inspection</b>	3,046

- Inspection statistics based over four years up to 08 Nov 2020  
 - Licences inspected include all licence statuses

- Associations (duplicates) and Abandoned workflows are excluded from the above  
 - Based on date inspections were conducted (not capturing date)

Figure 4: Outstanding inspections over the past 4 years up to 8 November 2020

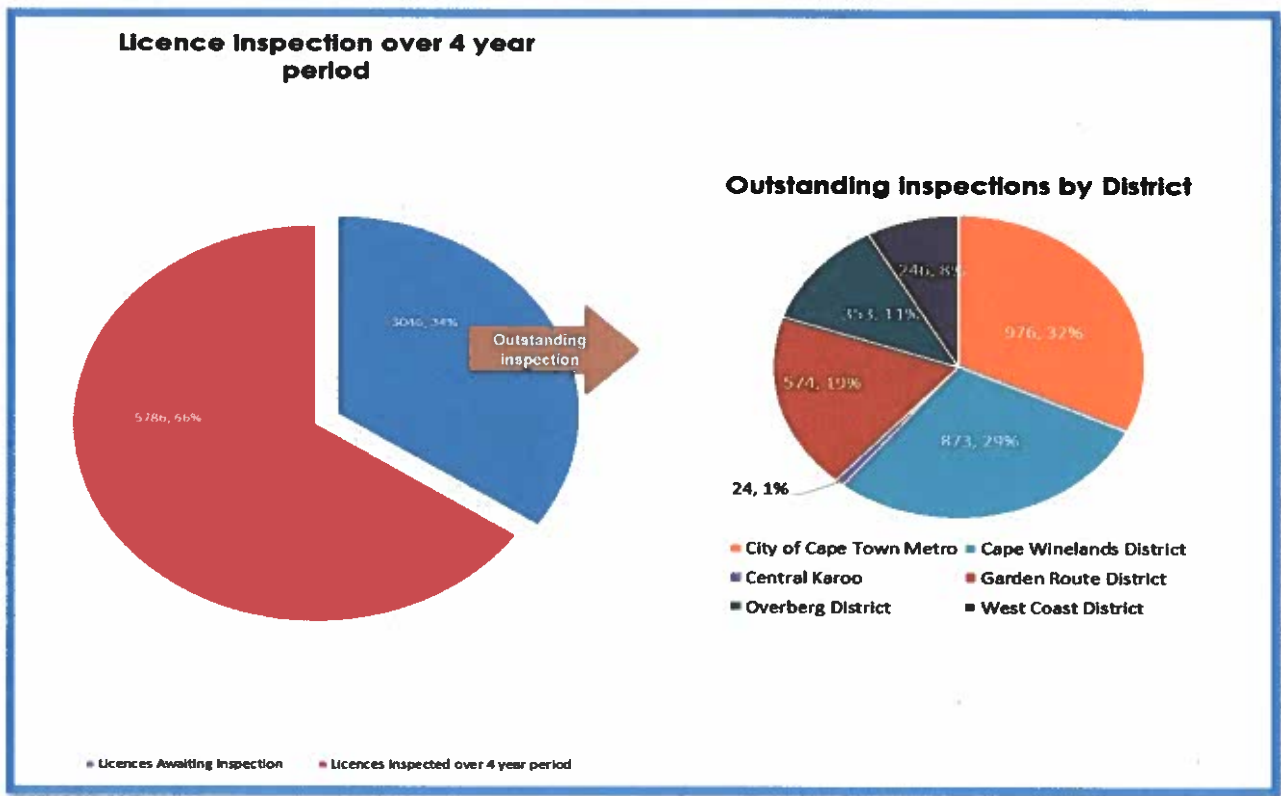


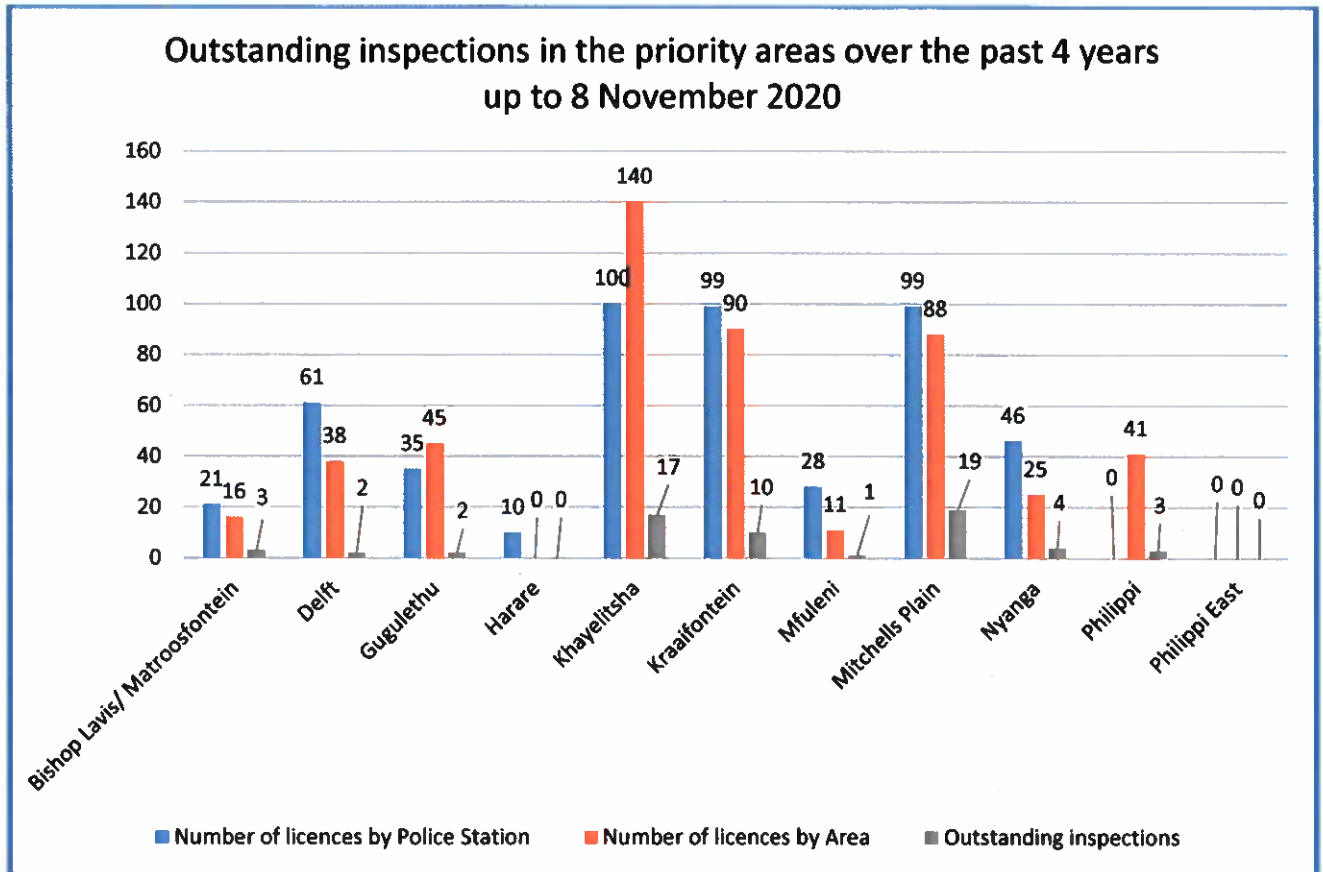
Figure 4 above illustrates that 3 046 licences have not been inspected in the last 4 years. Sixty one percent (1 849) are within the City of Cape Town Metro and Cape Winelands District. The extent of licences not inspected in the 11 priority areas within the City of Cape Town Metro is depicted in figure 5.

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Figure 5: Outstanding inspections in the 11 priority areas over the past 4 years up to 8 November 2020



Plans are currently underway to resolve the challenge of the outstanding 61 inspections in the 11 priority areas over the past 4 years up to 8 November 2020. The aim is to resolve this challenge before the end of the current financial year in order to contribute towards the initiatives linked to the WCG safety plan.

During the national lockdown, the country experienced decreased levels of violence and the link between violence and alcohol was well established in research. According to research conducted by the Department of Community Safety, during the lockdown period in the Western Cape both quantitative and qualitative data suggests that the ban on alcohol sales contributed to a decrease in assault and homicide in the 11 priority areas of the Safety Plan<sup>1</sup>. In line with the trend across the province, in the 11 priority areas the number of homicides sharply declined in the first two weeks of the lockdown and then increased somewhat over the next four weeks. COVID 19 lockdown has raised awareness of the burden imposed by alcohol on the South African society.

<sup>1</sup> Department of Community Safety 2020 – Violent Crime in 11 priority areas of the Western Cape during the COVID-19 lockdown

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Figure 6: FPS-recorded homicides in the Western Cape, Wks. 1-19, 2019 and 2020

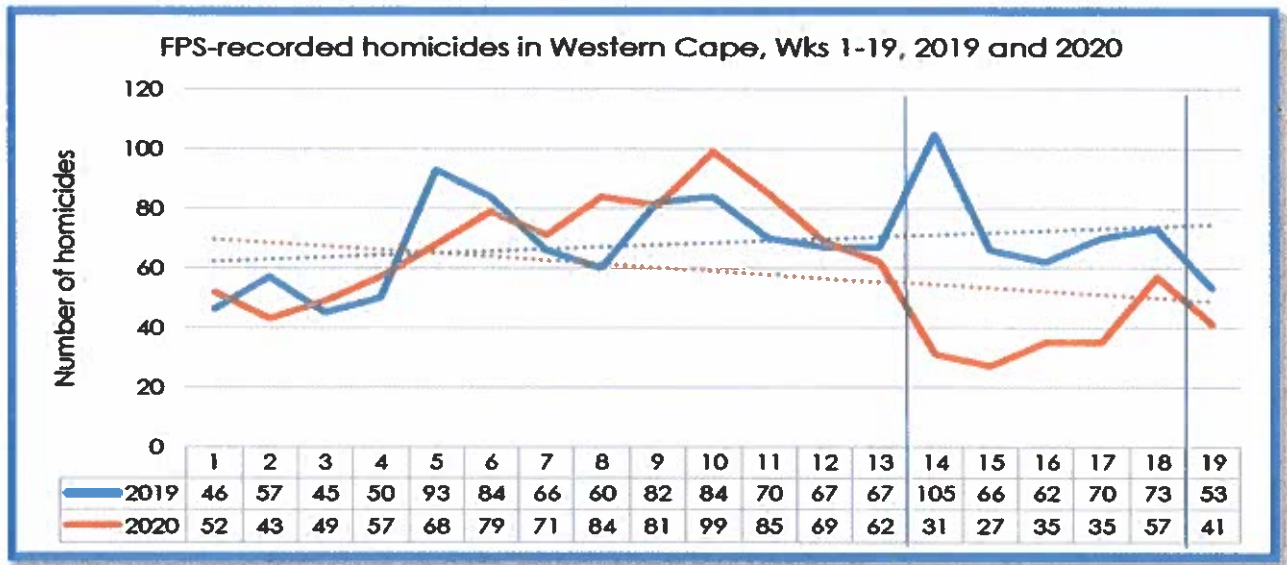
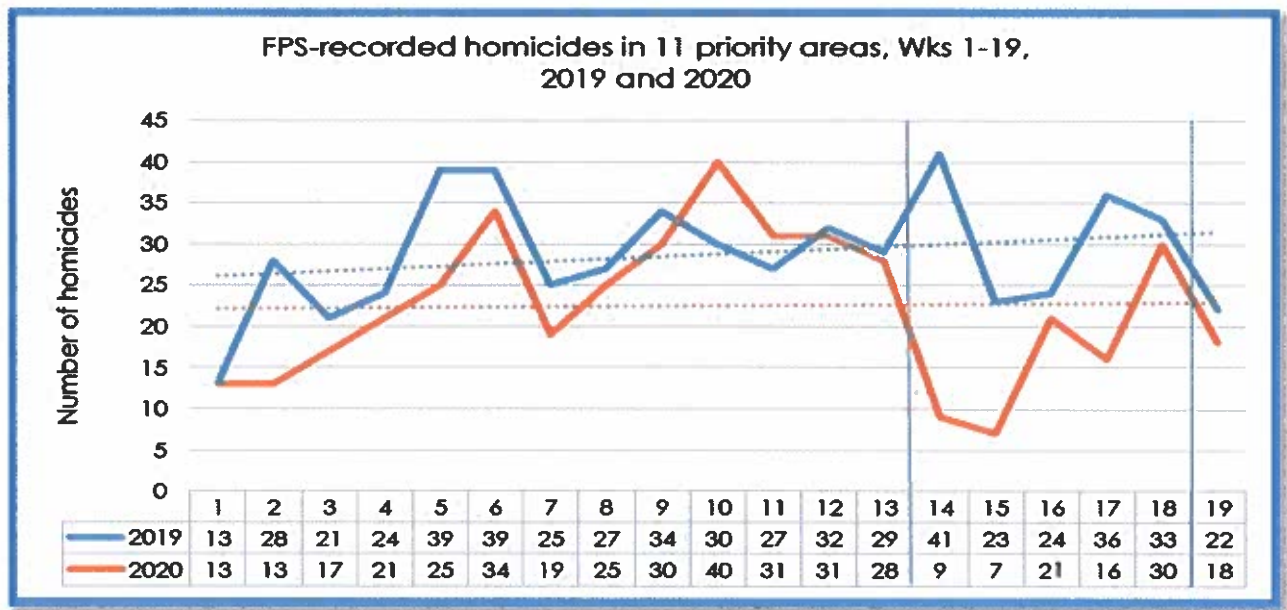


Figure 7: FPS-recorded homicides in 11 priority areas, Wks. 1-19, 2019 and 2020



During the current National State of Disaster declared in terms of section 3 of the Disaster Management Act, 2002 (Act No. 57 of 2002), the WCLA played an instrumental role in preventing alcohol related harms by investigating those establishments which posed a threat to the health, wellbeing or safety of the public. Between 21 March 2020 and 22 February 2021, the WCLA investigated 370 contraventions of the National Disaster Management Act Regulations and has suspended 55 licenses in its efforts to reduce alcohol related harms. Of the 370 investigations, 96 section 71 matters were placed on the LLT's case roll, of which:

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- a) 55 licenses were suspended;
- b) 23 applications were dismissed; and
- c) 17 applications were referred to the Prosecutor.
- d) In 31 matters fines to the amount of R2 863 570 were issued, of which an amount of R1 611 570 was suspended for a period of 24 months on condition that the licence holder does not contravene the Act and licence conditions again during this period.

The WCLA has played a significant role in reducing alcohol-related harms during the current National State of Disaster. This was achieved against a backdrop of inadequate capacity. Should the WCLA be provided with adequate capacity, it will be able to improve its effectiveness to further limit harms associated with alcohol abuse.

### 3. Additional Inspectorate Capacity

One of the key objectives of the WCLA is to increase its enforcement capacity which in turn will increase the contribution towards the WCG safety plan through leading the work on alcohol related harms reduction. In this regard, a proposal was submitted to the Department of Community Safety and the coordinator of the Safety Plan and convener of the Safety Secretariat and Steering Committee.

The proposal is summarized as follows:

District Municipality/ Metro	Licences	Number of risk-adjusted inspections per licence per year	Number of routine inspections per licence per year	Total number of inspections per licence per year	Number of inspectors required at 2018/19 inspection rate
Cape Winelands District	1791	896	895	1 791	5
Central Karoo District	127	64	63	127	1
City of Cape Town Metro	3989	3 890	3 889	7 779	22
Eden District	1244	622	622	1 244	3
Overberg District	756	378	378	756	2
West Coast District	720	360	360	720	2
<b>Total</b>	<b>8627</b>	<b>6 210</b>	<b>6 207</b>	<b>12 417</b>	<b>35</b>

Required number of inspectors to perform 12 417 inspections a year	35
Less: Inspectors already employed by WCLA	(16)
<b>Additional Inspector capacity required to perform 12 417 inspections a year</b>	<b>19</b>



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It is proposed that 24 Junior Liquor Inspectors (boots on the ground) be appointed at level 5 in the 16 priority areas/ABTs to perform both routine and risk-adjusted inspections. The existing 11 inspectors which are at level 9 would be responsible for supervising these Junior Liquor Inspectors.

The custodial department (DoCS) is currently exploring the implementation of the additional enforcement capacity of the authority from savings from its other programmes. Savings to the total value of R9,1 million have been identified and an application to virement the funds from the programmes to the Authority has been submitted to the Provincial Treasury for their approval. The R9,1 million is for the appointment of 19 Junior Liquor Inspectors.

In order for the implementation of the project to be a success the Authority also needs to back scan all the old existing license files in order to maintain digital records of license files. This will enable the Inspectors to have immediate access to license conditions of premises as well as other relevant documentation and information while on-site at the premises. This will further strengthen the functionality of the automated inspection process and tablets procured for the Inspectors. The back-scanning project is expected to cost approximately R606 000 and will entail the appointment of two (2) Junior Archivist and two (2) scanning machines.

The key tasks for the Enforcement and Compliance component to ensure that the project is successfully implemented are summarised as follows:

ACTIVITY	Category	Assigned To	PLAN START	PLAN DURATION	ACTUAL START	ACTUAL DURATION	PERCENT COMPLETE
<b>Compliance and enforcement</b>			30	90			0%
17	Develop Operational Plan for the Junior Inspectors	High Risk	SM: Compliance & Enforcement	30	21		0%
18	Develop SOPs for the Junior Inspectors	High Risk	SM: Compliance & Enforcement	32	36		0%
19	Induction	Milestone	SM: Compliance & Enforcement	90	2		0%
20	Training	Milestone	SM: Compliance & Enforcement	92	21		0%
21	Confirmation of Peace Officer appointment wrt the WC Liquor Act	Milestone	SM: Compliance & Enforcement	90	29		0%
22	On-the-Job-Training	Milestone	SM: Compliance & Enforcement	113	7		0%
23	Deployment	Milestone	SM: Compliance & Enforcement	90	30		0%

## 4. Financial Implications

The costing for the additional inspectorate capacity was done as follows:

	<b>Annual Costs of level 5 Inspector</b>
Capital cost	R38 640
Operating Cost	R140 187
Cost of Employment	R267 360
<b>Total costs per compliance and enforcement inspector</b>	<b>R446 188</b>
<b>Additional Inspector capacity required to perform 12 417 inspections a year</b>	<b>19</b>
<b>Total cost of additional Junior Liquor Inspectors</b>	<b>R8 477 563</b>
Cost of back-scanning of 8 627 license files	R622 437
<b>Total cost of the pilot project</b>	<b>R9 100 000</b>

The fiscus would initially fund the deployment however, applying a differential approach to the implementation of the various licensing tariffs or staggering the annual fee increase over time would accelerate the liquor industry's sustainable contribution towards the reduction of alcohol related harms thus making the WCLA self-sustainable.

A 3rd Adjustment Budget to the 2020 MTEF budget for the WCLA has been submitted to the Governing Board for approval to provide for the costs as follows:

	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
	<b>R</b>	<b>R</b>	<b>R</b>
Cost of Employment	794 162	0	0
Operating Cost	2 890 083	0	0
Capital cost	5 415 754	0	0
<b>Total</b>	<b>9 100 000</b>	<b>0</b>	<b>0</b>

The key tasks for the finance component to ensure that the project is successfully implemented are summarised as follows:

ACTIVITY	Category	Assigned To	PLAN START	PLAN DURATION	ACTUAL START	ACTUAL DURATION	PERCENT COMPLETE
<b>Finance</b>			<b>1</b>	<b>119</b>			<b>13%</b>
5 3rd Adjustment budget	Milestone	Chief Financial Officer	1	4	1		80%
6 Approval of 28 Junior Liquor Inspector Positions	Milestone	SM: Compliance & Enforcement	1	4	1		80%
7 Procurement Plan	Milestone	Chief Financial Officer	5	3			0%
8 Requisition for goods and services	High Risk	SM: Compliance & Enforcement	8	2			0%
9 Terms of Reference	High Risk	SM: Compliance & Enforcement	10	4			0%
10 Request 5 vehicles from GMT	High Risk	Chief Financial Officer	14	90			0%
11 Requests quotes via IPS.	High Risk	Chief Financial Officer	14	31			0%
12 Quotation committee (QC) meeting	Milestone	Chief Financial Officer	45	5			0%
13 Submit Procurement template and QC minutes to CFO/deleated official	Milestone	Chief Financial Officer	50	14			0%
14 Issue purchase order.	Milestone	Chief Financial Officer	64	5			0%
15 Delivery of goods and services	Milestone	SM: Compliance & Enforcement	69	21			0%
16 Contract Management	Milestone	SM: Compliance & Enforcement	90	30			0%

## Personnel Implications

The additional enforcement capacity pilot project requires the WCLA to appoint 19 additional Junior Liquor Inspectors at level 5 on a contract basis over a period of one year. The WCLA would seek to make some or all of the roles part of its permanent establishment when the OD process is finalised and implemented. There are currently 11 Liquor Inspectors permanently appointed at Salary level 9 which is a managerial level and 5 Junior Liquor Inspector fixed term contract positions. The 11 Inspectors would each be responsible for the performance management and supervision of 2 Junior Liquor Inspectors.



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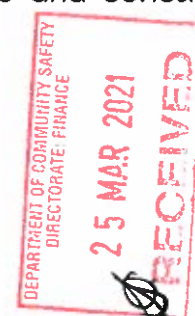
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The key tasks for the Corporate Services component would be to ensure that the project is successfully implemented are summarised as follows:

ACTIVITY	Category	Assigned To	PLAN START	PLAN DURATION	ACTUAL START	ACTUAL DURATION	PERCENT COMPLETE
<b>Corporate services</b>			1	89			0%
24 Review of Job Description and Advert	Milestone	SM: Compliance & Enforcement	1	3			0%
25 Providing final advert/JD to HR	Milestone	SM: Compliance & Enforcement	1	3			0%
26 Advertising of Junior Inspectors' vacancies	High Risk	SM: Corporate Services	4	14			0%
27 Prepare longlist	High Risk	SM: Corporate Services	18	7			0%
28 Draft short list	Milestone	SM: Compliance & Enforcement	25	7			0%
29 Interview panel to meet to finalise final shortlist	Milestone	SM: Corporate Services	32	2			0%
30 Interviews to be arranged	Milestone	SM: Corporate Services	34	5			0%
31 Finalisation of Practical Assessment and Interview questions by the panel	Milestone	SM: Corporate Services	39	5			0%
32 Interviews	Milestone	SM: Corporate Services	44	7			0%
33 Reference & verification Checks	Milestone	SM: Corporate Services	51	7			0%
34 Police and qualification clearance (External Service provider)	Milestone	SM: Corporate Services	51	6			0%
35 Finalisation of contracts and making offers to preferred candidates.	Milestone	SM: Corporate Services	57	3			0%
36 Notice period of successful candidates	Milestone	SM: Corporate Services	60	30			0%

## 5. Communication, Education and Stakeholder Relations

A communication plan to provide a strategy for communicating across multiple platforms to maximise the impact of the expansion of the WCLA's enforcement capacity has been developed. The objective of the communication plan is to successfully communicate to relevant stakeholders that the WCLA is increasing its enforcement capacity in order to more effectively regulate the retail sale and micro-manufacture of liquor, and in turn lead the reduction of alcohol related harms in the Western Cape to create safe and cohesive communities.





The key messages will be as follows:

- a) The WCLA's mandate is to lead the reduction of alcohol related harms in the Western Cape Province through the regulation of the retail sale and micro-manufacture of liquor.
- b) Current numbers of licenced establishments exceed the capacity of the WCLA liquor inspectors.
- c) The WCLA is more than doubling the number of liquor inspectors in the Western Cape to help create safe and cohesive communities.
- d) Increasing the enforcement capacity of the WCLA will enable it to more effectively combat harms related to alcohol and create safe and cohesive communities.

The key tasks for the Communication, Education and Stakeholder Relations component to ensure that the project is successfully implemented are summarised as follows:

ACTIVITY	Category	Assigned To	PLAN START	PLAN DURATION	ACTUAL START	ACTUAL DURATION	PERCENT COMPLETE
<b>Communication</b>			30	90			0%
37 <b>Newsletter:</b> Licence holders are aware of the increased enforcement and improve their compliance with the Liquor Act accordingly.	Milestone	SM: Communication, Education and Stakeholder	30	90			0%
38 <b>Newsletter:</b> Relevant stakeholders are informed about the WCLA's efforts to effectively execute its mandate. Licence holders are aware of the increased enforcement and improve their compliance with the Liquor Act accordingly.	Milestone	SM: Communication, Education and Stakeholder	30	90			0%
39 <b>WCG internal comms:</b> All spheres of the WCG are more aware of the WCLA's efforts to effectively execute its mandate, including departments with whom the WCLA aims to build partnerships (e.g. DSD, DoE)	Milestone	SM: Communication, Education and Stakeholder	30	90			0%
40 <b>Social media posts:</b> Members of the public become aware of the WCLA's efforts to effectively carry out its mandate.	Milestone	SM: Communication, Education and Stakeholder	30	90			0%
41 <b>Media release:</b> Media publish information about the WCLA's expansion of enforcement.	Milestone	SM: Communication, Education and Stakeholder	30	90			0%
42 <b>Op Ed:</b> The profile of the WCLA is raised through thought leadership focused on the expansion of enforcement capacity.	Milestone	SM: Communication, Education and Stakeholder	30	90			0%
43 <b>Radio adverts:</b> Members of the public in the WC become more aware of the work of the WCLA to reduce alcohol-related harms because it's in the public interest.	Milestone	SM: Communication, Education and Stakeholder	30	90			0%
44 <b>Whatsapp messages:</b> Relevant stakeholders are informed about the WCLA's efforts to effectively carry out its mandate, and feel increased investment in the partnership to create safe and cohesive communities.	Milestone	SM: Communication, Education and Stakeholder	30	90			0%
45 <b>SMS:</b> Liquor licence holders and relevant stakeholders are informed about the WCLA's increased enforcement capacity and improve their compliance with the Liquor Act accordingly.	Milestone	SM: Communication, Education and Stakeholder	30	90			0%

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 DIRECTORATE OF MARITIME SAFETY  
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## 6. Challenges

The project would see the budget of the WCLA increase by 28% and the staff complement increase by 39%. This is expected to create constraints across the entire organisation. The WCLA has, through DoCS, requested the Chief Director: Organisational Development with the Department of the Premier to align and conduct a quality assurance review of the Work Dynamics WCLA OD to the current OD/SDM process. The project has been proposed to cover the WCLA Design - Macro, Micro Design and business process review – Phase 1 and Implementation - Phase 2.

## 7. Summary of outputs

### Strategic outcome-oriented goals and measuring the impact

<b>Impact Statement</b>	Increase enforcement capacity of the WCLA to increase the contribution toward the safety plan through leading the work on alcohol related harms reduction.
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### Measuring Outcomes

Outcome	Outcome Indicator	Baseline	Five-year target
1. Compliance with the Act and licence conditions by licence holders	1.Focus on compliance with the Act and licence conditions by licence holders	New	Annual routine inspections undertaken on all valid licenses
2. Compliance with the Act and licence conditions by licence holders	2. Focus on compliance with the Act and licence conditions by licence holders	New	Risk-adjusted inspections undertaken to target those that contribute to behavior that increase alcohol related harms.

### Compliance and Enforcement

Programme performance indicator	PSG no. linkage	Reporting period	Annual target 2021/22	Quarterly targets			
				1st	2nd	3rd	4th
4.1 Percentage of licenses issued in the previous financial year inspected in the current financial year	1	Quarterly	80%	20%	40%	60%	80%
4.2 Number of enforcement operations with other agencies conducted	1	Quarterly	80	20	20	20	20
4.3 Percentage of complaints received investigated within 30 days	1	Quarterly	95%	95%	95%	95%	95%
4.4 Number of inspections conducted focused on underage drinking and access to restricted areas	1	Quarterly	550	137	138	138	137
4.5 Percentage of licenses waiting to be inspected, as at the end of the previous financial year, inspected within the current financial year	1	Quarterly	70%	10%	30%	50%	70%

A detailed project plan has been developed to ensure that the additional enforcement capacity is fully deployed into operation with effect from 1 July 2021. Refer to **Annexure A** for the **detailed project plan** and **Annexure B** for the **job description for the 19 Junior Liquor Inspectors**.

## 8. Risks and Mitigations

Outcome	Key Risk	Risk Mitigation
Compliance with the Act and licence conditions by licence holders	Inexperience of junior inspectors and limited knowledge of the Act may result in the incorrect interpretation of enforcement provisions which may further cause licensees to become ignorant towards general compliance.	Junior inspectors will be under strict guidance by senior inspectors and a Standard Operating Procedure for junior inspectors will serve as an easy reference in cases of uncertainty during inspections or operations.
An organisation with a staff establishment fit for purpose	Capacity constraints in terms of successfully making an impact on the provincial strategic priority VIP 1	The design of an appropriate structural configuration for the WCLA.
Achieving the mandate and objectives of the Western Cape Liquor Authority	The Authority may not be able to fully deliver on its mandate and objectives due to the adverse impact of the pandemic.	<p>The Authority will deal with the impact of COVID-19 in a phased approach.</p> <p>In the first phase the Authority will seek to ensure that its operations will resume during the pandemic (<b>Engage and preserve</b>).</p> <p>In phase two the Authority will ensure that it responds to the decline in revenue as a result of the pandemic through an adjustment budget process (<b>Recover and Reform</b>).</p> <p>Phase three will look at the long-term impact in order to provide a sustainable response to the pandemic (<b>Develop and Transform</b>).</p>
Innovation across government and culture change in the Western Cape	Lack of automation leading to process inefficiencies	Seeking budget to implement final stage of the automation process.

## 9. Budget 2020/21

Please see attached **Annexure C**.

## 10. Western Cape Liquor Authority Organogram

Please see attached **Annexure D**.

Yours faithfully

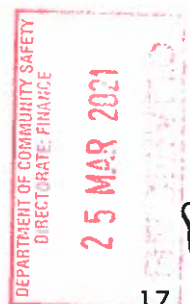


**Adv. Leatitia Peterson**

**Acting Chief Executive Officer**

**Western Cape Liquor Authority**

**Date: 23 March 2021**



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