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**INYUVESI  
YAKWAZULU-NATALI**

**An Implementation analysis of the KwaZulu-Natal Liquor Licencing Act (Act No. 6 of 2010): a case study of uThukela District Area**

**Research Paper by:  
Simenyiwe Alfred Mchunu**

**Supervised by:  
Mark Rieker**

**The research paper is submitted to the faculty of Humanities, University of KwaZulu-Natal, in the fulfilment of the Degree of Masters in Policy and Development Studies**

**2016**



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**30 November 2016**

As the candidate's supervisor, I approve this project for submission

Sign: \_\_\_\_\_

Date: \_\_\_\_\_

## **Declaration**

I, Simenyiwe Alfred Mchunu hereby declare that I have read and understood the regulations governing the submission of a research project including those relating to the length and plagiarism, as contained in the rules of this University, and that this research paper conforms to those regulations.

I further declare that, this dissertation is my own unaided work. All citations, references and borrowed ideas have been duly acknowledged. It is being submitted for the degree of Master of Social Science in Policy and Development studies in the faculty of Humanities, School of Social Science, University of KwaZulu-Natal, and Pietermaritzburg, South Africa. None of the present work has been submitted previously for any degree or examination in any other University.

**Signed at Pietermaritzburg on \_\_\_\_ of \_\_\_\_\_ 2016**

**Signature of a student \_\_\_\_\_**  
**Simenyiwe A Mchunu**

## Abstract

Policy implementation is a complex phenomenon. Different scholars seldom agree on what constitutes an ideal model analyzing policy implementation. This is because policy implementation involves more people than does policy formulation. The success and efficacy of any legislation is contingent on the success of its implementation. Implementation would, therefore, be highly dependent on the intentions and ease of application as well as the physical manpower, legislative will and other intertwined resources in order to ensure efficient, effective and people-centred application of the Act.

Therefore, this study seeks to analyse the implementation challenges faced by the KwaZulu-Natal Liquor Authority in implementing the New 2010 Act. Specifically, chapter 6 to 10, which deals with nitty-gritties of licencing and regulatory issues.

**Method:** The study employs a mixed method approach which is both qualitative and quantitative approach. This therefore means an in-depth desktop study of literature and document reviews has been conducted as well as data collection through questionnaires and semi-structured interview schedules. Sources of data included books, journals, conference papers, government policy documents and newspaper articles on the topic as well as people involved and affected by the implementation of the Act.

**Participants:** Purposive sampling has been used to select the respondents whose roles are associated with the implementation of the Kwazulu-Natal Liquor Act: most of these respondents are in the employ of the KwaZulu-Natal Liquor Authority.

**Theoretical framework:** The Study has employed Brynard's theory of 5C protocol in analysing the implementation of the KZN Liquor Act.

## **ACKNOWLEDGEMENTS**

Completing this work was made possible through the support and guidance of many people. I would like to acknowledge the following people.

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To the Staff at KZNLA Finance - Sandile Mkhize, Siyabonga Myende neqhawe leNdidane umfoka Nkosi. Ningibekezelele noma nginakho ukudimanda izinto ikakhulukazi I budget that was allocated for the study, kodwa benisukumela phezulu nenze sure ukuthi ngiyasizakala. Ngiyabonga nime njalo nje.

Most importantly to my research participants the Liquor Authority Staff Management, Stakeholders and Liquor Traders of uThukela District area. I just want you to know that you have made it possible, thank you.

Lastly to the Masters Class of 2016 ngithi ziwu 7 uma ziphelele, uMnqobi, Andrew, Nontobeko, Thobeka, Nthabiseng, noLindelani ngithi nje its look like we made it njengoba besishilo ukuthi akangabibikho okhalelwa yingoma yozalo ethi "amanye amadoda ayaphumelela..... amanye amadoda awaphumeleli" Seven of us should graduate next year. Let's keep the fire burning.

## **DEDICATION**

I dedicate this thesis to my three beautiful children Kusalihle Mchunu, Phumelela Mchunu and Zibusiso Mchunu Ngithi bantabami imfundo iwukhiye you will never go wrong, lapho kufike khona ubaba lwelani ukuthi nifike nidlule nina machunu amahle. I am blessed to have you.

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## **List of Acronyms**

KZNLA	KwaZulu-Natal Liquor Authority
NLA	National Liquor Authority
DTI	Department of Trade and Industry
MEC	Member of Executive Council
KZN Liquor Act	KwaZulu-Natal Liquor Licensing Act No. 06 of 2010
National Liquor Act	National Liquor Act No 59 of 2003
SAB	South African Breweries
Constitution	Constitution of the Republic of South Africa
SARS	South African Revenue Services
SAPS	South African Police Services
GDP	Growth Domestic Product
WHO	World Health Organisation
DPO	Designated Liquor Police Officer
LED	Local Economic Development
EDTEA	Department of Economic Development Tourism and Environmental Affairs KZN
CEO	Chief Executive Officer
CFO	Chief Financial Officer
HR	Human Resources
SOE	State Owned Enterprise

## **Chapter one**

### **1.1 Introduction**

The opening section of the thesis comprises an introduction to the entire work which is aimed at analysing the implementation of the KwaZulu-Natal Liquor Licencing Act, Act No 06 of 2010. The introductory chapter therefore seeks to do the following: firstly, it will offer an abridged background to the development of the idea of this thesis and thus offer the motivation for the study. Secondly it will highlight the statistical survey of the liquor related problem in South Africa, which gives rise to the present research topic. Subsequently, the research problem statement and objectives of the study will be presented, followed by an outline of research design adopted and the methods employed in the research. The concluding section briefly outlines the relevant chapters of the thesis and the study limitations.

### **1.2 Background and significance of the study**

Public policy making can be seen as a problem solving effort through decision by government and ordered into programmes for implementation. According to Kickert, Klijn and Koppenjan (1997:138), policies are made to solve identified social problems and are implemented as programmes. These policies should be closely monitored and evaluated during both the planning and implementation stages and after implementation. If necessary, the decision to amend or terminate the policy or to improve implementation is made based on the findings of the evaluation. Since South Africa is a relatively new democratic state, governance strategies are more or less based on a process of trial and error

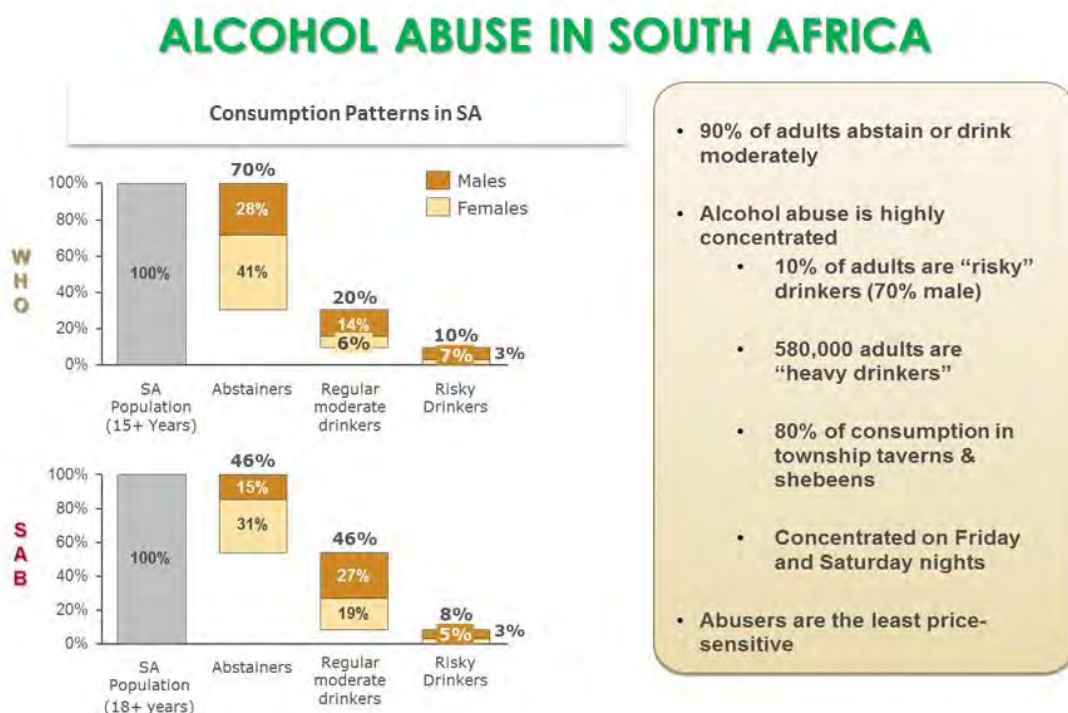
### **Research Problem and the rationale for the study**

The Liquor Industry contributes substantively to the South African economy - not only regarding its contributions to GDP, but through its payments of taxes such as company tax, VAT, excise duties and sin tax. DTI (2013) further points out that the liquor sector represents a complex regulatory challenge, as it generates both social and economic cost and benefit. While it is important to maximize the job creation and the income generation of the industry, the policy must take into cognisance the potential cost of alcohol abuse and overconsumption.

This, therefore, means that Liquor policy such as the KZN Liquor Act is of critical importance in balancing the social and economic impact.

The following diagram indicates statistics of alcohol abuse in South Africa. The graph reveals the research results conducted the by World Health Organisation (WHO) and research results conducted by South Africa Breweries (SAB).

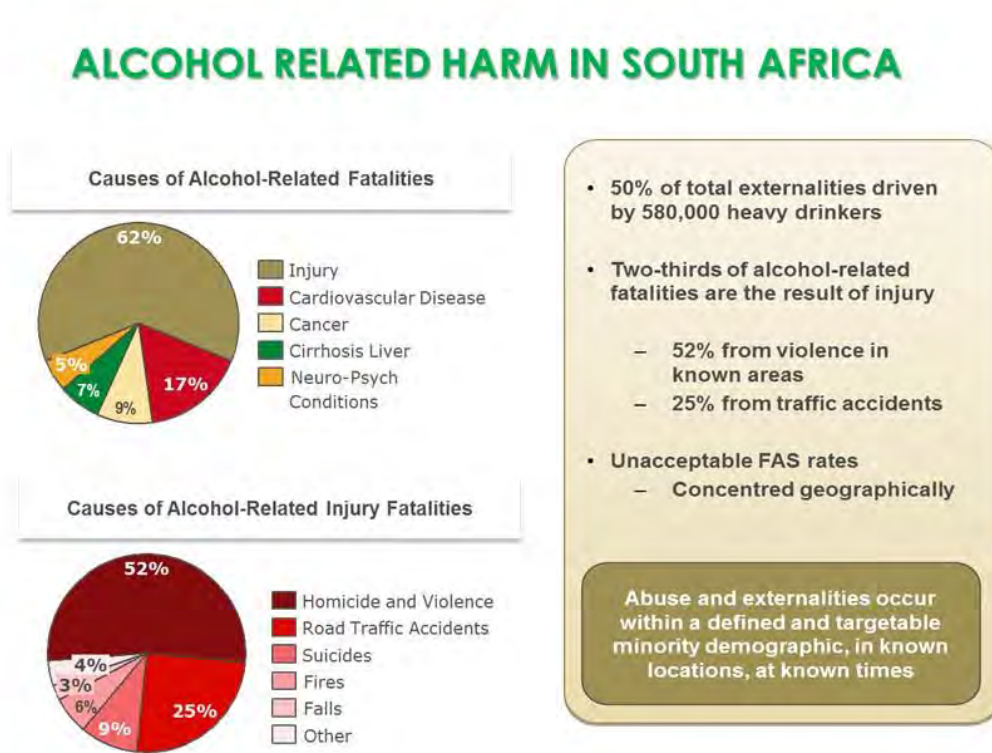
**Figure 1.1 Statistics of alcohol abuse in South Africa**



*Source: KZNLA (2013: 26)*

According to the KZNLA report (2013), the following indicates the effects of alcohol related harm in South Africa

**Figure 1.2 Statistics of alcohol related harm in South Africa**



*Source: KZNLA (2013: 27)*

It therefore goes without saying that liquor legislation has two responsibilities:

- a. The economic growth and the regulatory part; and
- b. Ensuring that social ills emanating from the liquor industry are addressed and minimised.

### **Defining the Liquor Authority and the Act**

The KwaZulu-Natal Liquor Authority is a 3C Provincial Public entity charged with regulating of the micro-manufacturing and retail sale of Liquor in the KwaZulu-Natal Province. It came into being through the KZN Liquor Licensing Act No. 06 of 2010.

According to the KZNLA Business Plan (2011:4) Before the KZN Liquor Act, 2010 Act came into effect and the establishment of the entity, liquor was regulated through the National Liquor Act No. 27 of 1989. This was a national section of legislation with provincial applicability. However, since the enactment of the Constitution of the Republic of South Africa, the mandate to legislate on liquor licencing became the exclusive legislative competence of provinces (Constitution of the Republic of South Africa, schedules 4B and 5B) leading to the KZN Liquor Licencing Act No. 06 of 2010. Under the National Liquor Act, No 59 of 2003, provinces are expected to enact provincially applicable legislation where after the entire provisions of the 1989 Act in so far as province mandates are concerned will be repealed in their entirety (Liquor Act, 2003). A transition from a piece of legislation crafted in the pre-democratic era to a new Liquor Act became imperative. The KZN Liquor Act of 2010, amongst other things was designed to address the imbalances caused by the apartheid era as well as address areas of the old Act that have perpetuated the disempowerment and the economic exclusion of previously marginalised people of KwaZulu-Natal.

KZNLA (2011) further notes that before the enactment of 2010 Liquor Act, liquor licensing was not perceived to be an economic activity but was rather framed as a compliance issue. The new Act (KZN Liquor Act, 2010) seeks to address the shortcomings of the 1989 Act by putting in place measures that address proper regulation and control of the liquor industry regarding its economic contributions, while balancing the social and economic impacts and the effects liquor has on communities.

The Act can be broken down as follows:

#### Chapter 1 – 5 (Establishment of the KwaZulu-Natal Liquor Authority)

1. The establishment of the KwaZulu-Natal Liquor Authority.
2. It outlines and dictates the setup of its governance board, administrative office in as far as the appointment of its administrative accounting officer is concerned as well as its subsidiary support structures like local adjudication committees and the likes – this is covered in the initial five (5) chapters of the act.
3. It also outlines the financial model and funding of the entity.

## Chapters 6 – 10 (Licensing procedures and transitional arrangements)

4. From chapter six (6) onwards it outlines and in detail dictates the entire licensing process
5. What type licenses can and are issued through this piece of legislation
6. Application processes and timelines attached for both the Liquor Authority in dispensing of licensing decisions as well as for applicants
7. Issues of compliance, non-compliance; contraventions and consequences thereof
8. Issues of appeals and objections to applications and outcomes of applications
9. Matters related to crimes and offenses emanating from license issuance; license operations and the premises and individuals;
10. Finally The transitional arrangements for migration from 1989 Liquor Act licensees to be recognised and licensed and control via the KwaZulu-Natal Liquor Licensing Act, 2010.

Bergstrom (2007) points out that the success and efficacy of any legislation is contingent on the success of its implementation. Implementation would, therefore, be highly dependent on the intentions and ease of application as well as the physical manpower, legislative will and other resources intertwined to ensure efficient, effective and people centred application of the Act. Therefore, this study seeks to analyse the implementation of the KwaZulu-Natal Liquor Act of 2010. Specifically chapter 6 to 10 that deals with the application of the Act in terms of licencing and regulatory issues.

### **1.3 Research Questions**

This paper aims to respond to the following questions:

- i. What problems does the KZN Act No. 06 of 2010 aim to address?
- ii. Who are the implementers of the Act?
- iii. What are the implementation challenges faced by implementers on the Act?
- iv. What are the experiences and challenges faced by the recipients of the Act?

#### **1.4 Research Problems, AIMS and OBJECTIVES: *Key Questions to be asked.***

The purpose of this study is to identify and examine the factors that enhance or inhibit the implementation of the KZN Liquor Act, Act No 06 of 2010.

1. The study will first investigate how the Act came about and what it aims to address.
2. The researcher further seeks to examine the experiences and perceptions of those affected by the New Act, specifically the implementers and the intended beneficiaries of the Act.
3. The study will further seek to identify and describe implementation challenges.
4. Finally, the research will endeavour to recommend solutions based on data collected, experiences as well as envisaged implementation of suggestions from both the implementers and beneficiaries to the Act.

Given these objectives above the following research questions will guide the study to reach its goals:

- i. What are the new changes brought by the KZN Liquor Act?
- ii. How is the New Liquor Act being implemented?
- iii. What are experiences and perceptions of the Implementers (the KZN Liquor Authority staff involved in the implementation including the Board, SAPS designated Liquor Officers and Local Municipality LED & Town Planning Unit)
- iv. What are the experiences and the opinions of those the new Act regulates (the Liquor Traders and other industry role player such as Liquor distributors)
- v. What are the implementation barriers of the New KZN Act?
- vi. What needs to be done to overcome the identified implementation barriers?

#### **1.5 Research Methodology**

##### **Methodological Approach**

The study has used a mixed-method approach, which is both a qualitative and quantitative approach. The rationale behind this mixed method approach is based on the fact that instruments used will produce both statistical data and narrative data which is both important to arrive at certain conclusions. Qualitative will be useful to collect and present experiences, feelings, perceptions and opinions of the respondents about the policy that is being investigated. On the other side Quantitative method will be useful to collect and present data

relating to numbers or statistics, for example if one needs to establish how many females and males comparatively are running Liquor businesses in Uthukela District. This will be better collected using a quantitative method. This therefore means an in-depth desktop study of literature and document reviews was conducted as well as data collection through questionnaires and semi-structured interview schedules. Sources of data included books, journals, conference papers, government policy documents and newspaper articles on the topic, as well as people involved and affected by the implementation of the Act.

### ***Methods***

**Interviews (semi structured)** - with implementers of the Act

**Questionnaires (survey)** - to the Liquor Traders who are being regulated by the Act

**Document analysis** – these will include government policy documents, Liquor Regulations and the Liquor Acts.

### ***Sampling***

Implementers of the Act are Liquor Authority staff, Board Members, Municipal officials and SAPS members. The sampling method used in the study was mostly purposive sampling. This is because the targeted respondents are already known as they are mentioned above and in most cases the number was low enough to select all, for example in the implementation of the Act there is a role played by SAPS and Municipality, however the Act is very specific as to whom in these organisations play those roles. In Municipality it is not every municipal official that plays a role in the implementation of the Act but it is an Official that deals with issuing of Business licence, in the case of the study in question there were three municipalities in uThukela District meaning three officials are the implementers of the Act in questions because of the nature of their jobs. All three were selected purposively. The same goes with SAPS not every man or woman in blue uniform could have formed part of the study because the Act is specific that there are Designated Liquor Police Officers appointed who are solely responsible for the matters relating to Liquor regulation. Each police station has one Designated Liquor Police officer. There are 15 police stations in uThukela District area, All 15 were purposively selected to form part of the Sample because of the role they play in the implementation of the Liquor Act. A sample interviewed was selected as follows:



- (a) Amongst the Liquor Authority Management the researcher will **purposively select** the Board adjudication Committee, Executive Manager Licencing Administration, Executive Manager Social Responsibility and the Executive Manager Compliance and Enforcement. These are purposively selected because they are responsible for the actual implementation of the Act as opposed to other Managers such as CFO and HR Manager, whose role is more of management support services, hence they may be irrelevant to participate in the study.
- (b) Amongst the staff the researcher will purposively select and interview all four staff members of uThukela District Office and four staff members in the processing centre at the head office. These will include two Liquor inspectors, two Licencing Admin Officers and four processing officers. The reason being that all of them have a role in the implementation of the Act.
- (c) Amongst SAPS staff member the researcher will **purposively select** a Designated Liquor Officer popularly known as DPO from each police station. In uThukela District Area there are 15 Police Stations. The reason for purposively selecting them specifically and not any Police Officer within a police station is the fact they are solely responsible for the enforcement of the Liquor Act within their respective policing area, hence any other police officer will be irrelevant for the study. The actual targeted sample is five DPO's, however the reasons for the researcher to target all is to ensure that in case some do not cooperate at least the target will be met.
- (d) Amongst Local Municipalities the researcher will **purposively select** one person from each Municipality, either an LED Officer or Town Planner. There are three local Municipalities in uThukela District area, this therefore means a total of three people will be interviewed from local municipalities. The reason for purposively selecting these is due to their being key role players in the implementation of KZN Liquor Act. Also, the researcher has targeted all so that if some do not cooperate the sample will have enough representation of these role players.

**Liquor Traders sample** - for this category of respondents, the researcher have use questionnaires to collect data. Since there are 413 licenced Liquor Traders within uThukela District and this 413 is divided into 11 different types of licences, the researcher will employ

a stratified random sampling so as to ensure the representation of all categories and types proportionately into the final sample. With stratified sampling, the first is to split the population into sub-units of strata. Strata are groups of elements that share the similar characteristics within the same population. These strata will be divided based on characteristics within the population parameters. The following table indicate the breakdown of the population size of liquor traders in uThukela District area.

<i>Type of licence</i>	<i>Short definitions</i>	<i>Total number</i>	<i>Sample to be taken</i>
Tavern	A residentially zoned sit-in liquor outlet no take away allowed.	148	16
Restaurant	The primary business is food liquor is sold incidentally.	62	4
Pub	A commercially zoned liquor outlet strictly on consumption no take aways.	15	3
Accommodation	The primary business is accommodation liquor is secondary business.	41	4
Club	A constitutionally organised group with a common purpose.	12	1
Night club	An entertainment place which is licenced to sell liquor strictly for on consumption.	2	1
Grocers wine	A grocers store licenced to sell natural wines only. Strictly off consumption.	11	1
Liquor Store (bottle Store)	A take away Liquor outlets strictly no sit in only take away are allowed.	147	13
Gaming premises	The primary business is gambling or gaming liquor is sold incidentally.	1	1
Sport ground	A licenced sport ground only to sell liquor during games and other recreational activities. Strictly for on consumption.	1	1
Theatre	A place for art performances licenced to sell liquor for on consumption.	1	1

The total sample targeted was 44, however the actual sample that participated was 38 liquor traders.

**Documents** - the researcher have reviewed the liquor regulations, KZN Liquor Authority Business plan, reports, National Liquor legislations, other similar or related legislations such as Tobacco Control Act, Business Act, newspaper articles relating to the topic and the KZN Liquor Act of 2010 which is the focus of the study as well as many other journals and articles that were deemed fitting for the study.

## ***Data Analysis***

The researcher will use the following analytical techniques to analyse the data collected.

- (a) For questionnaires it employs descriptive statistics using ***SPSS***.
  
- (b) For interviews it will use ***thematic data analysis***. This means the researcher will use qualitative data analysis. Neuman (2000:134) points out that in order to start the process of that analysis, the researcher needs to put the collected data into a different form to what it was when collected. This is known as coding. Furthermore, the open ended questions that will be used during interviews will take a form of a conversation with the intention to explore the views, experiences, perceptions and attitudes of the interviewee. When analysing this data a constant comparative method will be used. According to Mykut (1994), constant comparative method is where the respondent's interview transcripts are coded and categorised into themes in order to present findings.

The findings will be supplemented by information obtained from secondary data, which are documents that relate to the topic such as the liquor Act itself.

### **1.6 Structure of Dissertation:**

#### **Chapter one: Introduction of the Research Problem and research methodology**

The introduction will be introducing the study purpose and definition as well as an outline of what will be discussed in the other chapters of the research project, including the methodology used to conduct the study.

#### **Chapters Two: Conceptual and Theoretical framework**

Chapter Two deals with conceptual and theoretical framework of the study. These will include the policy implementation theory employed by the researcher, particularly for this study and rationalise why the adopted method is suitable for the study of this nature

#### **Chapter Three: Policy Framework and Literature Review**

Chapter Three will present the policy framework relevant to the topic, the legislative framework of this study that underpins Regulatory Policy implementation and literature

reviews of studies conducted on the Liquor Policy in South Africa and in other developing countries.

#### **Chapter Four: Description of the Case Study**

Chapter Four describes the KwaZulu-Natal Liquor Authority by defining the aims, objectives and processes employed to implement their mandate, which is the implementation of the KwaZulu-Natal Liquor Act, Act No. 06 of 2010.

#### **Chapter Five: Research Findings and Analysis**

Chapter Five presents the findings of the research study and analyses the findings against the research questions of the study.

#### **Chapter Six: Conclusion and recommendations**

Lastly, Chapter Six draws the conclusions to the research study and presents recommendations to the research study.

### **1.7 Study Limitations**

Due to the specific focus on the uThukela district area, the insightful contributions of other districts within the province could have been missed. The study was inclined towards licence holders and officials involved in the licencing and regulatory process. In this way it has overlooked customers who buy and drink alcohol and public members who are affected by the existence of liquor outlet. Further to this the study was limited to the availability of staff at the Liquor Authority. The chairperson of the Board indicated that he was unable to participate and some Board members also declined to participate, citing reasons that there are many issues in the Liquor Authority and they might not be objective if they participate. More could have been drawn out of this study if all invited policy actors such as Board members were available for comment. The positive feedback is that the Liquor Authority employees Management, Board members, Stakeholders and Liquor traders were free to state their viewpoint as they also understood the intentions of the research. Clear objectives were given to all participants prior to the research and anonymity was guaranteed.

### **1.8 Conclusion**

This chapter has presented the holistic picture of what the thesis will present. The comprehensive background presented has provided a brief analysis of the South African Liquor Industry and the Liquor Policy followed by the research problem, the design and

methodology to be used. The chapter then concluded by a brief outline of the chapters of the dissertation and the limitations of the study. Having laid the foundation in the introductory section, the next chapter will now provide the Conceptual and Theoretical Framework of the study.

## Chapter two

### Theoretical and Conceptual Framework

#### 2.1 Introduction

This chapter will provide a conceptual and theoretical framework that underpins the Public Policy implementation. It will begin by conceptualising the term “public policy” then a discussion of the policy process will follow. The chapter will unpack the scholarly perspectives on policy implementation. These will include the three generations of research into policy implementation. Finally the paper will provide the rationale for and depiction of analytical framework chosen for the purposes of analysing the implementation of KwaZulu-Natal Liquor Licencing Act No. 6 of 2010, which is the 5C protocol.

#### 2.2 Public Policy

Like many terms in social science many scholars are not unanimous about the definition of policy. Parsons, Cloete and Wissink (2006:11) in their exploration of the concept hold that the policy could be understood as the pursuit of goals. This understanding implies that the policy has a definite beginning – the identification of goals - and the definite end – the formulation of policy statements that is geared toward the actualisation of identified goals. Matlands (1995:154) points out that policy is seen as the programmatic activities formulated in response to an authoritative decision. These activities are policy designer’s plans for carrying out the wishes expressed by a legitimate organisation. From the perspective of government, Colebatch (2002:49) defines policy as a course of action by the government, designed to achieve certain results. On the same note Anderson (1997:41) defines public policy as a planned course of action, and further points out that there are different categories of public policy. Some of these are substantive policies, which include governmental plans of activities such as procedural policies which state “who is going to do what” and how those individuals or groups are going to perform those activities.

However it is important to remember that Policy can be regarded as Distributive, Regulatory or Redistributive. **Distributive policies** create public goods for the general welfare and are non-zero sum in character South African Social Security Grants Policies (child Support Grant and Old Age Grant) by Department of Social Development are examples of distributive

policy. The aim of these policies is to distribute to the poor and needy. **Regulatory Policies** specifies rules of conduct with sanctions for failure to comply. The Liquor Licencing Act by Liquor Authority with specific rules to the licence holders such as prohibitions of sale of liquor to under 18 years and operating hours if the licence holders failed to comply gets a fine. The other one is the Department of Transport Road traffic Act which stipulates that if a driver of a Motors vehicle exceeds the speed limit he/she can be fined for breaking the law. These are examples of regulatory policies which aims to regulate the liquor usage and the safe usage of the roads respectively.

**Redistributive policies** attempt to change allocations of wealth or power of some groups at the expense of others the South African Affirmative Action Policies such as Employment Equity Act and Black economic Empowerment Policies are examples of redistributive policies, their aim is to redistribute.

### **2.3 Policy process and policy cycle**

Analysing a policy involves examining the process contextually. In this way it is insufficient to only examine the content of public policies, instead factors such as the policy regime must also be examined. Factors that should be examined include: the content of public policies, environmental impacts of policy content, organisational influences on policy and the influence of policies in the public. De Conning (2004:13) A popular method of analysing the Public Policy is to break the policy process up to various stages. The sequence of stages is referred to as the policy cycle. It is argued by many policy scholars such as Howlett and Ramesh (1995:10) that breaking public policy process down can facilitate the understanding of public policy.

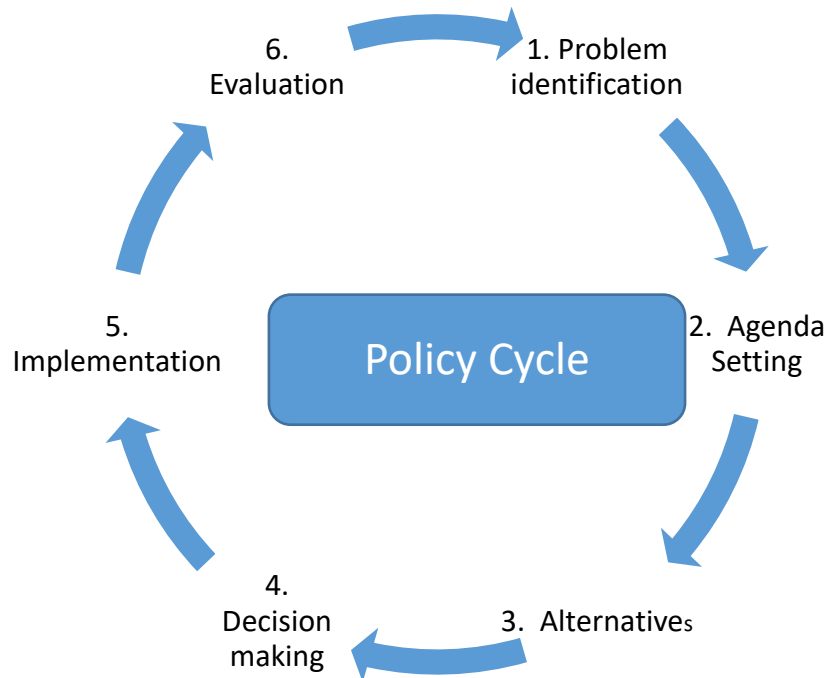
Colebatch (2002:50) identifies six stages in the policy process. These are:

1. Identifying policy problem
2. Agenda Setting
3. Identifying alternative solutions to the problem
4. Choosing the most feasible alternative
5. Implementing that alternative as a policy
6. Evaluating the impact of the policy.

The stages mentioned above are better defined as a policy cycle as will be illustrated below. However, it becomes important to remember that the cycle below does not imply or assume

that policy is a simple and straight forward act. Parsons (1995:70) argues that the terrains of policy making is often messy, less structured, punctuated by conflicting interests, contexts and displays political cleavages.

**Figure 2.1: The Policy Cycle**



*Source: adapted from: Colebatch (2002:50)*

Policy cycle begins with **Problem identification** there are many ways in which problems are identified. It may be through research or monitoring of activities. Kingdon (1995:91) argues that at times problems manifest themselves when a crisis or salient event occurs. Once problems have been identified and recognised they then make their way to public policy agenda. Problems may also arise when existing policies no longer solve the social problems that they were intended to.

Policy problems that are recognised and deemed worthy of attention are placed on the government's policy **agenda setting**. It is however important to note that not all policy problems are brought before the authorities. According to Meyer and Cloete (2004:98) the process of planning the action that is directed at prioritising a certain problem in order to mobilise the authorities to take action is agenda setting.



Once the policy problem is on the relevant authorities' agenda, **alternative** solutions to the problem are formulated. These alternatives are also known as policy proposals crafted to address that problem. Howlett and Ramesh (2003) point out that this is a very competitive stage in the policy cycle as these policy options are assessed, and compared against each other which initiate decision making process.

**Decision making** is about determining which one of the alternative policies is going to be implemented. This therefore means this is a policy making stage where the official policy is agreed upon and adopted. Parsons (1995:245) argues that decision making is a complex process that occurs through the policy cycle. Forester (1984:4) notes that decisions are taken in a rational manner. This implies that decision makers have well defined problems and there is a full array of alternatives to consider, that full baseline information is available. There is full knowledge of consequences of alternatives and preferences of citizens, as well as adequate time, skills and resources are available.

It is however argued by Simon and March (as cited by Forester, 1984:24) that in reality decision makers are faced with ambiguity and poorly defined problems, incomplete information about alternatives and many others. In this way rationality is limited. This is referred to as bounded rationality.

### **Implementation**

Once policy has been agreed upon it is put into action or implemented. Implementation can therefore be viewed as policy in action. In other words implementation is the manner in which policy is carried out. It can be contextualised as at the study of change and how it occurs.

The focus of this study is on analysis implementation of the KZN Liquor Licensing Act no 06 of 2010. Therefore this study will explore, this stage of the policy cycle in greater detail later in this chapter.

**Evaluation** is the stage in the policy cycle at which it is determined how a public policy has actually fared in action. Rubin (1995:29) argues that evaluation is a tool for leaning and to enable better management. In most cases evaluation is used to assess what has taken place so that future work can be improved.

When policy evaluation raises new issues the policy cycle starts again. It is for these reasons policy cycle is regarded as a never ending process.

## **2.4 Definition of Policy Implementation**

Policy implementation is the most significant phase of the policy cycle. The success or failure of a policy can be accredited to implementation stage of the policy process, as the saying goes the *proof of the pudding is in the eating*. While policy can be defined in many ways, its implementation moves the process from political goals to results on the ground. Kuye, Thornhill and Fourie (2002: 73) define public policy as “a proposed course of action or guideline to follow in order to achieve social goals and objectives which are continuously subjected to effects of environmental change of influences”.

In this way policy implementation at its simplest can be described as the carrying out a plan of action. It focuses on operationalising the plan which is the “how” rather than the “what”. According to Pressman and Wildavsky (1973:166), policy implementation is a process of interaction between the setting of goals and the actions geared to achieving them; they further state that, it is the ability to forge subsequent links in the causal chain connecting actions to objectives.

Hanekom (1987:55) points out that policies are not self-implementing and that public officials play a major role in this process or, on the other hand, have power to nullify the process. This therefore means the process of interpreting the will of the legislators and giving the meaning to this affords considerable latitude to the bureaucracy in imposing their own views on the policy implementation, which might well be different from legislative arm of government. In general, the more complex the policy issue is, the more ambiguous is the policy, and this ambiguity leads to greater use of administrative discretion,

## **2.5 The History of Policy Implementation**

### **2.5.1 The three generations of research into Implementation**

Howlett, Ramesh and Perl, (2009) point out that there were three main eras in the development of approaches to policy implementation. The *first generation* of thinking in the subject made assumptions that implementation is an automatic process which follows the legislation naturally and logically. It tended to focus almost exclusively on senior politicians and officials. These members are now known to be less involved in the day to day implementation of policy compared to lower level officials.

The *second generation* scholarship in public administration and organisational behaviour as cited by Lindblom (1979) revealed that policy implementation was not a logical rational or automatic process, but rather a political process often more complex than policy formulation.

According to Howlett and Ramesh (2009) the contemporary approaches regard features of both top-down and bottom-up approaches as relevant, a view that sparked the *third generation* of policy implementation, which is at heart of the game theory. It analyses the interaction of actors and can be applied to understand how discretion can influence policy implementation. It further suggests that implementation is best studied by starting at the lowest level of the system and moving upwards to see where the implementation is more successful or less so.

## **2.6 Top Down understanding of policy implementation**

This brought about the implementation research which was centred on a debate regarding the appropriate focus of implementation analysis. Therefore the notorious top-down approach versus bottom-up debate became the popular subject of the scholars. This way the top-down approach reflects traditional government hierarchy structure, starting with a decision and then examining the extent to which the objectives were achieved over time and why. This theory takes into account the importance of structure for implementation success, but policy objectives are often vague and it ignores the multitude of actors involved in implementation. Bergstrom (2007).

The top-down approach to implementation views implementation as a process of setting of goals and directing of actions to achieve those goals. Parsons (1995:464) points out that goals are set by those at the 'top' (those in authority) of an organisation. Their instruction then flows down a chain of command and is carried out by the relevant subordinates. However he further notes that for this to be workable there are conditions that must be met. The first condition is a well-structured organisation with a well-defined chain of command. Second, the organisation must have stable pattern of practice. Third, the members of the organisation must carry out orders and instructions. Fourth, there must be a room for interpretation between the links in the chain of command. Lastly, time should not be a factor. However, Parsons (1995:465) points out that these conditions call for obedience to the authority and perfect compliance, which is not easily achieved.

Forward mapping is associated with top-down policy making. This method of implementation entails formulation of specific steps in order to achieve a policy goal (much

like links in a chain). Elmore (1979:602) points out that the success of the process can be measured by comparing the actual outcome with the initial desired outcome. In this process the emphasis is put on the specifics within each step. This means for each step the policy implementer must determine what must be done and by whom in order to reach the desired outcome.

## **2.7 The bottom-up perspective**

The bottom-up perspective is a reaction to the top-down view of policy implementation. The bottom-up perspectives focuses on the implementation activities of public service workers. This approach begins analysis at the operational level with a particular problem and all actors involved and can account for their strategic interaction but may not completely account for the external factors that can influence behaviour.

According to Elmore (1979:604) it is also about planning implementation through a process of backward mapping. Backward mapping starts with an account of specific behaviour that needs to be changed through the policy. Once the behaviour has been described a desired goal / outcome can be set. Contrary to forward mapping, policy-making is not guided by a statement of intent made by policy makers upfront, but is an understanding of the gap between desired practice and the actual practice. The policy aims to close this gap. Dyer (1999:48) argues that once the objective is established, the mapping process works backwards. At each level two factors must be ascertained. Firstly, what the ability of the organisation is to carry out the behaviour needed by the policy and secondly, what resources are needed by the organisations to carry out these actions. Elmore (1979:604).

Weimer and Vining (2004:280) point out that the success of specific policy is conditional. This is because success is predicted on the estimate of the limited ability of actors at one level of implementation process to influence the behaviour of actors at other levels. This also includes capability of the public sector to influence behaviour in the private sector. Elmore (1979:604) argues that the advantage of backward mapping is that by focusing on the lowest levels of the organisation, less centralised approaches that may be overlooked are discovered.

## **2.8 Challenges to Implementation**

The above highlights the discretion that is possible for administrators in affecting the outcome of a policy, in that they can determine to whom and how the policy is applied. Salomon (2002) points out that the administrators have an advantage in that they are more

experienced in policy than political staff. This leads to a principal-agent relationship, where an implementation of a policy toward an outcome that was not intended by the elected official who created it (the principal), depending on his or her own interests. This can be a problem when the values and the interests of an agent are different than that of a principal, as it often occurs.

It resonates that many policy scholars such as Wildavsky (1973:166) agree on one thing - that the policy implementation is a process of interaction between the setting of goals and actions geared to achieving them. They further agree that it is the ability to forge subsequent links in the causal chain connecting the actions to objectives. However, Brinkerhoff and Crosby (2002:17) argue that managing policy implementation is centred on '*how to do it*' and '*what to do*'. In this way policy implementation is where policy is being operationalised in line with the design of the policy.

While policy can be defined in many ways, implementation moves the process from political goals to results on the ground. It therefore goes without saying that policy implementation is a complex issue as it involves more people than policy formulation.

Policy implementation problems often arise due to inadequate resources such as funds, capacity and power or authority to implement decisions. As Colebatch (2002: 52) points out, for example, public officials are often not allowed to exercise their discretion during their implementation of policy, but first need to gain approval of their superiors. Some obstacles to implement are outside the control of administrators because they are external to the policy and implementing agencies. Such obstacles may be physical as when an agricultural programme is set back by drought or disease, or they may be political in that either the policy or the measures needed to achieve it are unacceptable to the interest of those in power to veto them. Hogwood and Gunn cited in Hill (1997:217)

Hill (1997:218) argues that policies that are technically or politically feasible may still fail to achieve their stated objectives because too much maybe expected too soon, especially when policies demand that attitude or behaviour of citizens need to be changed. A successful policy is likely to have clear objectives, accompanied with mechanisms to achieve these objectives and resources to fund them. Powell (2004:266) notes that politicians sometimes 'will the policy end' but do not provide the means. He further stated that politicians often

expect policies to produce ideal and expected outcomes without providing or ensuring the availability of necessary resources, be it human resources or the structures and systems or adequate financial resources to ensure successful policy implementation. For example, expenditure restrictions may starve a statutory programme of adequate resources. Being tasked to implement each and every stipulation of the policy can make it difficult to implement. This is a dilemma that government officials are often faced with.

Bergstrom (2007) argues that the idea of street level bureaucratic or frontline staff behavior is more than any introduced into implementation literature by Michael Lipsky (1980). Lipsky's idea was that laws and policies are nothing but statements and have no social existence until they are translated into action aimed at delivering services to or regulating the behavior of citizens or firms. Street-level bureaucrats are public officials who, in their job, interact directly with members of the target group and who often enjoy considerable discretionary powers. In implementing policies they employ a number of conscious or subconscious so-called coping strategies, and by that they might change or twist the policies from the intentions.

In light of this explanation it resonates that the power of public administrators, who are ideally experts in the field, and on whom politicians rely on for implementing party policies to public policies, yet have their own interests which may differ from the that of those in power. This can become a weakness as well impact negatively on envisaged outcome.

## **2.9 Factors necessary for successful implementation**

The question arising from the foregoing is that of what constitutes successful policy implementation. Matland (1995:154) argues that central to understanding successful implementation is the question of "whether attention should be focused on fidelity to the designer's plan or on the general consequences of the implementation actions". What constitutes successful implementation should be seen from the perspective of the two models already explored. While proponents of the top-down model will measure success in terms of faithfulness to the goals of the programme, bottom-uppers will see successful implementation in terms the positive outcome brought by implementation. Successful implementation according to bottom-uppers is not measured by faithfulness to formal policy

goals, but the positive changes brought about by implementation. This is because some policies do not have clearly defined goals.

Elmore (1979:604) argues that the bottom-up perspective is a reaction to the top-down view of policy implementation. The bottom-up perspective focuses on the implementation activities of the public service workers. It is also about planning implementation through a process of backward mapping. Backward mapping starts with an account of specific behaviour that need to be changed through policy. Once that behaviour has been described, a desired goal/ outcome can be set.

According to Elmore (1979:604) success of a specific policy is conditional as success is predicted on the estimate of the limited ability of actors at one level of the implementation process to influence the behaviour of actors at other levels. This includes the capability of the public sector to influence behaviour in the private sector. Weimer and Vining (2004:280) point out that the advantage of backward mapping is that by focusing on the lowest levels of an organisation, less centralised approaches that may be overlooked are discovered.

The common thread which runs through issues explored above is the notion that the process of policy formulation and implementation is complex. In this way we uncovered that the policy formulation and implementation is an intricate process with various competing paradigms, interests, politics and powers and each of these influence the formulation and the implementation of policy.

Finally, policy implementation is the process that involves setting the goals and actions to achieve those goals. Implementation is not a step by step process, there are factors that hamper successful implementation, and these need to be considered during policy planning and design.

Elmore (1979) argues that there are two main reasons why policies fail. It is either due to poor or inappropriate policy design or poor implementation. To ensure successful implementation, thought has to be given to potential problems during the planning stage through forward and backward mapping. Appropriate systems and resources should also be in place.

Another important factor for successful implementation is monitoring and evaluation. The implementation has to be closely monitored and regularly evaluated.

Rosenau (2000:55) advances the argument that successful policy implementation depends on a continuous policy monitoring and evaluation. When policy implementation is assisted by progress assessment and evaluation. It allows changing policy during its implementation if circumstances demand it. Policy evaluation is essential for ascertaining whether a policy is effective or not. If we were to determine what works and what does not, the policy must include evaluation mechanism. This therefore means evaluations tends to compare 'what is' with 'what it should be' the focus is on how well the policy or program is functioning and whether it is achieving its intended purposes.

Acknowledging the fact that no single organisation can single-handedly implement public policy, multi-sectoral collaboration in the form networks become increasingly significant. According to Mandell (2001:182), much still needs to be done to move government to the point where networks become more widely used for policy implementation and development. This means recognising the fact that there are many role players involved or affected by policy implementation. In this way effective policy implementation depends of synergy among stakeholders. As Parsons (1995:470) points out that implementation involves a lot of negotiations and bargaining under conditions of uncertainty around issues of resources and capacity to do the job. Furthermore, each stage of implementation depends on the availability of an appropriate combination of resources.

Ashman (2004:9) points out that collaboration grows when senior leaders or managers give the programme staff a strong message that the joint activities with the networks are as important to them as their own individual organisational activities. It is easy for the programme staff to feel torn between loyalty to the joint project and loyalty to the organisation. Therefore, managers need to communicate the joint activities clearly.

Brinkerhoff and Crosby (2002:51) argue that participation is key in policy making and policy implementation. Local input is critical to designing and carrying out policies. Without citizens trust in the institutions responsible for making and implementing public policies, implementation is likely to fail. Hill and Hupe (2002:81) note that communication and



transparency between the agencies of government is thus very important for successful policy implementation.

### **2.10 Brynards 5C protocol**

Bergstrom (2007) notes that top-down approaches were criticized for failing to give a good description of processes, reducing complexity in favor of simple hierarchical models. The questions that begs to be answered is, could policymakers really control the organizational, political, and technological processes that affect implementation? On the other hand the bottom-up approaches were accused of being problematic from the perspective of accountability. The questions here is, could the democratic chain of command be reversed in this way without causing problems with bureaucratic autocracy?

Attempts have of course been made to synthesize the two different perspectives, because both perspectives contain important contributions in understanding implementation processes.

Brynards (2000:179) argues that in the absence of universally accepted theory of implementation, it is better understood through key clustered explanatory variables popularly known as Brynards theory of 5C protocol. The Brynads 5C protocol is a useful device for making sense of all the twists and turns in the process of policy implementation. It is for these reasons the researcher intends employing Brynards theory of 5C protocol in analysing the implementation of the KZN Liquor Licencing Act no 06 of 2010.

It resonates that the study of policy implementation becomes an attempt to unravel the complexity of following the policy as it travels through the complex dynamic maze of implementation; to understand how it changes its surroundings and how it is changed itself in the process; and most importantly to see how it can be influenced to better accomplish the goals it set out to achieve. It therefore becomes important to realise that the maze through which policy travels in the course of its implementation is unique to each situation, hence this study suggests that critical variables which shape the direction that implementation might take are identifiable. Each of these five variables are linked to, and influenced by the others though to varying extents depending on the implementation situation, e.g. capacity to implement is likely to be a function of all the remaining four variables.

This dissertation presents an approach known as 5C protocol which proves to be vital for the policy implementation in South Africa. With this model Brynard demonstrates a slight progression from an earlier position, where he recommends the variables for general policy implementation without reference to a particular situation. Brynard (2005:9) begins the exposition of his approach by creating a convergence between the top-down and bottom-up models of public policy implementation. He argues that top-downers often regard policy makers as central actors in the implementation game, and for that reason can focus their attention on those factors which can be manoeuvred at the top. In order to influence policy, bottom-uppers on the other hand will emphasize the critical role players by target groups as well as street level bureaucrats in the implementation game. Brynard (2005:9) further observes that there is currently an emerging tendency among policy scholars to identify a convergence between the two perspectives in the way they understand and explain policy implementation. Consequently, this creates a relationship between policy implementation and service delivery in the sense that in the created convergence, macro-level variables characteristic of the top-down approach are virtually tied up with the micro level of the bottom-up models.

### **2.10. 1. Content of the policy**

The content of the policy refers to what exactly the policy is set out to do, meaning what are the goals of the policy, how does it relate to the issues or problems it aims to solve and what method will it employ in solving the issue or problem. According to Brynard (2000:179) it was TJ Lowi who provided the seminal typology of the policy content by characterising it as distributive, regulatory or redistributive. Distributive public policies have a characteristic zero-sum effect and focus on the creation of public goods aimed at the general welfare of the citizenry. Regulatory policies lay down the rules that govern specific conduct and spell out the type of sanctions that will be meted out in cases of non-compliance. Redistributive public policies are government interventions whose main intent is to effect a change in which either wealth or power is distributed so that a bias towards certain groups is evinced in the said re-allocation. Therefore, for Lowi the content of the policy has to do with the means it prescribes to achieve specific ends.

While the above classification by Lowi has won the favour of a wide variety of scholars of implementation, Brynard (2001:180) observes that there is equally a realization that the

policy content is not only important in the means it employs to achieve its ends, but also its determination of the ends themselves and how it chooses the specific means to reach those ends. Amongst other questions this paper seeks to answer, there is the question of the purpose of the KwaZulu-Natal Liquor Act of 2010. Furthermore, the study seeks to identify the problems that the Act intends to address as well as the ways of the addressing them. In this way the objects of the Act will come to play when one starts analysing the implementation.

### **2.10.2 Context**

The relevance of contextuality in putting a policy into effect is premised on an important postulation that implementation is inevitably impacted upon the very context within which policy execution takes place. The focus here is on institutional context shaped by the larger context of social, economic, political and legal realities of the system. Brynard (2000:178) believes that while formal institutional relationships may be in place, bureaucratic contexts favourable to implementation more often grow out of human interaction than hierarchical regulation. This means that effective working relations can be established by transactions among agencies with no formal connections, in a nutshell the institutional synergy is critical. For this reason, Brynard identifies the critical role played by effective working relationships among implementing agencies during the policy process. To this extent he identifies bargaining, cajoling, accommodation, threats, gestures of respect and related transactions as specific strategies impacting on effective working relations and by implication effective implementation of public policy. As highlighted earlier, policy implementation involves many people more than policy formulation, therefore complexity is bound to arise. This multi-player aspect makes implementation operate at multi-levels, thus intensifying complexity. Policies are continuously being transformed and redesigned during implementation and to that extent policy is evolutionary in nature. With regard to the policy in question, which is the KZN Liquor Licencing Act of 2010, amongst other questions that this paper seeks to answer is the question of “Who are the implementers of the Act” and “Who are the recipients or beneficiaries of the Act”. With these the researcher seeks to examine the experiences and perceptions of those affected by the New Act, specifically the implementers and the intended beneficiaries of the Act. Here one can mention but a few actors in the implementation process of the KZN Liquor Act. These are: Municipalities, SAPS, Board, Liquor Authority staff including management and traders themselves. It

therefore resonates that this variable fits in perfectly in the context of implementation of KZN Liquor Policy.

### **2.10.3 Commitment**

This refers to commitment of various actors involved in policy implementation. It also entails both the ability and willingness of actors to implement a given policy. To this extent Brynard (2005:18) points out the fact that no matter how sound and perfect the policy may be, without commitment from those responsible for the implementation, little will happen, if anything. This therefore means if various actors in the policy game are either unwilling or unable to implement the said intervention, implementation will remain ineffective. This variable is thus critical to effective implementation. When viewed from both top-down and bottom-up perspectives, commitment is important at all levels of the process, which includes state level as well as street level and secondly commitment influences and is in turn influenced by all four other variables in the 5C protocol. To this extent it resonates that commitment as a variable for implementation is not only critical for the so called “street level bureaucrats” but it is equally vital at all levels through which the policy passes and relies on for its effective implementation. Furthermore, at this level it is important to remember that policy makers are not necessarily the ones who implement the policy and the gap between the two actors and differences in views may lead to lack of commitment and ultimately the failure of policies. Some policies fail not because they were bad policies, but because there was lack of commitment from the policy implementers or they were not carried out in the prescribed manner. With regard to the KZN liquor Policy implementation, a commitment of all the different actors mentioned earlier is of critical importance as a meaningful implementation is dependent on the synergy and collaboration of all actors involved.

In the aforementioned articulation of this variable, Brynard (2005:18) identifies an intrinsic link between commitment and other critical variables of the 5C protocol model. For example, there is on one hand a connection between commitment and the ability of the actor to implement. The said ability relates to the question of capacity which is yet another critical variable of the model to be discussed in the subsequent section. On the other hand, there also exists a link between the content of the policy and the propensity to implement. These interdependencies underscore an important principle in the very nature of the variables as understood by Brynard.

#### **2.10. 4 Capacity**

Brynard's (2000:181) conception of this critical variable for effective implementation is informed or viewed in terms of general systems, thinking as the structural functional and cultural ability to deliver the necessary public services. This includes both tangible resources e.g. human, financial, and technological and well as intangible requirements such as leadership, motivation, courage and endurance. The political administrative, economic, technological, cultural and social environments within which action is taken must also be conducive to successful implementation. Again as highlighted earlier, the capacity to deliver is of high importance and a pre-requisite for successful policy implementation. Some policy failures are traced back to the scarcity of resources. In a nutshell, the capacity asks the important questions for effective implementation such as, "is there a budget for the implementation of a policy? Is it enough? Are there people with necessary skills and knowledge to carry out the job of executing the policy? Are there technological resources necessary to implement the task?" And so on. With regard to the KZN Liquor Act, amongst other questions that this study seeks to answer, there is a question of "What are the barriers or implementation challenges faced by the implementers of the KZN Liquor Act?". In this way, hypothetically capacity is chronically below the demand.

#### **2.10.5 Clients / coalitions**

Ideally the focus in respect of this variable is the critical role played by coalitions of individuals and organisations who are in one way or another affected by the policy. Brynard (2000:183) argues that for effective policy implementation, government should join coalition of interest groups, opinion leaders and other outside actors who actually support a particular implementation process. This is because a power shift can strongly influence policy implementation process. This therefore means it is crucial to determine and catalogue the potentially influential clients and coalitions whose interests are important enough to influence policy implementation process. In so doing, it is important to avoid being bogged down by minor actors. Therefore, it is necessary to identify stakeholders who are likely to have real effect on the implementation.

#### **The rationale for the Choice of the 5C Protocol model as a tool of analysis for this study**

The exposition of the above critical variables can be summarised as follows:

- (a) The 5c variables are premised on the assumption of the complexity of implementation process arising from the fact that implementation is far from being a simple administrative process where implementers only execute what the policy maker has enacted.
- (b) The model demonstrates a great indebtedness to the network approach to management as well as the general systems thinking.
- (c) They command the allegiance of quite a diversity of practitioners and analyst operating from diverse perspectives, working on diverse policy fields in the diverse political systems and in countries which are at different levels of economic development.
- (d) The variables inform and shape each other in the field of policy implementation and as a result are not static but dynamic.

Based on the above exposition of Brynard's approach to implementation, the rationale for the use of this tool to analyse the data yielded by the research is manifold. On one hand, an attempt to scan through the history of the development of implementation theories has up to this far not yielded a comprehensive theory commanding allegiances from a fairly wide front. The 5C protocol on the other hand, while not claiming to be an all-inclusive theory of implementation, nonetheless achieves something that is not generally possible with most theories of policy implementation attempted thus far. That is, it has innovatively considered and included in its scope the most critical variables that impact on implementation identified by scholars who in essence approach the task of public policy implementation from quite divergent perspectives.

The 5c Protocol claims to have general applicability in that it could be used to analyse policy implementation in various domains, at multiple levels and in developing and developed countries. This policy implementation theory has been tested in a number of studies such as FCTC (Framework Convention on Tobacco Controls) where it has been proven to depict factors that influence successes and failures of policy implementation. De Leeuw (2013:06) points out that 5C Protocol is a useful resource to conduct an explorative and in-depth analysis of FCTC implementation.

Above 5C protocol, communication could easily be regarded as a variable for implementation. In this way it is regarded as the sixth C in the implementation protocol. It

could be argued that communication is an integral part of all above mentioned variables, but is also worthy to single out because of the importance of communication.

While 5C protocol detailed above is proposed as a vehicle for making sense for all the twists and turns in the implementation process, Brynard (2005:21) emphasises that all five variables are likely to act together often simultaneously and synergistically – any change in one producing changes in the others. This interconnectedness of the variables creates both challenge and an opportunity. It is therefore important to stress that policy formulation and implementation are not necessarily consecutive processes, but are in many cases parallel processes where policy design or redesign and revision can take place even during the formal implementation stages of the policy project. In fact policy success is in some cases attributable to such redesign or customisation of the original design during implementation, because the original designers did not or could not foresee specific complications at the regional and local grass root levels.

The 5C protocol implies that the implementation cannot be seen as an activity to be planned and carried out according to a carefully predetermined plan, rather it is a process that can only, at the very best be managed and lessons learnt as one proceeds through the different implementation stages, managing it, and steering it towards a more effective outcome, entails strategically fixing those variables over which we have some direct or indirect influence so as to induce changes in the ones over which we do not have such influence.

Apart from the possible wide representation of diverse scholarship within the policy implementation arena evident in the use of 5c protocol approach, part of its strength as a tool of assessment lies in the fact that the critical variables suggested in the approach are interdependent. For these reasons the researcher will be able to circumvent difficulties associated with the study.

On the same token the choice of this analysis and interpretation tool is bolstered by its amenability to complexity. The various interdependent but yet distinct variables comprising the 5C protocol model signify the complex nature of policy implementation which cannot always be thought of as linear phenomenon with straight forward predictable relationships between variables.

## **2.11 Conclusion**

In light of the above discussion it has been evident that policy implementation is not a straight forward process, rather it takes place in a “fluid setting”. McLaughlin (1987:175) points out that policy implementation processes continuously creates change and a new reality. In this way it transforms and adapts to the conditions of the implementing unit. It also has been evident that policy implementation is the critical stage of policy process that requires dedicated study and research. Good and relevant policies can be in place but there is no guarantee that they will be successfully implemented. Studies of policy implementation process have not yet yielded a comprehensive implementation theory, however a number of approaches have emerged over time giving a rise to some kind of consensus regarding the critical variables that must be considered for successful and effective public policy implementation.

Further to these, this chapter has discussed some of the key debate on policy implementation and has identified factors that influence the outcome of policy decisions. These factors include the length of the causal chain of implementation and government capacity to formulate and implement effective public policy. This chapter also highlighted the significance of street level bureaucrats and the impact that they can have on the way that policy is implemented. The discussion will now turn to policy framework and literature review of Liquor Policy studies.



## **Chapter 3**

### **Policy Framework and Literature Review**

#### **3.1 Introduction**

The purpose of this chapter is to provide a policy framework and literature review for this study. According to the constitution of the republic – section 1 (a) – (d) the founding provisions define the Republic of South Africa as a democratic state founded on values that make it distinct. Amongst these is human dignity and advancement of human rights, supremacy of the constitution and the rule of law. On that note, since 1994 South Africa has been in throws of public policy reforms, whereby the old pre-democratic policies are replaced by new public policies which are based on the Constitution of the Republic of South Africa. It was therefore a constitutional mandate that a number of enabling legislations were passed in South Africa after the full promulgation of the constitution in 1996. These legislations include the KZN Liquor Act, 2010, which is one of the new government policies that endeavours to fulfil that constitutional mandate. This chapter is divided into three sections which is the Background History of Alcohol in South Africa, The origin of the KZN Liquor Act and related Policies. Lastly these explorations will contextualise the thrust of the study.

#### **3.2 Background and History of alcohol in South Africa**

According to the world health organisation (WHO), as cited by Blecher and van Walbeek (2012:14), the history of alcohol and usage in South Africa dates back to the arrival of the Dutch in Cape Town in the 17<sup>th</sup> century. Cape Town was established as a refreshment station for the Dutch on the trading route between Europe and Asia. Although generally the provision of food and fresh water was the main purpose of the refreshment station, wine growing also began in the cape at that time. Additionally trading of alcohol for cattle and even labour occurred. Wine production expanded in the Cape colony with the arrival of the French Huguenots later in the 17<sup>th</sup> century.

Blecher and Van Walbeek (2012: 14) also note that later on alcohol became part of the economic fabric through the Dop System. Agricultural workers especially in the Western

Cape and Northern Cape were partially paid in wine. This resulted in them being held captive by addiction.

The Dop System resulted in increasing alcoholism and wide-scale damage. Although it was outlawed in 1919, the practice was only ended in the 1990s. The Dop System is responsible for the large-scale abuse of alcohol and for perpetuating a culture of alcohol use and alcoholism in rural areas and especially amongst the coloured communities. Blecher and Van Walbeek (2012)

According to the Department of Trade and Industry (DTI) report (2013) during the apartheid years, race also began to play a role in alcohol use. Restriction and bans on alcohol amongst blacks were evident. Additionally, the development of urban townships to house black labour in cities without sufficient infrastructure assisted in the development of informal markets to deliver alcohol, with the rise of shebeens as they are known in South Africa. There was little or no regulation of the sale of alcohol in townships.

DTI (2013) argues that while the traditional policy mechanisms for controlling alcohol use in South Africa have been the limiting of access to alcohol through age restrictions and the requiring of licence to sell alcohol products and excise taxes, the focus of policy has now shifted towards the marketing of alcohol products. The first such policy measure was to require health warning labels on alcohol which was implemented in 2009.

One of the most hotly contested policies in South Africa at the moment is the advertising of alcohol products policy. According to Blecher and Van Walbeek (2012:16), the South African government through the minister of health has proposed as part of a comprehensive attempt to reduce the harms of alcohol in society, to ban the advertising of alcohol products in South Africa. The issue has been controversial even amongst other government officials, with some ministers including the minister of sports and recreation and the ministry of trade and industry opposing the implementation of banning alcohol advertisement. They argue that the banning of advertisement would weaken the economy and the inevitable result would be a hike in unemployment. The ministry of health supported by the ministry of basic education and the ministry of social development have championed the ban on the basis that it will reduce alcohol consumption and therefore reduce the harmful use of alcohol. Significantly, it is expected to impact on alcohol use and uptake amongst young people.

The alcohol industry, including its allied industries in advertising and media, have lobbied very aggressively against the ban. They argue against the implementation on the following grounds:

- (a) They argue that the ban will not be effective.
- (b) They argue that whether or not it is effective in reducing alcohol harm. Their stance is that it will cause a significant harm to the economy through job losses.
- (c) They further believe that banning of advertising is not legal since it restricts freedom of speech.

When the issue of liquor advertising became increasingly pertinent with calls for banning of liquor advertising in order to reduce liquor abuse and consumption levels, the 1998 liquor policy paper highlighted the necessity to reduce liquor advertising as part of a holistic approach to reduce liquor abuse, while also ensuring that advertising identifies the harmful effects of liquor. The National Liquor Act No.59 of 2003 ensures that liquor is not advertised in a false or misleading manner and does not target minors

In light of the above explanation it resonates that the environment in which liquor is consumed plays a big role in the extent of damage caused by alcohol abuse. The KZN Liquor Act 2010 points out that Issues such as managing overcrowding ensuring access to ablution facilities as section 48(2) (a-j) of KZN Liquor Licensing Act requires retailers for on consumption outlet not to sell liquor to an over-intoxicated persons. However, these can only be dealt with if on consumption retailers are licensed and properly monitored.

### **3.3 Related Regulatory Policies (Tobacco product Control Act no. 83 of 1993 as amended)**

Various scholars such as Smit, Parry and Blecher argue that this is not a new proposition as alcohol control policy is evolving from tobacco control policies in South Africa. Blecher (2012;16) points out that as part of its comprehensive tobacco policy, South Africa has implemented a now comprehensive ban on tobacco advertising, promotion and sponsorship. While it is difficult to disentangle the effect of the advertising ban from the larger package of tobacco control policies, including public smoking bans, youth access laws, health warnings

and tax and price policies, the package as a whole has been very effective in reducing tobacco use.

According to World health Organisation research findings as cited by Blecher (2012:12), in 1993 33% of South African adults smoked while contemporary data suggest that this is now approximately 20%. This 13% percent point decline means that there are 4 million fewer adult smokers now than there would have been in the absence of tobacco control policy.

Blecher (2012:16) further points out that while advertising bans are an important factor in comprehensive tobacco and alcohol control; policies tax and price measure are also considered an integral part. One of the most significant determinants of the demand for any product is the price. As the price rises, consumers are less willing and able to purchase a product and hence their quantity demand falls. Economists refer to this as the law of demand and it is one of the fundamental principles of economics.

The Tobacco Product Control Act stipulates amongst other things the following: No person may smoke any tobacco product in any indoor, enclosed or partially enclosed which is open to the public and includes a workplace and public transport. The consequences for contravention include penalty for the individual smoker is to maximum fine of R500.

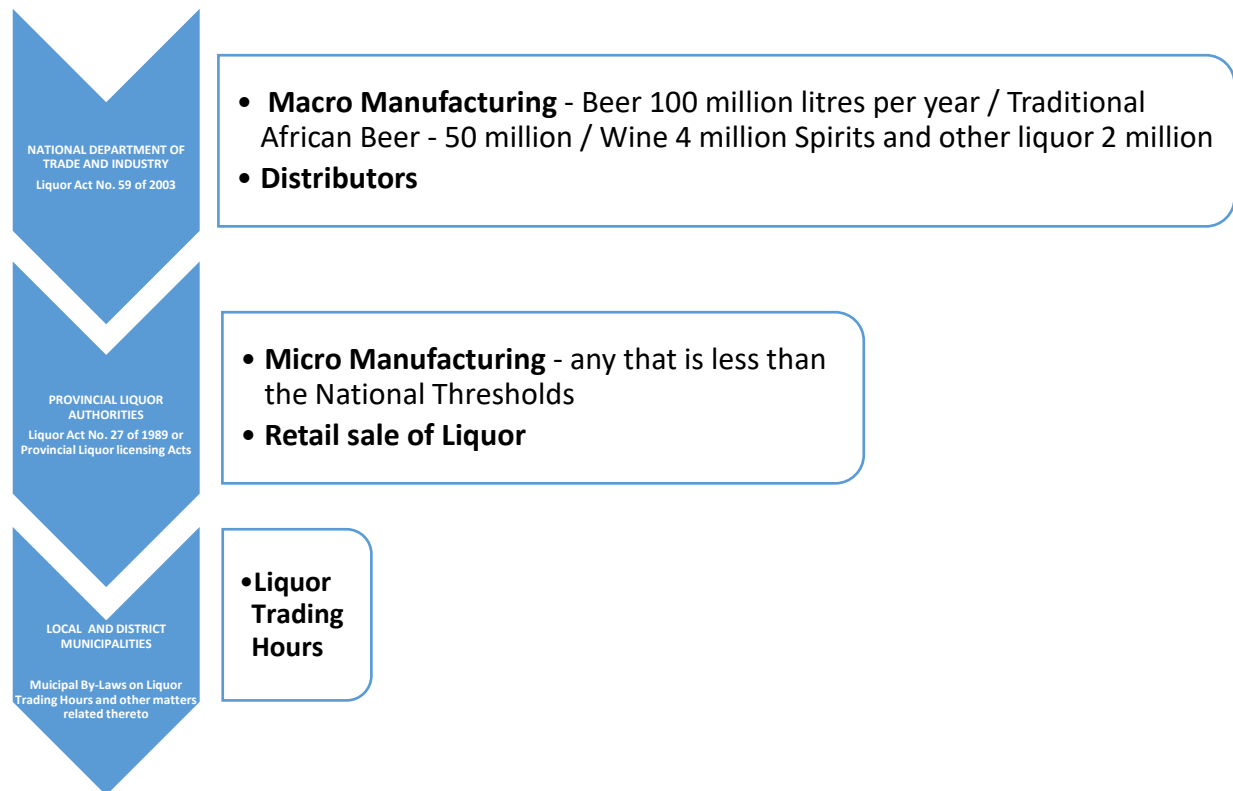
The Tobacco Control Act no 83 of 1993 requires the owner of or person in control of the public place or employer in respect of a workplace to display prescribed signs and make the prescribed public announcements in order to inform any person who enters or who is in or on such a place or area of any prohibition on smoking. These No smoking signs must highlight the fact that “Any person who fails to comply with this notice shall be prosecuted and may be liable to a fine”.

The owner of a restaurant, pub, bar and the employer in respect of workplace can be fined to the maximum fine of R50 000. The enforcement agencies for the Act are South African Police Services, Metro Police or public safety inspectors in case of local municipalities and environmental health practitioners

### 3.4 The origin of the KZN Liquor Act and Key legislative framework

The below diagram indicates the current Liquor Regulatory Framework and Functional Areas of Authority as it applies nationally and provincially:

**Figure 3.1** (Liquor Regulatory Framework and Functional Areas of Authorities)



### Constitution of the Republic of South Africa

Liquor regulation in South Africa is subject to concurrent jurisdiction and requires cooperative governance and cooperative control. Schedule 4A; 4B; 5A and 5B of the Constitution of the Republic of South Africa clearly sets out the boundaries as follows:

#### Schedule 4 - Functional Areas of Concurrent National and Provincial Legislative Competence

- 4A - Constitution expressly confer upon the provincial legislatures legislative competence
- 4B
  - Local government matters to the extent set out in section 155(6) (a) and (7):
    - Trading regulations (In terms of the Businesses Act, 71 of 1991)

## Schedule 5 - Functional Areas of Exclusive Provincial Legislative Competence

- 5A
  - Liquor licences
- 5B
  - Local government matters to the extent set out for provinces in section 155(6) (a) and (7):
    - Licensing and control of undertakings that sell food to the public
    - Control of undertakings that sell liquor to the public

### **3.5 National Liquor Act no 27 of 1989**

The National Liquor Act no 27 of 1989 precedes the KwaZulu-Natal Liquor Act, 2010 - Act no 06 of 2010. Initially liquor was regulated through the National Liquor Act, 1989 - Act No. 27 of 1989. KZNLA (2011) points out that this was a national piece of legislation with provincial applicability. However, since the enactment of the constitution of the Republic of South Africa the mandate to legislate on liquor licencing became the exclusive legislative competence of provinces (Constitution of the Republic of South Africa, schedules 4B and 5B) leading to the KZN Liquor Licencing Act No. 06 of 2010. Under the National Liquor Act, No 59 of 2003 provinces are expected to enact provincially applicable legislation where after the entire provisions of the 1989 Act in so far as province mandates are concerned will be repealed in their entirety (Liquor Act, 2003). A transition from a piece of legislation crafted in the pre-democratic era to a new Liquor Act became imperative. The KZN Liquor Act of 2010, amongst other things, was designed to address the imbalances caused by the apartheid era legislations as well as address areas of the 1989 Act that have perpetuated the disempowerment and the economic exclusion of previously marginalised people of KwaZulu-Natal.

### **3.6 National Liquor Act no 59 of 2003**

Parry (2009:70) points out that in 1994 the new government in South Africa inherited a liquor sector where more than 70% of the retail outlets were unlicensed. In July 1997 the Department of Trade and Industry (DTI) came up with a comprehensive policy and bill to radically restructure the liquor trade. The bill was aimed at bringing more black entrants into

the industry at all levels, while also trying to reduce the social cost of alcohol and deal with the problem of unlicensed outlets.

In 1998 the National Liquor Bill was criticised by the opposition in parliament as being unconstitutional and eventually a revised version of the bill was formally declared unconstitutionally. In 2003 the DTI introduced a revised national liquor bill which provided default legislation on the retail sale of alcohol for those provinces that did not pass their own legislations.

Smith (2014:70) points out that the proposed liquor policy differs from existing policy in that unnecessary barriers of entry will be removed making it relatively easy for new players to enter the market, while at the same time maintaining applicable standards to prevent undesirable practices from being legitimized.

### **3.7 The KZN Liquor Act, (Act 06 of 2010)**

According to the KZNLA Business plan (2011) the Department of Economic development, Tourism and Environmental Affairs in KwaZulu-Natal is the custodian of the KwaZulu-Natal Liquor Licencing Act no 06 of 2010. The Member of the Executive Council (MEC) responsible for this Department has established the Public Entity known as KwaZulu-Natal Liquor Authority to administer this piece of legislation and implement it. The KwaZulu-Natal Liquor Authority was then established in 2012 as a stand-alone Public Entity charged with the responsibility to regulate the micro manufacturing and retail sale of liquor in the province of KwaZulu-Natal. The KwaZulu-Natal Liquor Authority will be described in details in the subsequent chapters of this paper as it is the centre piece of the study. When the KZN Liquor authority was established in 2012 chapter 1-5 of the 2010 Act were initially implemented, it was only in 2014 when the national minister of Trade and Industry repealed the National Liquor Act of 1989 in KwaZulu-Natal that the KZN Liquor Act of 2010 was implemented in full (inclusion of remaining chapters 6-10). This therefore means that the 1989 Liquor Act is no longer applicable in KwaZulu-Natal but it is applicable to provinces that have not yet enacted their own provincial liquor legislations as per the provisions of the new National Liquor Act of 2003.

### **3.6 The Implementers of the Act**

#### **3.6.1 The South African Police Services (SAPS) as the key stakeholder in the implementation of the KZN Liquor Act**

The SAPS as the enforcement agency has been charged with the responsibility to monitor and to enforce almost all laws in the Republic of South Africa. Similarly with the Liquor Act as KZNLA (2011) noted that the role of SAPS is of critical importance as the liquor regulator is dependent on SAPS for successful implementation of the liquor Act. The National liquor Act, 1989 section 139 has made provision for appointment of Designated Liquor Police Officers (DPO). Therefore the Liquor Authority work in hand and glove with SAPS.

#### **3.6.2 Business Act, Act no 71 of 1991 and the role of Municipalities in the Implementation of the Liquor Act.**

Liquor industry as a business activity is influenced by other legislations such as Business Act- For example according to the KZN Liquor Act 2010 if one applies for a liquor licence one of the requirements is to obtain a business licence from the local municipality. The Business Act 1991-Act No. 71 of 1991 gives rise to and advances the rights to regulate and control business licencing to the local government, which in this case are local municipalities. The local government has a responsibility amongst others, of human settlement, economic development, public safety and other. Municipalities normally enact by-laws that are applicable in their respective municipalities. This is further enshrined and legitimised by schedules 4B and 5B of the constitution of the Republic of South Africa.

### **3.7 The focus of the study and review of related studies conducted in South Africa**

This research looks to identify implementation challenges of the new liquor policy to the intended beneficiaries. Liquor policy as would all other social policies affects everyone; even non-drinking citizens are a part of the society that is affected by the use and misuse of alcohol.

The KZN Liquor Act, 2010 seeks to achieve an equilibrium between the economic and social impact of alcohol regulation and sale thereof. KZNLA (2011). Therefore the researcher



deems it fitting to examine the policy with the purpose to analyse the efficacy of its implementation and/ or challenges by checking whether what has been said in theory translate into the envisaged practical operation and whether the desired implementation and its outcomes are met.

Madel and Van Eeden (2006) argue that the impact of regulatory policies is inseparably linked to the capacity to implement by the implementing agencies. This therefore means while uneven enforcement maybe as a result of capacity constraints, policy implementing agencies may be tempted to more often choose to use certain regulations selectively, instead of doing an introspection and pointing out the shortfalls of policies and correcting and/or providing strategies and resources to support the initial intentions of policy.

Campanella and Flanagan (2011:29) argue that government policy has an extensive economic and social implication. They further point out that the World Health Organisation (WHO) describes alcohol as a major overall contributing factor to deaths, diseases, and injuries. They infer that “Alcohol has affected the lives of countless people in devastating ways” Campanella and Flanagan (2011). It therefore follows that Governments throughout the world need to devise mechanisms for managing this intoxicating and potentially harmful substance. Brinkerhoff and Crosby (2002:6) argue that experience has shown that an inwardly focused “business as usual” approach will fall short of achieving intended results.

Policy Scholars like Hebiniak (2005:5-13) brings to light the complexity of policy implementation. He identifies a number challenges that hinder effective implementation, these include but are not limited to the following: separation of planning and implementation process, management which is trained to plan not to perform furthermore lack of strategy and policy communication is the challenge.

When measuring the success of the implementation of regulatory policies for a developmental state; Hill, et.al. (2002:430) argues that the theory of policy implementation means; the development of the theory of action. In this way, Funnell and Rogers (2011) identify four features that comprise the theory of action. The features impress on whether the goals at the implementation stage of the project are achievable or not.

The four features Funnell and Rogers (2011:39) refer to are:

1. A detailed statement about the agreed upon outcomes in the outcome chain and the success criteria for each outcome.
2. Assumptions about the processes involved and how the policy or programme is operationalised.
3. Assumptions about external factors, including social and economic and political condition.
4. Assumptions about what the policy or programme have gone about addressing external factors to achieve policy or programme outcomes, considering resources, activities, management strategies, outputs and throughout outcomes.

These variables shape the achievement of the desired goals and perhaps if they are all considered, then implementation has a good chance of success. They are also crucial as they also consider the factors such as social, economic and political environment as these are likely to affect the implementation.

Brinkerhoff and Crosby (2002:5-6) suggest that policy emerges from the bottom up, not just from the top down. They further point out that if policy is a process then successful policy outcomes depend not simply upon designing good policies but upon managing their implementation. Instead of identifying ideal solutions up front and top down, policy implementers need to iteratively develop answers that collaborating agencies and stakeholders can agree upon. This therefore means the successful implementation cannot be achieved unless there is cooperation and creation of the environment that accommodates the views and the needs of the various parties involved.

Given the above discussion, it is evident that studies by various researchers throughout the world have answered the questions on the need for policy on liquor that ensures a balance between the economic, social and political impact, the questions would therefore be: “Is it enough? And if not where is the apple rotting?” With regard to the KwaZulu-Natal Liquor Licensing Act, 2010 (Act No. 06 of 2010) it emerges from research on the subject matter of the enactment and implementation of it that there is not enough written research work on the KZN Liquor Act since its full promulgation in February 2014. Hence this study seeks to explore the implementation processes and accompanying challenges of this post-democratic era piece of legislation.

Additional to the available literature on liquor in general, implementation of social policy as well as public policy the following literature has been read to give background understanding of Government's intentions and approaches to Liquor Regulatory Policy and its implementation in South Africa:

Parry (2010) in his study of alcohol policy in South Africa points out that alcohol policy in South Africa manifests itself as a result of competing interests, values and ideologies. He describes the South African policy development approach as piecemeal fashion. He argues that having a comprehensive national alcohol policy cutting across different sectors may be a better way. On this note Parry's view contradicts the constitution of the Republic Schedule 4B and 5B which sees liquor regulation as a provincial competency. Further to this the context and the different dynamics of the provinces necessitate exclusive regulatory policies.

As Parry (2010) further argues that the Policy window for regulation of retail sale opened briefly at the end of 1997, but closed following a challenge in the constitutional Court by the opposition in the national legislature (that was the ruling party in the Western Cape Province) on the grounds that it impinged on provincial competencies. Throughout this process the liquor industry had been pressuring the government to pass legislation to normalise the sector. Shebeeners wanted to be able to purchase alcohol at the wholesale prices and to be legalized, but they did not want to be subject to the same tax regime and regulations as other licenced outlets. This therefore means understanding the financial interest of the shebeeners is crucial to understanding of the challenges of making the policy in this area.

Although Parry's study had a special focus on Policy development initiative that have taken place in South Africa between 1994 and 2009 focusing on restriction on alcohol advertising , counter advertising , regulation of retail sale of alcohol, alcohol taxation and controls on alcohol packaging. But it provides the foundation for policy formulation in this area. He further argues that South African policy reviews had insufficient information regarding the impact of economic factors on alcohol policy development.

Smith (2014) examines the ongoing attempts by South African Government to regulate alcohol and shebeens in low-income residents' areas in Cape Town. He argues that abuse of alcohol is linked to ill-health and negative social behaviour and as a result government bodies try to restrict access to alcohol through regulating where and when it can be sold. Smith's study had a special focus on discourses of alcohol

Charman et al (2013) described aspects of shebeen business practice in South Africa - their focus was on the decades of unsuccessful efforts to migrate informal businesses to South Africa's formal economy. They argue that informalisation is enforced by a failure of Government to align the law and policy with the reality of the lived economy in poor communities.

### **3.11 Conclusion**

The foregoing discussion occasioned specific conclusions that can be made in respect of our subject matter. The first conclusion is that Liquor Policy is important in South Africa and it should be coupled with stronger enforcement of existing legislation and regulation of the market. The second conclusion is that the liquor industry in South Africa is a double edged sword that on one hand contributes to the massive economic growth and employment opportunities. On the other hand, result in quantifiable incidents, chronic illnesses that some are potentially fatal and others are fatal. The chapter has provided the background history of alcohol particularly in South Africa, the policy and legislative interventions. Further to this, the chapter cited the related regulatory policies such as tobacco product control policy in which alcohol policy is evolving from. Many lessons can be drawn from the implementation of tobacco control policy. These lessons can provide a fertile ground for successful implementation of liquor policy.

The chapter also presented the review and noted that various scholars have researched liquor policy in South Africa however the implementation of liquor policy and challenges posed by implementation were not covered.

It was noted that the KwaZulu-Natal Liquor Authority is responsible for the implementation of the Liquor Act in the province. The legislative framework through the Constitution of the Republic of South Africa has identified Provincial sphere of Government as responsible sphere for liquor licensing and regulation.

## **Chapter 4:**

### **Description of the case study**

#### **4.1 Introduction**

This chapter provides a description of the KwaZulu-Natal Liquor Authority. It describes the background of its establishment highlighting its functions and statutory mandate including strategic goals and objectives. This chapter also presents the key stakeholders that are involved in the functioning of the Liquor Authority. The organisational designs and structure of the Liquor Authority, including one of the District offices of uThukela where the study is based, will be provided.

#### **4.2.1 Background information**

It becomes important that before one describes the case study, one must note that the KwaZulu-Natal Liquor Authority is a State Owned Enterprise (SOE). In this way one will start by defining what is meant by SOEs and their origins.

During the 20<sup>th</sup> century, traditional government became incapacitated by too much bureaucracy, unable to deliver effective services to the general population and this created a need for public sector reforms (Kamarck 2012: 15). These reforms focused on creating state ownership in the economy, mobilized private sector capital, reduced state debts and to enhanced capacity and competitiveness of the SOEs, (Mokwena 2012: 43-44). SOEs have a reputable record of providing people with services such as water, electricity, sanitation, and regulation. SOEs are government's attempts at economic reform striving for economic growth through increasing competition and protection against monopolistic behaviour, (Balton 2010: 45). This therefore means that SOEs capacitate empowerment and emancipation of all sectors of society.

The United Nations (UN) define SOEs as “publicly owned and controlled enterprises primarily engaged on financial activities that are oriented in economic advancement” (SNA 1968: 78). From this broad definition Ferriera (1993: 08) described SOEs as legal entities established as business organizations by government, either wholly owned or partially owned by the state, to carry out its commercial activities. He further argues that they ought to earn their revenues from the sale of goods, products or services they trade in (Ibid). From this

account it follows that even if government financially assist SOEs, they still bear the duty of generating revenues in the sectors where they operate.

Moreover, Ferriera (1993: 15-16) acknowledges that it is not entirely a government responsibility to pump funding to influence positive operations, but it is part of the legal tasks of SOEs to generate revenues in the line of business they are involved in. According to Turner and Hulme (1997: 198) SOEs are described in a nutshell as state-owned production units that are directly involved in the market process and thus sell their outputs. They advance the idea that SOEs are established for the purpose of achieving a set of clearly-defined public purposes and engaged in activities that are of business in character. They are often interpreted as instruments of socio-economic growth, not only in developing countries but throughout the world, especially in the modern world (PSRC, 2015: 16). As established by OECD (2013: 7) there are cases where they are engaged in non-financial services which they provide to the public, but these are rare.

The above explanation brings resonance that ideally the establishment of public entities or SOEs such as KZN Liquor Authority are as a result of government reformation of the public sector, whereby the government wants to better service delivery and make it compete with the private sector. This is commonly known as the New Public Management (NPM). Kamarck, (2012: 15) argues that applying private sector methods in public sector will lead to innovation. Hence various reforms has taken place from privatization, outsourcing, management reforms to decentralization.

### **4.3 The case study**

The Department of Economic Development was regulating liquor licences and control of the liquor industry through the provisions of the Liquor Act, 1989 (Act No. 27 of 1989). This is a national piece of legislation with provincial applicability. However since the enactment of the Constitution of the Republic in 1996, the mandate to legislate on liquor licencing is the exclusive legislative competency of the provinces. Hence the 1989 Act, in part as far as it relates to provinces was repealed when the national Liquor Act, 2003 was promulgated. In terms of this Liquor Act of 2003, provinces are expected to enact provincial applicable legislation where after the entire provisions of 1989 Act in so far as provinces mandate is concern will be repealed in its entirety. Hence the Department of Economic development in

KwaZulu-Natal has enacted its own legislation, which is the KwaZulu-Natal Liquor Licensing Act no 06 of 2010.

The KZNLA report (2013) noted that the previous legislation had failed to address the economic imperatives associated with the liquor industry and also failed to regulate and control the social economic impact of the act on communities. This therefore means that before the enactment of KZN 2010 Liquor Act, liquor licensing was not perceived to be an economic activity but was rather framed as a compliance issue. The new Act (KZN Liquor Act, 2010) seeks to address the shortcomings of the 1989 Act by putting in place measures that address proper regulation and control of the liquor industry regarding its economic contributions, while balancing the social and economic impacts and the effects liquor has on communities.

#### **4.3 The KwaZulu-Natal Liquor Authority**

Therefore, to attend to the aforementioned, the Liquor Authority is established in terms of KwaZulu-Natal Liquor Act No. 06 of 2010.

The Act sets out the objectives that the province wishes to achieve with regards to liquor licensing and micro manufacturing. It also extend beyond the balancing the congruent objectives of providing a stable social environment against promoting growth of the liquor industry.

According to KZNLA (2011) the MEC for Economic Development, Tourism and Environmental Affairs signed off the final establishment of the public entity (KZN Liquor Authority) in February 2012 and the entity started to operate as a stand-alone public entity in August 2012.

#### **The vision and mission of the liquor authority.**

It is the vision of the Liquor Authority “to position the Liquor Authority as the leading and distinguished liquor regulator in the country” KZNLA (2011: 6). The Mission and Purpose is “to ensure proper regulation and control of the retail sale and macro-manufacture of liquor in the province of KZN through effective policies, strategies and partnerships” KZNLA (2011: 6).

Knoepfel et al (2007:21) points out that public policy intends to solve a social problem experienced collectively and politically understood to be warranting a solution. It is for this reason the public policy presupposes a type of theory of social change.

The Liquor Act 2010 (section 7 (1)) stipulates the following powers duties and functions for the Liquor Authority:

- *Consider and process application.*
- *Refuse or Grant application for Liquor Licenses.*
- *Advise the MEC on any matter referred to the liquor authority by the MEC.*
- *Investigate and make recommendations to the MEC regarding any matter relating directly or indirectly to the liquor industry in the province.*
- *Advise the MEC on the development of the of social responsibility programme in respect of alcohol consumption and implementation thereof.*
- *Assist with MEC in formulation policy and the establishing of norms and standards concerning any matter in relation to the liquor industry in the province.*
- *Participate in programmes aimed at promoting the development of a responsible and sustainable retail and micro-manufacturing liquor industry in the province.*
- *Initiate and participate in the development programmes aimed at reducing the socio-economic and other effects of alcohol abuse.*
- *Assist and advise the responsible MEC on the development of a programme in order to pursue the objects of the Act as detailed in section 2.*
- *Within the framework of the National and Provincial liquor policies, assist and advise the MEC with regard to advising and guiding local committees the business unit within the department responsible for small business development, stakeholders in the liquor industry consumers and organisation or institutions whose activities or aims gave an impact and relate to the liquor industry in the province.*

#### **4.4 The Statutory Mandate of the Liquor Authority**

The foremost aim of the Liquor Authority is to ensure that the objects of the Liquor Licencing Act are accomplished. According to section 2 of the KZN liquor licencing Act the objects of the Act are as follows:



- (a) To provide for the regulation of the macro manufacturing and retail sale of liquor in the province of kwaZulu-Natal.
- (b) To reduce the socio-economic and other cost of alcohol abuse.
- (c) To provide for the public participation in the consideration of applications.
- (d) To promote the development of a sustainable retail and macro manufacturing liquor industry in a manner that facilitates:
  - The entry of new participants into the industry
  - Diversity of ownership in the industry
  - An ethos of social responsibility

According to the KZNLA Business plan (2011) to give effect to the above objects of the Act, the following are key strategic goals and strategic objectives which have been put in place by the entity to ensure the mandate of the Liquor Authority is accomplished. It is however important to note that the following is what is written on paper whether it does translate into action or not, that will be the subject of our next chapter. For the purposes of this chapter we are describing exactly what is envisaged and how it is practised.

The Liquor Authority has four business units with the following mandate. KZNLA (2011) The Liquor Authority has four business units and the office of the CEO with the following mandate. (KZNLA – Strategic Plan 2015 - 2020)

**Table 4.1 Functions of different business units in the Liquor Authority**

<i>Strategic goals</i>	<i>Strategic Objectives</i>
<p><b>OFFICE OF THE CEO AND BOARD</b></p> <ul style="list-style-type: none"> <li>• To provide for an effective regulatory environment.</li> <li>• To implement effective corporate governance processes in the Liquor Authority.</li> </ul>	<ul style="list-style-type: none"> <li>• To provide strategic direction and leadership to the organisation and the industry.</li> <li>• To ensure compliance with relevant legislations, prescripts, corporate governance and financial reporting standards.</li> <li>• To oversee risk matters within the organisation.</li> </ul>

<p><b>LICENSING AND ADMINISTRATION</b></p> <ul style="list-style-type: none"> <li>• To implement an effective liquor licensing process.</li> </ul>	<ul style="list-style-type: none"> <li>• To implement an effective, efficient and measurable license application process.</li> <li>• To provide effective and efficient administrative support to board.</li> <li>• To implement a robust and comprehensive registry that manages and control the information necessary to meet the requirements of the Act.</li> <li>• To design and implement a fair and transparent set of evaluation criteria to be used by local committee and the liquor authority.</li> <li>• To facilitate the fair and equitable allocation of licences</li> <li>• To encourage the entry of new participants into the industry.</li> <li>• To create an environment enabling diversity in the liquor industry.</li> </ul>
<p><b>COMPLIANCE AND ENFORCEMENT</b></p> <ul style="list-style-type: none"> <li>• To ensure compliance with the Liquor Licensing Legislation.</li> </ul>	<ul style="list-style-type: none"> <li>• To provide support in the licensing process.</li> <li>• To implement an effective and efficient compliance monitoring process.</li> <li>• To implement strategies to engage stakeholders on issues of non-compliance.</li> </ul>

<p><b><i>SOCIAL RESPONSIBILITY</i></b></p> <ul style="list-style-type: none"> <li>• To advocate for an informed, efficient and seamless liquor regulatory environment.</li> </ul>	<ul style="list-style-type: none"> <li>• To provide regulatory support for all liquor stakeholders and have a fully regulated liquor industry.</li> <li>• To provide for empirical research into the liquor industry and its impacts on society.</li> <li>• To educate and inform all liquor regulatory stakeholders.</li> </ul>
<p><b><i>CORPORATE SERVICES</i></b></p> <ul style="list-style-type: none"> <li>• To implement sound financial management and effective and reliable information management systems.</li> </ul>	<ul style="list-style-type: none"> <li>• To ensure statutory and regulatory compliance.</li> <li>• To maintain efficient and effective Supply Chain Management Systems.</li> <li>• To maintain efficient and effective financial Management Systems</li> <li>• To maintain efficient and effective information technology infrastructure</li> </ul>

*Source: adapted from KZNLA Strategic plan Document*

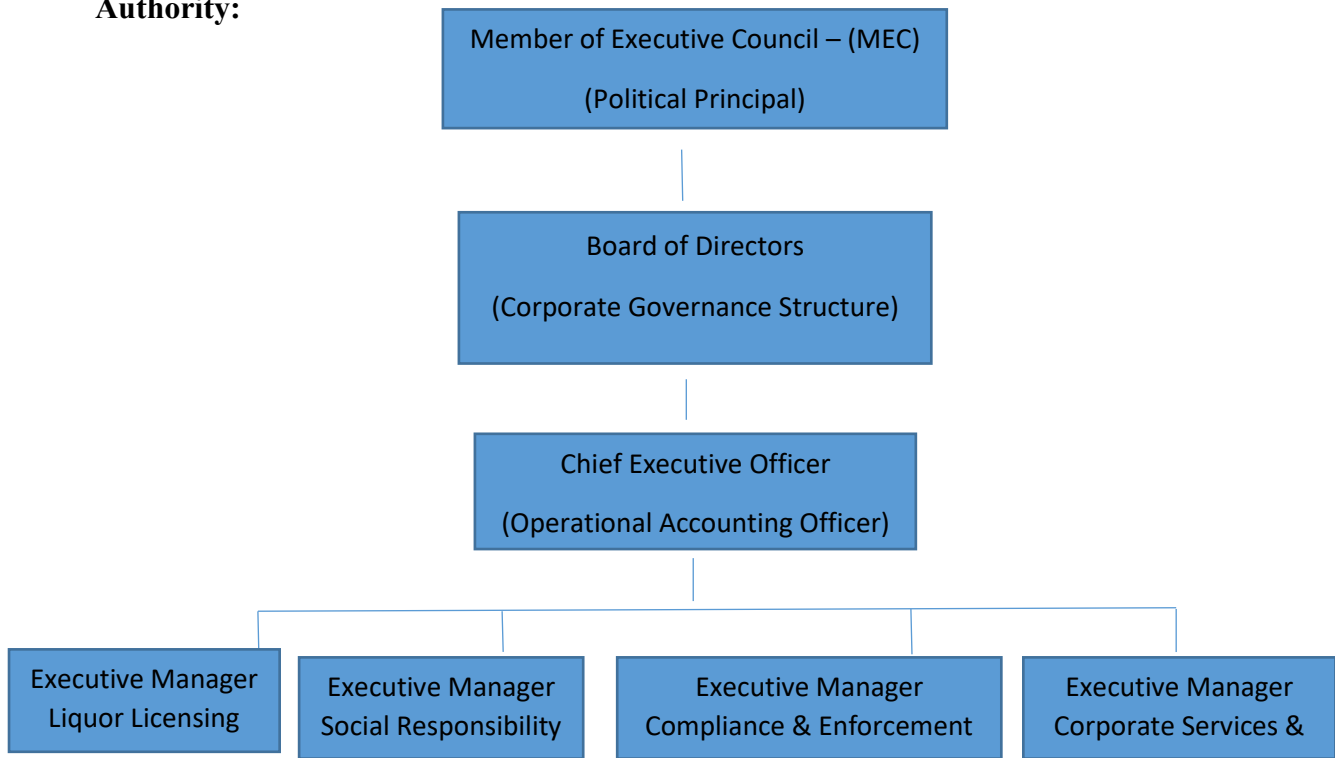
#### **4.5 Organisational Design**

The organisational design was based on gearing the entity to achieve the above mentioned strategic objectives. The following organisational structure was created which links the above strategic objectives into the business units

- Member of Executive Council (MEC)(***Political Principal***)
- Board of Directors (***Governance Structure***)
- Office of the CEO (***Accounting Officer / Operations***)
- Executive Manager Liquor Licencing and Administration (***License Applications receipt and Administration***)
- Executive Manager Compliance and Enforcement (***Compliance Monitoring and Enforcement***)
- Executive Manager Social Responsibility(***Inter-Governmental Relations; Education & Research***)

- Executive Manager Corporate Service & Chief Financial Officer (**Financial Support / ITC support & Auxiliary Services Support**)

**Figure 4.2** The following is Organogram of the Top Structure of the KZN Liquor Authority:



*Source: Adapted from KZNLA ANNUAL REPORT (2014/15)*

As mentioned previously one of the key differences brought about by the new Act is that the social and economic impact is now specifically considered in terms of the legislation. In order to assist with this and to have tangible measurements during the licence application process, additional evaluation criteria has been developed.

The balancing of the congruent forces of the growing liquor industry against that of the potential social and health cost is a complex task. It requires information to assess the various parameters as well as a method to evaluate the potential impact of a liquor licence. This means in making a determination of whether to grant or refused application for a liquor licence, the Liquor Authority must rationalise the decisions by taking into account a number of things.

The current section is important for two reasons. On one hand it locates the assessment of KZN Liquor Policy Implementation within a particular framework and to that extent enables

a balanced and informed analysis of data to be provided by other sources in the next chapter. On the other hand, there could be instances where policy implementation fails as a result of shortcomings in its programming. Therefore, it is for this reason an enquiry into its composition has the potential to indicate the direction its implementation is likely to take.

The following sections then spell out what the Liquor Authority commits itself to do to transform the Liquor Industry and to empower communities of KwaZulu-Natal, taking cue from KZN Liquor Licensing Act of 2010 and constitution as the supreme policy document in the country.

According to the KwaZulu-Natal Liquor Authority Business Plan (2011) the proposal was made to assist with this complex task, the following evaluation framework was developed in addition to the criteria set out in the Act:

### **Data requirements**

#### *Community health information*

- *Alcohol consumption per capita*
- *Crime statistics*
- *Noise levels and nuisance complaints*
- *Number of child alcohol abuse cases*
- *Domestic violence profile*
- *Size and total square metres proposed outlet in terms of crowd control*

#### *Economic indicators*

- *Liquor licence ownership diversity*
- *Liquor sales as a percentage of the GDP per geographical area*
- *Tourism potential information*
- *Infrastructure and transport profile*
- *Nature of geographical area (residential, industrial business)*
- *Profile of the area in relation to illegal selling or manufacturing of liquor*
- *Job creation indicators*

*Spatial data*

- *Population density per geographical area*
- *Population profile per geographical area*
- *Licence density per geographical area*
- *Premises type density per geographical area*
- *Geographical location and proximity indicators*

***First and second economies profile per geographical area***

*The following table translate the above in a more practical way of how the Liquor Authority should conduct the assessment of licence application.*

***Table 4.3 Level 1 assessment for a liquor licence application***

<b>Focus area</b>	<b>Criteria to asses</b>	<b>Rating</b>
<b>Social profile</b>	Level of crime in the area. Noise levels or expected noise levels. Percentage of the population who are children, elderly or victims of abuse. Level of public safety. Size of the outlets kin terms of crowd control.	Rate each with a score between 1 and 5. 1 being high risk and 5 being low risk.  <ul style="list-style-type: none"> <li>• High social risk (1-7)</li> <li>• Medium social risk (8-13)</li> <li>• Low social risk(14-20)</li> </ul>
<b>Community Health profile</b>	Level of income per capita Unemployment rate State of housing in the area Medical health profile (such as HIV Aids)	Rate each with a score between 1 and 5. 1 being high risk and 5 being low risk.  <ul style="list-style-type: none"> <li>• High health risk (1-7)</li> <li>• Medium health risk (8-13)</li> <li>• Low health risk(14-20)</li> </ul>
<b>Economic impact</b>	Job opportunities to be created. Related business to be created (food ad transport). Tourism potential. Enhancement of social interaction. Enhancement of ownership diversity.	Rate each with a score between 1 and 5. 1 being low economic potential and 5 being high potential.  <ul style="list-style-type: none"> <li>• Low economic potential (1-7)</li> <li>• Medium economic potential (8-13)</li> <li>• High economic potential (14-20)</li> </ul>

Source: Adapted from KZNLA (2011)

The above assessment is than interpreted as follows:

- Any focus area with a high risk should be assessed in more detail and the impact of the findings considered against the application.
- For the overall assessment of medium economic potential, no particular problem is expected with the application.
- The overall assessment of 14-20 indicates that the issuing of a licence is likely to advance the objectives of the Act.

The former CEO of the KZN liquor Authority (as cited in the Strategic Plan Document - 2013) stated that the Liquor Authority recognises that a new approach to liquor regulation must be ambitious but also extremely sensitive. It must seek to combine competing interests and serve the overall public good - not only for those who produce, distribute and sell liquor, but also for those who consume it, as well as for those who do not, but who are inevitably affected by it either through its economic benefits or otherwise the negative effects of its abuse. On this note, below is the assessment level two which advances the provisions of the Act in considering new applications for liquor licences.

**Reasonability test**

The level 2 assessment should be conducted to evaluate the reasonability of granting or refusing the licence.

**Table 4.4 Level 2 assessment for a liquor Licence application**

<b>Focus area</b>	<b>Likely positive impact</b>	<b>Likely negative impact</b>
Lifestyle factors	Likely to increase the social interaction and recreational activities.	Likely to increase the social problems of the community.
Personal circumstances	likely to create employment opportunities in the community.	Likely to negatively impact the family unit and affect the level of employment through potential loss of jobs.
Environmental conditions	No significant impact on disturbing noise levels expected.  No significant impact on the visual aesthetics of area.	Likely that the environmental aspects mentioned will results kin a negative impact on the affected parties.

	Decrease in property surrounding property values not expected.	
--	--	--

*Source: Adapted from KZNLA (2011)*

As also mentioned earlier that the KwaZulu-Natal Liquor Authority ideally have two distinct objectives. One is to develop and diversify the liquor industry, two is to provide regulatory process to licence holders. According to the KZNLA Strategic Plan Document (2013) below is briefly how the regulatory part is actioned by the Entity. On this note the Liquor Authority recognises that liquor is a potentially dangerous and harmful substance when it is abused, and therefore its regulation and control must be managed properly. This requires a collaborative relationship with liquor industry, stakeholders and communities.

**Table 4.5 The regulatory functions of the Liquor Authority**

<b>Focus area</b>	<b>Activities</b>
Compliance and Enforcement	<ul style="list-style-type: none"> <li>• Routine inspection</li> <li>• Blitz inspections</li> <li>• Complaints investigations</li> <li>• Collaborative inspections with stakeholders such as SAPS, agriculture, municipalities and other enforcement agencies</li> <li>• Formation of stakeholder forums</li> </ul>
Measures to uphold social ethos	<ul style="list-style-type: none"> <li>• Trader awareness and education on the Act. (<i>their right and obligations</i>).</li> <li>• Community awareness and Education on the Act. (<i>their role in the application and regulatory process as well as on opportunities available in the liquor industry</i>).</li> <li>• Stakeholder awareness and education on the Act. (<i>their role in the application process and in the regulatory process</i>).</li> <li>• Formation of partnerships with stakeholders on programmes.</li> <li>• Conduct research and impact assessment of the liquor industry.</li> </ul>

*Source: adapted from KZNLA (2011)*

#### **4.6 The KZN Liquor Authority office in UThukela District area**

There are four staff members in uThukela District Office, of which two are liquor inspectors, one a Licencing Admin Officer and one Social Responsibility Practitioner. All of them have a role in the implementation of the Act. These staff members are placed under each business unit and are charged with the responsibility to execute the mandate outlined earlier.



## Numbers of Licenced Liquor traders

There are 413 licenced Liquor Traders within uThukela District. The following table indicate the breakdown of licenced liquor traders in uThukela District area.

*Table 4.6 the Breakdown of Licence holders in uThukela District*

<b>Type of licence</b>	<b>Short definitions</b>	<b>Total number</b>
Tavern	A residentially zoned sit-in liquor outlet no take away allowed	148
Restaurant	The primary business is food; liquor is sold incidentally	62
Pub	A commercially zoned liquor outlet; strictly on consumption no take away	15
Accommodation	The primary business is accommodation; liquor is a secondary business	41
Club	A constitutionally organised group with a common purpose	12
Night club	An entertainment place which is licenced to sell liquor strictly for on consumption	2
Grocers wine	A grocers store licenced to sell natural wines only. Strictly off consumption	11
Liquor Store (bottle Store)	A take away liquor outlet; strictly no sit in only take away are allowed	147
Gaming premises	The primary business is gambling or gaming; liquor is sold incidentally	1
Sport ground	A licenced sport ground only to sell liquor during games and other recreational activities. Strictly for on consumption	1
Theatre	A place for art performances licenced to sell liquor for on consumption	1

## 4.7 Key Stakeholders that Involved in the licencing and regulatory process.

### 4.7.1 Local Municipalities

The area of uThukela District has three local Municipalities, namely UKhahlamba Local Municipality, Inkosi Langalibalele Local Municipality and Alfred Duma Local Municipality. Their role is to advise the Liquor Authority in the licencing process through the issuing business licences and municipal consent to those applying for liquor licences. Further to this, Section 78 (1) (b) of the KZN Liquor Act 2010, gives power to municipalities to make determination of lesser trading hours than those stipulated in Schedule 3 of the Act in their respective municipalities through municipal by-laws. Moreover the municipal public safety

and nuisance inspectors are also charged with the responsibility to ensure compliance and enforce the law.

#### 4.7.2 South African Police Services

The Area of uThukela District Has 15 Police Stations scattered over the above 3 municipalities these are as follows.

**Table 4.7 the Breakdown of Police stations per Local Municipality**

<b>Inkosi Langalibalele Municipality</b>	<b>Alfred Duma Municipality</b>	<b>UKhahlamba Municipality</b>
<ul style="list-style-type: none"> <li>• Estcourt Police Station</li> <li>• Wembezi Police Station</li> <li>• Ntabamhlophe Police Station</li> <li>• Amangwe Police Station</li> <li>• Weenen Police Station</li> </ul>	<ul style="list-style-type: none"> <li>• Ladysmith Police Station</li> <li>• Ezakheni Police Station</li> <li>• Elangstlaagste Police Station</li> <li>• Van Reenen Police Station</li> <li>• Bersters Police Station</li> <li>• Ekuvukeni Police Station</li> <li>• Colenso Police Station</li> </ul>	<ul style="list-style-type: none"> <li>• Bergiville Police Station</li> <li>• Upper Tugela Police Station</li> <li>• Winterton Police Station</li> </ul>

The above police stations each have a number of licenced liquor outlets in their policing area. The previous Liquor Act of 1989 had made provisions in section 139 for appointment of Designated Liquor Police Officers by the Member of Executive Council Responsible for Safety and Security. Although the new Act of 2010 does not have this provision, the SAPS remains the key stakeholder particularly in the monitoring and enforcement of the Act. They also continues to appoint Designated Liquor Police Officers in each Police Station for the purposes of managing and dealing with liquor related matters.

#### 4.8 Conclusion

This chapter has described and conceptualise the case study and its location including the role players involved as well as policy recipients. The next chapter will explore and analyse how the KwaZulu-Natal Liquor Authority has given effect to the implementation of KwaZulu-Natal Liquor Licencing Act 2010, -Act No 06 of 2010.

## **Chapter 5**

### **Research Findings and analysis**

#### **5.1 Introduction**

The previous chapter outlined the description of the case study and textual content of liquor policy and relevant documents for which the implementation is being assessed by this study. The current section of the thesis will do the following:

Firstly, it will present the results of fieldwork interviews and other pertinent documentation relating to the implementation of the KZN Liquor Act by the KZN Liquor Authority.

Secondly it will focus on the application of 5C Protocol to the data collected in order to inform the conclusions to be made about the status of the implementation of the Liquor Policy in KZN uThukela District area. Lastly some informed conclusions will be made based on the forgoing.

#### **5.2 Presentation of data from interviews and other implementation documents**

A total of 24 formal structured interviews were held, 15 of which were with Liquor Authority staff members and seven were key stakeholders - which includes the SAPS and Local Municipalities. Two were with liquor distributors and manufacturers. Above these a questionnaire of 13 carefully structured questions inquiring on perceptions, views, opinions and experiences of the liquor traders towards the implementation of the KZN liquor Act was also composed. The questionnaire was administered to at least 38 liquor traders in the uThukela District area. The respondents to the questionnaire were selected proportionately to represent all categories of licence holders as indicated in the methodological section on this dissertation.

The interviews were audio taped with to the most of the respondents who did not object to the idea of audio taping the conversations. Some had to be translated to English before the comprehensive write ups.

Data extracted from interviews was supplemented with information acquired from the following sources:

- The KZN Liquor Authority's 5 year Strategic Plan Document;
- Its Annual Performance Plans;
- Its inception Business Plan for its initial set up;
- The KwaZulu-Natal Liquor Act, 2010 (Act No. 06 of 2010)
- It's Regulations as published in 2014.

In presenting the findings and analysis, the study tried to provide answers to the following questions:

- i. What problem does the KZN Act No. 06 of 2010 aim to address?
- ii. Who are the implementers of the Act?
- iii. What are the implementation challenges faced by implementers on the Act?
- iv. What are the experiences and challenges faced by the recipients of the Act?

The analysis of these findings was conducted using a qualitative method of thematic analysis. Thematic analysis is defined by Fereday and Muair (2006) as a method of grouping data into more understandable themes for the purpose of analysis. They state that thematic analysis is ideal to use when answering questions related to people's feelings, experiences, views and perceptions Fereday and Muair, (2006). The themes used in the analysis of data are based on the main research questions guiding the study. The identified themes are the purpose of the Act, Regulation and Control, implementation challenges.

The findings will be presented in alignment with the abovementioned themes following the order prescribed below:

- The Perspective of Policy recipients (Liquor Traders),
- The Perspective of the Key Stakeholders (SAPS and Municipalities),
- The perspective of Street level bureaucrats (the lower level staff members of the Liquor Authority),
- The perspective of the senior management of Liquor Authority,
- the perspective of the Board Members of Liquor Authority, and
- Lastly a comment from industry role players (liquor industry manufacturers and distributors).

The responses from different respondent mention above are coded as follows:

For Liquor Traders it will be LT001, LT002 respectively

For the Stakeholders it will be ST001, ST002

For the Street level Bureaucrats it will be SLB 001. SLB 002 going forward.

For the Management of the Liquor Authority it will be MNT001, MNT002 respectively.

For the Board Members it will be B001, B002 respectively.

For Liquor Industry Players it will be (IND001, IND002 respectively).

### **5.3 The perspective of Policy Recipients (Liquor Traders)**

The key findings that emerged during the survey study which included the open ended questions particularly from the policy recipients (liquor traders) were centred on issues of limited access due to fee increments, administrative issues, poor service delivery by Liquor Authority, lack of coordination and understanding, unequal treatment. These issues will be discussed below.

A total of 38 licenced liquor traders participated in the study and the following similarities were identified from the responses. The licenced liquor traders are not role players in the implementation but are the affected parties since the liquor policy is there to regulate them. In this way they are the policy recipients or the intended beneficiaries of the Act.

#### **5.3.1 Purpose of the New Act**

According to the objects of the KZN Liquor Act, sections 2 (1) a – d the Act seeks to regulate the retails sale of liquor in the province of KwaZulu-Natal and to develop and diversify the liquor industry by promoting the entry of new participants into the industry.

#### **Definition by perception**

There seemed to be a misconception regarding the intention of the new Act, while employees of the Liquor Authority have their own understanding, the licenced holders who are the beneficiaries of the Act proved to have a different perception of the intention of the Act and the processes involved in the licencing and regulation of the industry. When asked, what they think is the purpose of the new Liquor Act, the policy recipients' responses indicated that they perceived the new Liquor Act as an oppressive tool that seeks to limit access and disadvantage liquor traders, especially the emerging previously marginalised liquor traders.

This view is contrary to the intended written purpose of the Act. One of the licenced traders from uThukela district area had this to say in IsiZulu:

*“Mina ngokwami ukubona inhloso ukusiphuca amalayisensi  
uHulumeni ufuna ukusivala nje qha!  
Mhlambe ubona sebebaningi abantu abanamalayisensi otshwala  
Manje yindlela yokusiphungula lomthetho”*

**Meaning**

*“I personally think this Act is here to close us down  
The Government wants us to close down and that’s it!  
Maybe they realised that there are too many people with liquor licences.  
So this Act is a strategy to reduce us”*

(Respondent LT006: Liquor Traders)

In rationalising their views, the respondents in this category cited amongst other things, the issue of fee increment as a tool to limit access and making the running of a liquor business difficult and expensive.

The respondents claim that the Liquor Authority have increased the fees harshly as it amounts to above 400% from what it was. Examples that were cited by respondents include that under the pre-democratic Act of 1989 the application fee was R200.00, but now under the New Act it shot up to R1500.00. Again to renew a Tavern Licence under the old Act of 1989 was R100.00 but now it is R1000, 00. For a bottle store it was R1000, 00 but now it is R4800.00.

One of the respondents who is a liquor trader said:

*“Although we are happy about the new Act allowing us to trade on Sundays,  
the new Act came with huge increases in fees by +- 400% plus penalties which are charged  
at 100% to 300% if you happen to be late with payments - this is harsh”*

(Respondent LT0013: Liquor Trader)

This outcry was more prominent mostly amongst the small and previously marginalised liquor traders which are mostly tavern and bottle store owners. It was observed during the data gathering process that well-established liquor traders - businesses such as chain stores, hotels, B&Bs - never commented about the fee increments.

It emerged and has been corroborated by the uniform dismay, mostly of the previously marginalised traders, that the unprecedented steep hike of application and licence renewal

fees does impact on their ability to access the liquor industry and thus to continue with their businesses. Rossi & Freeman (1989:296) argue that access refers to the structural and organisational element that facilitates the participation of the target population in the programme.

### 5.3.2 Regulation and Control

Another aspect that was most prominent from the responses was the paper work that is now required. All of the respondents were citing differences between the old Act of 1989 and the New Act of 2010. Mostly the responses cited the differences which are presented in the table below. The table below compares the two legislations by indicating the changes that have been brought by the New KZN Act, which the Traders have to comply with:

**Table 5.1 Comparison of requirements between the two Acts the 1989 and 2010**

<b>1989 LIQUOR ACT (ACT 27 OF 1989)</b>	<b>KZN LIQUOR ACT 2010 (ACT 06 OF 2010)</b>
Applications lodged with Magistrate	Applications lodged with the Liquor Authority
Fees are payable at SARS	Fees are payable to the Liquor Authority
There is a fixed date of lodgement of applications (i.e. 1 Friday of any month)	Applications can be lodged on any business day excluding declared public holidays
No public participation	<ul style="list-style-type: none"> <li>• Public participation: advertise the application in two locally distributed newspapers.</li> <li>• Place a notice board on the proposed premises.</li> <li>• Submit a copy of the application to the nearest police station for public perusal.</li> </ul>
No requirements for security plan, Tax clearance, lease agreement	<ul style="list-style-type: none"> <li>• Applicant to submit a tax clearance,</li> <li>• security plan,</li> <li>• lease agreement or proof of ownership,</li> <li>• police clearance,</li> <li>• BEE Certificate.</li> </ul>

No requirement by applicant to indicate total number of employment that would be created by the prospective licence and measures which the applicant will implement to deal with social responsibility programmes	<ul style="list-style-type: none"> <li>• Indicate total number of employment opportunities.</li> <li>• Submit a social responsibility programme.</li> <li>• Submit public interest motivation.</li> </ul>
Did not provide for an increase on fees	Provides for increase of fees annually (MEC can gazette the increase of fees annually).
Annual renewal of licences is automatic Only 50% penalties for late payments	No longer automatic, licence holders has to make an application to renew the licence six (6) months before the licence is due to lapse.  100% on the first month to 300% on the third month penalties for late payments.

Table 5.3.2.1 adapted from KZNLA Business plan (2011)

The evidence above suggests that in order to survive under the new Liquor Act, a trader should at least have certain skills and knowledge such as literacy, business management and comprehension of legal jargon. If not, the trader should hire the services of a consultant, lawyer or book keeper.

The issue of poor service delivery were more prominent, particularly regarding the processing of licences by the KwaZulu-Natal Liquor Authority, and the unequal treatment of traders by the Liquor Authority below are some of the responses in that regard.

*“There are many loopholes with the liquor Act, preference is given to chain stores e.g. Tops, Shoprite etc., as these shops get their licences early, their applications are prioritised because the CEOs of these stores lounges at the Liquor Board offices in Durban, the Liquor Board CEO and them drink tea together that’s why they get preferential treatment while we, as lay people our applications are side lined hence they take up to three years and more.”*

(Respondent LT0031: Liquor Traders)

*“ngibona umthetho ungasebenzi ngeqiniso uyakhetha amabala kufana nokufaka izicelo, kunabantu abano 10 years bazifaka izicelo abatholi mpendulo kodwa abelungu kuthatha izinyanga ezimbalwa akanisebenzise iqiniso”*

(Respondent LT0038: Liquor Traders)

*“uyabheda lomthetho amalicense asiwatholi ngesikhathi, lomthetho usiqatha namaphoyiosa uma ushitsha ubulunga balayisensi kuphela iminyaka kungabuyi impendulo. Ama reference number awatholakali ngesikhathi ihhovisi liyavalwa ngo December. Okokuqala livalwa ngesikhathi sokuvuselela amaphone calls ku call centre awabanjwa.”*

(Respondent LT005: Liquor Traders)



*“They must improve systems because I was once given a wrong reference number and I had to go through a long process to fix that. Secondly we should be allowed to write affidavit in IsiZulu because we don’t know these things.”*

(Respondent LT0036: Liquor Traders)

The above trail of responses suggests that policies and programmes can fail through delivery system failures. Rossi & Freeman (1989:193) list three kinds of implementation failures: non programmes, wrong treatment and unstandardized treatment. Wrong treatment occurs when policy implementation fails as a result of the manner in which services are delivered being inappropriate, and as a result the treatment negate.

### **5.3.3 Implementation Challenges and Recommendations**

When asked about challenges the paper work and delays in processing was mentioned as a major frustration. Responses like:

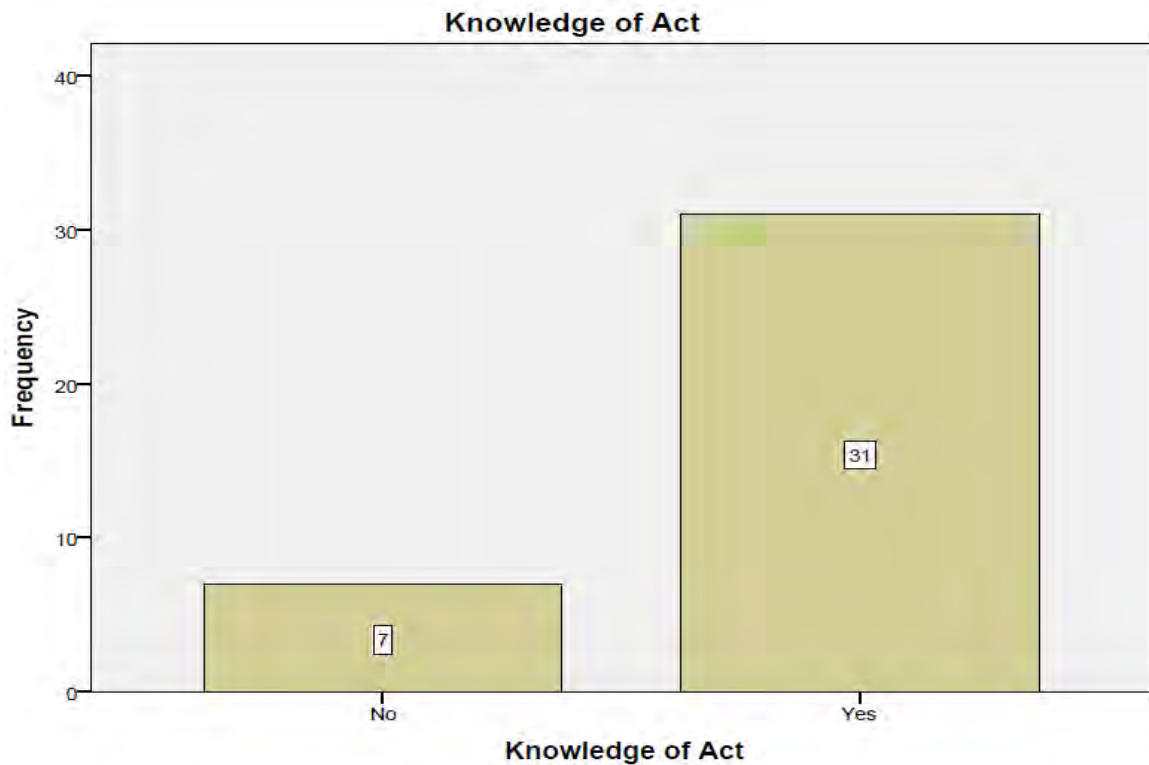
*“Limit the documentation..... Improve systems and have online.... Do away with renewal every year it is frustrating”* (Respondent LT0031: Liquor Traders)

this resonates with Hill’s (1997:17) statement where he said that “successful policy implementation is not merely about good administration, it is also about good management which also means good planning.” Managing policy implementation is about developing a shared vision influencing and persuading supporters and opponents negotiating agreements, reducing conflicts, co-operating with a wide range of stakeholders and devising work programmes in participatory and collaborative ways. Brinkerhoff and Crosby (2002:118)

#### **The Angazi (I don’t know) Answer**

One of the questions that were posed to the traders was related to the basic knowledge of new Act, if they have heard about it and if they know what is expected of them as Liquor Traders

Figure 5.2.3.1 Knowledge of the Act



The research results demonstrated that while small and struggling businesses possessed a greater knowledge of the New Liquor Act, the ‘I don’t know’ responses were more prominent particularly amongst those managing well established liquor outlets such as chain stores, restaurants and hotels. It appeared that the people who were participating are mostly not owners or licence holders, but they are employees appointed to manage business on behalf of licence holders who are stationed away in their respective head offices who are also not very familiar with the Act and processes involved relating to the licence as they hire services of legal experts such as consultants and book keepers who deal with all their licencing issues. Some of the staff members said that:

*“I do not know it is our Head Office that deals with the licencing processes as the store manager I play no role in as far as licence application and acquiring process is concerned.”*

*“Our head office can answer this”*  
(Respondent LT009: Liquor Traders)

*‘Our head office deals with licencing stuff’*  
(Respondent LT002: Liquor Traders)

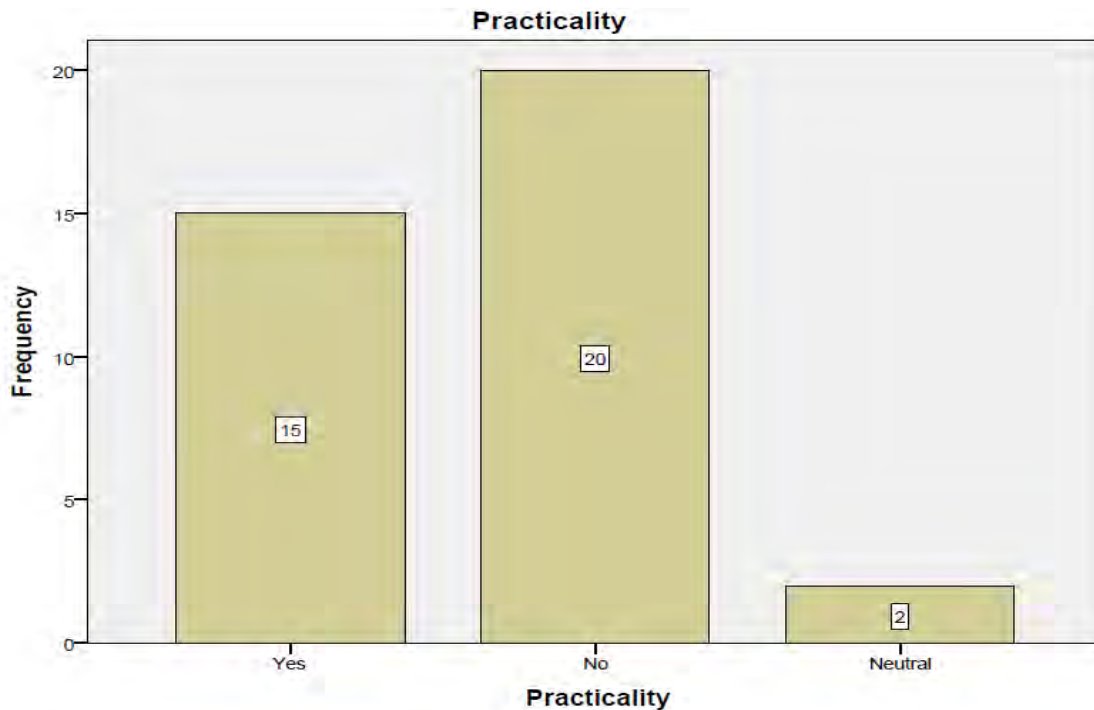
*“Hhayi Angazi”*  
(Respondent LT0012: Liquor Traders)

*“I have no idea what I know is that we have a licence and we are allowed to trade I can show it to you”* (Respondent LT0019: Liquor Traders)

According to the Section 77 of the KwaZulu-Natal Liquor Act, 2010. A licenced liquor business may not operate unless it is managed by a natural person. The natural person referred to above should be appointed in terms of section 77 and it is expected that s/he knows everything pertaining the liquor business operation and the manager appointed in terms of section 77 becomes a licenced person and is liable for all matters related to the licence. This, inclusive of taking responsibility for any transgressions and or contraventions that may occur in that liquor business. The section 77 appointed manager and the section 41 approved licence holder are equally responsible for the licence and operation as well as management and compliance based on the approval.

### **The Act is impractical and was imposed**

Figure 5.2.3.2 Practicality of the Act



The clamour of consultation during the crafting of the new Act was high, when asked if the Act is practical or not. Out of 38 participants, 20 said the Act is impractical the above graph and table indicates the frequency of the responses.

When asked what should be done to make it practical, issues of participation in the crafting of the legislation and amendments to such legislation as well as proper and timely consultation emerged strongly. Some respondents said the following:

*“....Asibizwe kuxoxwe kuboniswane kungavele kufikwe sesitshelwa nje sibe singabonisananga futhi sabuzwa ukuthi siyahambisana yini nalowo mthetho”*

### **Meaning**

*“We should have been called first to discuss this Act, not to just come and tell us without consultation where you find out our feelings about the Act”*

(Respondent LT006: Liquor Traders)

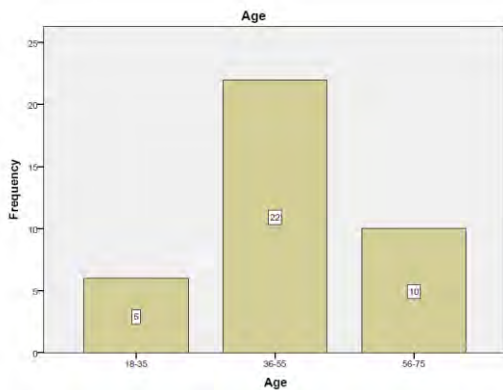
*“.....Akweziweni umhlangano owodwa ngonyaka sixoxeni kuyekwe lento yama workshop amaningi okukhulunywa into eyodwa”* (Respondent LT0031: Liquor Traders)

The above statements resonate with Theron and Mchunu (2013:126) who argue that any participation tool box packed with tools decided on by a facilitator in his/her office, who is out of touch with local reality is destined to fail.

In South Africa the National Development Plan (2011-2012) as cited by Theron (2013:112) acknowledges that active citizenry and social activism is a pre-condition for the success of democracy and development. It further acknowledges that the state cannot merely act on behalf of the people. It has to act with the people working together with other institutions to provide opportunities for the advancement of the all communities

Ideally, participation can be defined as a process through which stakeholders’ influence and share control over development initiatives and decisions and resources which affects them. Brinkerhoff (2002:53) points out that clarifying participation can be better understood by answering the question of Who, What and How.

It was observed that the majority of licenced holders happened to be predominantly males mostly between the ages of 35-55, who are operating in their residential yards and are reliant on the sales of liquor to provide income for their families. The graph below indicates the gender and the ages of the sample that participated in the study.



## 5.4 The Perspective of the Stakeholders

There were about seven stakeholders who are policy role players in the implementation of the KwaZulu-Natal Liquor Act of 2010. These participants include two municipal officials and five police officials. The issues that emerged during interviews were centred on matters of capacity, non-consultation during the crafting of the Liquor Act, duplication of services, lack of co-ordination, different interpretations of the Act and non-progressive stakeholder forums.

### 5.4.1 The purpose of the Act

The majority of the traders indicated that the intention of the government with this new piece of legislation is to regulate the liquor industry in KwaZulu-Natal. Also in this category none of the respondents indicated the intention of government as to promote equal access into the industry. Instead one of the stakeholders commented as follows:

*“... I am not sure what the thinking of the legislators was when they decided on this Act, but the problem that we are having now is that no one is getting the licences ..... you see... here I got a number of people whom we have arrested for selling Liquor without a licence, I normally advise them to apply so that they can do this business legally you see..... because these are poor unemployed people ‘bayazama’ (they are trying) but no one amongst them have ever gotten a positive response from the Liquor Board.... You see here [in our police station] we last received licences in 2012 for those who applied under the old Act. Ever since this Act came into effect no one has ever been licenced again. I have more than 20 applicants who have applied” (Respondent ST001: SAPS Stakeholder)*

Another one added that:

*“... I think the problem with the new Act is, it requires many things and they use these big words which people do not understand like Security Plan, social responsibility programs, Motivation and so forth, our people don’t understand these things. You know... some people*

*have come here to me asking for help... how am I going to help them, because I don't understand myself what is required....”(Respondent ST003: SAPS Stakeholder) )*

The responses above echo the stance of the policy recipients in as far as access into the liquor industry is concerned. To this end, the issue of regulatory burden brought by the new regulations under the new Act has been viewed by both traders and stakeholders, particularly the South African Police Services, as restrictive and difficult and bears no intention to empower those previously disadvantaged by the past regime.

#### **5.4.2 Regulation and Control**

The stakeholders that were interviewed raised repeatedly the issue of consultation saying that the Liquor Authority did not include them in the crafting stage of the legislation, yet they are expected to be active role players in the implementation. Below are some views and opinions of the stakeholder on the new Act being problematic for them:

*“This New Act has many loopholes you see.... Let's say you want to charge a person for contravention, this new Act does not provide for fines applicable to each contravention, you cannot just decide on your head to issue a fine of R3000.00 or R1000.00 you have to take that from the Act. Now where are you going to take that from if it is not on the Act, you see...”*  
(Respondent ST005: SAPS Stakeholder)

*“The Liquor Authority did not consult us first, they only came and told us after they have issued licences to people, that we need to give those people business licences. We do not work like that..... we also have our own way of doing things”*

(Respondent ST002: Municipality Stakeholder)

*“With this New KZN Liquor Act we now have extra duties that we have to perform on top of the duties that we already have which was not planned for .... You see there is only two of us here but the Liquor Authority expects people to come here and get business licenses within 21 days if not they forfeit their money which they paid to Liquor Authority. Their Act is not aligned to how we do business that is why I said if we were consulted at the beginning we would not have this problem”*

(Respondent ST002: Municipality Stakeholder)

The above statements extracted from responses of stakeholders suggest the important part in the policy implementation which is the participation of stakeholders in the decision making about implementation which in this case has been missed. Brinkerhoff and Crosby (2002: 51)

points out that participation is key in policy making and policy implementation as effective policy implementation depends on synergy amongst stakeholders.

Involving stakeholders in the planning stage would eliminate many problems in the implementation because the role players affected or involved in the implementation would get a chance to discuss issues that might arise. In this case the municipalities would have raised the issue of capacity in issuing business licences within the time frames that the Liquor Authority expects them to. On the other hand, the Liquor Authority would have to realign their implementation strategy to accommodate the possible implementation challenges raised by stakeholders.

#### **5.4.2 Implementation challenges and recommendations**

The issue of duplication of services and lack of proper coordination was also quite salient from the respondents in this category as one of the respondents' who is a municipal official stated that:

*“..... I think we (the Municipality and Liquor Authority) need to revisit our processes because we are frustrating people unnecessarily. You see there is a lot of repetition of the same thing here.... For example when a person applies for a Liquor Licence it is one of the requirements that they must advertise to allow for public participation again before they are issued with that liquor licence they must come obtain a Business Licence from us (The Municipality) we then ask them to follow the same process of advertising for public participation that they have already followed for the Liquor Authority before we can issue a business licence. This can be resolved if either us or the Liquor Authority can compromised this process in a view that it is already covered rather than asking the applicant to do the same thing twice for different people who can meet and synergised the process for the benefit of the client.....”.*

(Respondent ST004: Municipality Stakeholder)

The same respondent further emphasized:

*“You know.... Our requirements for getting a business Licence are exactly the same as those followed by the Liquor Authority, but ‘bona’ [they] think getting a business licence is a matter of pressing the print button ... No!.. ‘asenzi kanjalo’ [we do not do things like that] ..... That’s why I say maybe we need to sit around the table and see how we deal with this issue of duplication seriously ....”*

The above brings resonance to the notion that Parsons (1995:470) advances when he articulates that it is imperative to acknowledge the fact that no single organisation can single-handedly implement public policy, multi-sectoral collaboration is increasingly significant.

This is because implementation involves a lot of negotiations and bargaining under conditions of uncertainty around issues of resources and capacity to do the job. As each stage of the implementation depends on the availability of an appropriate combination of resources.

When asked if there are any stakeholders engagements platforms where issues of co-ordinations and collaboration are collectively mulled over and discussed, all respondents indicated that yes there are, but stated that these are not progressive, as decisions that are taken in these platforms are not implemented and the forum keeps repeating issues without progress. One of respondents has this to say in this regard:

“Yebo, bona bayasibiza emihlanganweni yeforum siyakhona nje ngo mhlaka 27, kodwa ayisiyisi ndawo lento ngoba kuphindaphindwa into eyodwa noma ungayanga kuyafana nokuthi ubukhona ngoba kuphindwa into eyodwa. Uyabona uma udlala ingoma eyodwa ekhasethini uyiphindaphinda ikhasethi lize ligaxele ulokhu ulidlalile..... (Singing)  
.....Awuphinde Mzala.....Awuphinde Mzala..... lithi lisuka libe lithi Awuphinde mza...la..la... la... la.... ala ala ..... (Laughs) Injaloke lento yale forum yakwa Liquor Authority”

### **Meaning**

“Yes they do call us in these forum meetings, we are going there again on the 27<sup>th</sup>, but these meetings do not take us anywhere because they are repeating one and the same thing every time, even if you did not attend you already know what they are going to be said in those meeting. You see it like when you play one song in a cassette are repeating g it over and over again until it is dented you end up hearing the song going like this  
(singing).....Awuphinde Mzala..... Awuphinde Mzala.....Awuphinde mza...la..la... la... la.... ala ala ..... (Laughs). That thing of Liquor Authority is like that.”

(Respondent ST001: SAPS Stakeholder)

The statement above reveals that consultative sessions that are created by the Liquor Authority are perceived by the stakeholders as some kind of an ‘us’ and ‘them’ meeting, there is no sense of ownership of the forum. The use of a word like “They do call us” instead of “We do sit together as stakeholders” shows that the stakeholders sees forum meeting as the platform of Liquor Authority alone. This indicates that they are not committed members who are determined to making it work. This resounds with what Ashman (2004:09) said when he points out that commitment and collaboration grows when senior leaders or managers of different organisations involved in the policy implementation network, give their programme staff a strong message that the joint activities with the networks are as important to them as



their own individual organisational activities. As it is easy for the programme staff to feel torn between loyalty to the joint project and loyalty to their organisation. Therefore, managers need to communicate the joint activities clearly. This in turn would facilitate a productive atmosphere that is conducive to meaningful collaboration and partnership that will benefit the implementation process.

Further, this rational and utterances by stakeholders brings to light the important question of whether do above key stakeholders (SAPS and Local Municipalities) view the implementation of the KZN Liquor Act as part of their responsibility to which they are duty bound to deliver on or they feel they are just helping the implementing agency (Liquor Authority) where ever they can. On another hand the question that needs to be answered at this stage is; does the Liquor Authority value these stakeholders as important as their indispensable role in the implementation of the Act or they view this relationship as a compliance box to tick. These will be discussed later in the subsequent section of chapter on the application of 5C protocol theory.

When asked if they view the new Act as practical or impractical most of the responses indicated that it can be practical only if amendments and improvements are made in certain areas and if the Liquor Authority and the participating stakeholders can provide reasonable capacity for the successful implementation of the Act.

### **5.5 The street level workers perspective**

The respondents that were interviewed in this category involves those who are the direct delivery arms or front line staff in the Liquor Authority. These are processing officers, the inspectors, the committee secretaries the controllers and others.

According to Lipsky (1980) laws and policies are nothing but statements and have no social existence until they are translated into action aimed at delivering services to or regulating the behaviour of citizens or firms. In this way street level bureaucrats are public officials who in their jobs interact directly with members of the target group. This means policies are not self-implementing but are dependent on these public servants. The complexity of the human factor is identified as the main contributor to either success or failure of policy implementation.

The issues that have emerged amongst these respondents were centred around lack of training about the Act, different interpretations of the Act, silo mentality and actually working in silos, loopholes in the Act ineffective technological resources and lack of Human Capital.

### 5.5.1 The purpose the Act

Street level bureaucrats responded to the question of the intentions of the Act as it is set out to regulate the liquor industry in the province of KwaZulu-Natal. While giving their understanding on the purpose of the Act they have emphasised the issue of it being a protracted and perplexing way of doing things. The critics of the new Act were very prominent in the responses of the street level workers. The research results reveal that the workers at the Liquor Authority perceived the new act as “restrictive” “expensive” “tedious” “a lengthy process” “too much unnecessary paperwork” “too much red tape”. These words were very prominent from different respondents as one stated the following:

*“I think there is just too much paper work and it is unnecessary it complicate the things you know ..... not only for us but especially clients, the process is so lengthy just to briefly put you in the picture, if you want to apply for a licence now, you must obtain a police clearance Certificate , a Tax clearance, a business licence, a BEE certificate, security plan, a motivation and social responsibility program the list is long.... There are about 18 requirements..... Can you imagine...”* (Respondent SLB003: KZNLA Staff member)

The above reflection resonates with Elmore’s (1979 ) argument where he points out that there are two main reasons why policies fail. It is either due to poor or in appropriate policy design or poor implementation. The above utterance suggest that the current implementation strategy of the Liquor Policy by KZN Liquor Authority need to be relooked at. As Rosenau (2000:55) advances the idea that successful policy implementation depends on the continuous policy monitoring and evaluation. This way when implementation is assisted by progress assessment and evaluation, it allows changing policy during its implementation if circumstances demand it. Policy evaluation is essential for ascertaining whether a policy is effective or not. In this case if the Liquor Authority were to determine what works and what does not, the policy must include an evaluation mechanism. This therefore means they would be able to compare “what is” with “what it should be”.

### 5.5.2 Regulation and Control

Deriving from the responses of the street level workers, the issue of different interpretations of the Act within the organisation was central. Varying opinions on operational competencies would inevitably lead to inconsistency and discretionary implementation of the Act. To this effect the following were the responses from some of the respondents:

*“..... We are tasked with the responsibility of implementing legal statutes here, and some of us do not have the legal background of interpreting and applying those statutes.... That’s where the problem is, every one interprets and apply the Act in their own way there is no commonality in the way we do things....”* (Respondent SLB006: KZNLA Staff member)

Another one said:

*“....there never was any training for staff on the Act we just do what we are told by our supervisors ....and you find that we are told different things by our different supervisors. ... you see if they can call all of us under one roof just to atleast tell us one thing so that we all speak in one voice...”*(Respondent SLB001: KZNLA Staff member)

The above statement concurs with what Brynads (2001) argument regarding capacity to deliver policy goals particularly the intangible resources. At times you can have enough manpower in terms of warm bodies employed but the implementation can still fail if those bodies do not have the necessary expertise, skills, knowledge and experience to deliver policy objectives.

The above quotes from the respondents harmonises that the lack of these important, intangible resources in the Liquor Authority staff members, as the first respondent highlighted, the fact that the staff is charged with the responsibility to implement legal statutes which requires certain skills and expertise which are not common as some of them do not have those skills yet they are employed in the environment that requires those skills and competencies.

Besides these, the intangible resources also include leadership, motivation and courage. The second respondent’s comments above point out that the capacity-building platforms are lacking in the Liquor Authority. Ideally capacity building amongst staff members is the responsibility of those in leadership positions whereby they can show their commitment for the successfully delivery of policy objectives.

### 5.5.3 Implementation Challenges and Recommendation

Lack of unity and synergy amongst the Liquor Authority business units prevailed dominantly during the interviews. There is minimal information sharing amongst staff and management of different business units. As one staff member stated the following:

*“The problem is that we are working in silos yet our work processes and activities complement each other but now it’s like we are competing with each other erh... you see... people make decisions and then they do not communicate them and those decisions affect how we work. For example sometimes finance make decisions in their section and implement them without communicating them. You find that you only find out about those decision after the damage is done. Then you have to do a damage control. You see most of the time we do the damage control here.”* (Respondent SLB004: KZNLA Staff member)

The above echoes what Elmore (1979:604) says, when he argued that success of specific policy implementation is conditional as it is predicted on the estimate of limited ability of an actor at one level of implementation process to influence the behaviour of actors at other levels. On that note it is evident from the interviews that implementation of the KZN Liquor Act requires synergised relationships amongst Liquor Authority Business Units and with outside stakeholders.

As the same respondent continued:

*“Maybe we seriously need a more synergised way of working but we as employees can suggest things ... who has the power to implement? It is only management”*  
(Respondent SLB004: KZNLA Staff member)

The above statements put forward that the approach of policy implementation in the Liquor Authority is more of a top-down approach. Parsons (1995:464) points out that in this kind of policy implementation goals are set by those at the ‘top’ (those in authority) of an organisation. Their instruction then flows down a chain of command and are carried out by the relevant subordinates. As the earlier respondent correctly put it **“we get told what to do by our different supervisors”** which, also revealed that staff are told different things about the same thing by their supervisors, which leads to disunity and incoherency.

## **Lack of Adequate Resources**

Also more prominently amongst the respondents of this category was the issue of ineffective systems, management strategy and lack of human capital. All the respondents in this category have highlighted the issue of Licencing Management System (LMS) and record Management Systems as being highly ineffective as some workers had this to say:

*“The licensing system here is very bad.... We actually do not have the licencing system just to put it clear for you.....you know... with this system you can put in new information today the next time you find that it has reverted back to the old as the result we print licences with wrong details and we have to correct that every day.”*

(Respondent SLB003: KZNLA Staff member)

*“You see the in the old Act we did not have to print licences every year like we do now. We are challenged by the fact that when this new Act came into effect it brought many new changes which requires extra hands but we are expected to implement it with the same number of staff members we had under the old Act .... That is why people are not getting their licencing on time”* (Respondent SLB03: KZNLA Staff member)

According to Powell (2004:267), policy implementation problems often arise due to inadequate resources such as funds, capacity and power to make decisions. As Colebatch (2002:52) points out, at times public officials are allowed to exercise their discretion during their implementation of the policy, but first need to gain approval from their superiors.

*“..... Eerh... you see one of the major loop-holes of this new Act is, it excluded the SAPS as a role player whereas the old Act had made provisions for appointment of Designated Liquor Police Officers this one only provide for the appointment of Liquor Inspectors by the Liquor Authority you see.... But SAPS is the most important stakeholder here we cannot regulate this industry on our own..... We can never have enough capacity to do that. So we need them whether we like it or not. But there is no mention of them on the Act”* (Respondent SLB004: KZNLA Staff member)

Hill (1997:218) argues that a successful policy is likely to have clear objectives, accompanied with mechanisms to achieve these objectives and resources to fund them. Further to this as mentioned earlier, implementation is dependent on the above as well as physical manpower which is committed to deliver policy ends.

The shortage of manpower issue was emphasized by every respondent in this category as one had this to say:

*“The previous Act was implemented by 187 Designated Liquor Police Officers (DPO) stationed in 187 police stations of KwaZulu-Natal, the 187 people are now replaced by 25 Liquor Inspectors ‘uyabona nje la’ [You see..here] in UThukela District alone there are 16 Police Stations which means there were 16 people dedicated for Liquor but now only two of us are replacing 16 people. Although the DPO do help us sometimeS but there is nothing in the New Act that compels them to continue with liquor related duties”.* (Respondent SLB008: KZNLA Staff member)

The critics regarding resources and in effective systems from the responses echoes Powell’s (2004:266) argument that politicians sometimes will the policy end but do not provide the means. He further stated that politicians often expect policies to produce ideal and expected outcomes without providing and ensuring the availability of necessary resources, be it human resources or the structures and systems or adequate financial resources to ensure successful policy implementation.

## **5.6 The Management Perspective of Liquor Policy Implementation**

The top officials interviewed included the Executive Managers of three service delivery business units which are Licencing and Administration, Compliance and Enforcement as well as Social Responsibility Units. It was noted while similar questions were posed to the management it was observed that views and opinions and the thinking are to some extent different from the views of workers, stakeholders and policy recipients presented above. Furthermore, it was observed that the respondents in this category were to some degree justifying the current practices of the Liquor Authority.

### **5.6.1 The purpose of the Act**

The feedback from senior management of the Liquor Authority suggests that they perceived the intentions of the Act in a totally different way from the way it is perceived by other respondents as per above, predominantly those of the policy recipients. Although the senior management of the Liquor Authority identified matters that necessitate improvement, they all have made claim that the new Act is constitutional and provided the justification of the new practices which have been viewed by other actors as limiting factors. Below are the management responses to the question of the intentions of the Act:

*“if you are to look at the purpose of the act it has three objects, one is to regulate the retail sale, two is to improve compliance, and the third will be to improve entry of new participants into the industry and those would be your PDIs, the previously disadvantaged individuals.”*  
(Respondent MNT001: KZNLA Manager)

*“Basically the new act is in line with the constitution to begin with, it is more progressive, meaning that it is opening doors as I’ve just said for all citizens of the country to enter into this industry, it is also to ensure control and regulation of the industry, it also improves on the compliance and enforcement of legislation and regulations thereof”* (Respondent MNT 002: KZNLA Manager)

*“... our purpose in particular as the Liquor Authority and of this legislation is to make sure that we bring to life section 2 of the Act which is the object of the Act, section 4 of the Act as well as section 6 of the Act which is the object of the liquor authority. In essence and in total and in finality the main purpose is to regulate in KZN in manner that is transparent, in a manner that is understandable as well as in a manner that is eventual going make sure that everyone who trades the liquor in KZN does so within a framework of a piece of legislation as well as legally so...”* (Respondent MNT003: KZNLA Manager)

### **5.6.2 Regulation and Control**

On the subject of administration process and regulatory process challenges and its practicality, one of the top officials responded as follows:

*“I think not every piece of legislation is descriptive of are you going to do things because legislation is a frame and it gets practicalized by policies, procedure, strategies as well as supporting and capacitating tools to get that done. And I think where government is missing the point is, once a piece of legislation is written we tend to think it’s the Alpha and Omega of what needs to be done whereas we need to start putting policies in place norms and standards and things like that as well as relations that needs to be built around with other agencies for us to be able to give life to this piece of legislation. Although it may look impractical but there are ways and means to make it practical, yes there are some impracticality that cannot be practicalized or removed but there would still be addressed through other sections as well as other policies and other strategies.”*  
(Respondent MNT003: KZNLA Manager)

The complexity and cumbersomeness of the application process was justified by the senior management on the basis of the Liquor Authority having a responsibility to look out for the rights of the communities, while at the same time looking out for the right of the applicant who wants to trade in liquor. He then said the following:

*“..... You see... the problem is, in South Africa the constitution is as open as hospital door ..... it gives the criminal the same rights that it gives to the victim.....”*(Respondent MNT003 KZNLA Manager)

*“So ...Now if we are to give you a liquor licence which is in a way a right to trade. we do not only think about the positive effects of giving out that licence but we must also take into considerations a number of things to ensure that other people’s right will not be affected..... we need for example to think that by giving you that licence somebody child will not be able to study because of noise your patrons will be making, and many others things that may arise. ...”* (Respondent MNT003: KZNLA Manager)

*“I think our New Act new act is progressive it has open opportunities for the previously disadvantage individuals and unlike in the old act this Act sees Liquor Act as an economic activity”* (Respondent MNT002: KZNLA Manager)

When probed about expensive process that is viewed by other actors as restricting people from accessing these very same opportunities which they say the new Act is set out to afford people with opportunities, the response was that:

*“You see in the past under the 1989 Act the liquor industry was subsidised by Tax payers and I don’t think that was okay, but now under the new Act the with the provision to increase fees the Liquor Industry subsidised itself and I think that’s fair”* (Respondent MNT002: KZNLA Manager)

### **5.6.3 Implementation Challenges and Recommendation**

All of the respondents in this category agreed that the Liquor Authority have serious issues of capacity particularly the ineffectiveness licensing system. However, with regard to the shortage of manpower which appeared from other respondents in the above categories at this level it never was an issue. It also observed that although the respondents at this level are at the executive management level, it appeared that they cannot make and implement decisions. This was evident by them pointing out challenges and making proposals and suggestions of improving matters.

*“..the challenge comes with the applicants themselves eh submitting in ah we call them non-compliant applications meaning they are outstanding information and the act doesn’t make provisions for us not to accept them or not to refuse them, so you will find that ah for example 80% of our applications are non-compliant”* (Respondent MNT001: KZNLA Manager)

The senior management of Liquor Authority unanimously agreed with other actors about the challenged posed by different interpretations of the Act. Misinterpretation as one of the top official confirmed that they themselves as management interprets the Act differently, he had this to say in this regard:



*“Another challenge is our own interpretation as different business units in relation to what one line says we all read and how we then interpret in particular that. If section 38 says to me in this Act nobody supposed to sell liquor without a liquor license neh, then section 74 says when you are transferring your license to me which means you want to stop trading and make a request whilst continuing with trading before the transfer is approved, so if I start trading with your licence before it is official approved to be on my name, then who is liable now between the 2 of us? Technical it remains with the one who has the right according to our systems neh because it has not yet been processed or transferred. Even though the process is not finalised there might be an unauthorised approval from the “liquor authority” that you can continue selling because you are applying anyway then where does section 38 (no 1 can sell liquor without a license) fit in this process? Those little interpretations are where the confusion come in and that is where the challenge sits because I educate line by line and I also educate line by line in interpreting what that line means in action”*  
(Respondent MNT003: KZNLA Manager)

On this note it was observed that management have made contradictory statements regarding the implementation of the Act. While one Manager said:

*“I think in the implementation like in any other legislation you know in our legislation there are contradictory sections. But for us as compliance we try to stick to the Act that whatever we do we enforce in terms of the Act so if the Act says we need to do 1 2 3 we expect the trader to do 1 2 3 and comply”* (Respondent MNT002: KZNLA Manager)

The other Manager had this to say:

*“...I think where government is missing the point once a piece of legislation is written we think it’s the Alpha and Omega of what needs to be done...”*(Respondent MNT003: KZNLA Manager)

This demonstrates evidence claims made by other respondents regarding the misconceptions and misinterpretation of the Act. It also resonate with what Lipsky (1980) says about public official who sometimes enjoy considerable discretionary powers in implementing policies. He says they employ a number of conscious and subconscious coping strategies and that might change or twist the policies from the intentions. This is problematic and it has an influence in the outcome of what was envisaged versus the final product.

Asked about implementation challenges particularly regarding the enforcement of the law to the licence holder one of the top officials in the Liquor Authority have this to say:

*“...Then another challenge that we have over and above that is in particular the uh controlling of compliance part. I give notice that a trader must rectify or sort things before 30 days I will be back it must be correct when I get back but I don’t have a gun or anything to scare the trader for greater end. Then when I come back I find that nothing has changed and there is nothing I can do and then I will have to come back report you to the board and the*

*board will then decide, so where will we get this time in the world? Whereas if we had those powers to say next time I will shut you down or arrest you. It has punitive in itself and it then force the person that compliance happens from there” (Respondent MNT003: KZNLA Manager)*

*“Look it’s got its challenges, remember the entity is also new, so we are currently at our teething stage, we are faced with a number of challenges to be honest, eh we are not fully capacitated to handle all the requirements of the acts, so you might find that we have backlogs here and there, but with time I believe that the act can be very effective.”*  
(Respondent MNT001: KZNLA Manager)

## **5.6 The Board Perspective**

This category of respondents included the member of the Board CEO and members of the board adjudicating committee. Again in this category opinions and views differ from one respondent to another and to some extent you one respondent makes two contradictory statements. This uncertainty about what exactly is to be done demonstrates the confusion.

### **5.6.1 Purpose of the Act**

With regard to the new Act restricting access to the liquor industry, the Board noted that indeed there is a challenge, but cited legalities involved as issues of contention. One stated the following:

*“I think the purpose of this new Act is to make communities feel that they have a say because as much as the liquor industry contribute to the GDP but we cannot deny the fact that there are too much social ills caused by alcohol.” (Respondent B002: KZNLA Board Member)*

The same respondent added:

*“It also aim to reduce the number of traders which indirectly regulate and limit the access to the industry because this industry is precisely about the potential harmful substance.”*  
(Respondent B002: KZNLA Board Member)

The above statement from the top official serving in the Board of Liquor Authority relates the intention of the Act as aiming to reduce the number of traders and limit the access into the industry. This contradicts the sentiments made by those in management and the written intention of the Act itself. However, it attests to the feelings and perceptions of policy recipients, who said the intention of the Act is to close them down.

When asked about the excessive fees increment one of the Board members has this to say:

*“I think charging only R200.00 for liquor license was highly stupid of the entity”*

*“It is a new Act people are generally not used to it. However, education alone will not cure it, because these people do not have legal education. I believe that even the education the entity often gives to liquor traders is somehow incomplete because our staff does not have legal background either. There is a huge problem that requires the new education process such as handouts, pamphlets and so on which are written on simple terms yet giving a legal clarity.”* (Respondent B002: KZNLA Board Member)

### **5.6.2 Regulation and Control**

When asked about the practicality of the Act. The Board noted that the Act as is, is not practical there are issues that must be fixed to create the environment for successful implementation. As one said:

*“I don’t think the Act is the problem, it’s resources availability. There is an administrative incompetency within our entity which should be looked into. We really need to conduct research on what documents are important and understand key or value of that research. .... The problem is we make decisions based on our instinct, we need well researched information so that we can make evidenced-based decisions. These are the types of decisions that we need to take if we are serious about moving the entity forward.”* (Respondent B002: KZNLA Board Member)

One of the issues that came out again at this level was one of contradictory sections on the Act. One of the respondents said:

*“....There are contradictory section in the Act and unfortunately this Act is the bible of this entity. For an example, one section say on the application, one should include just a scratch of the building whilst another section requires business license on the application which is only issued after the establishment has been completed...”* (Respondent B002: KZNLA Board Member)

This caused the confusion amongst policy implementers, as when there is ambiguity on the policy itself it is likely to cause implementation failure. There should be clear objectives of the policy so as to allow the implementers to follow.

### **5.6.3 Implementation Challenges and Recommendations**

When probed to give a direction for the entity in light of these challenges, one respondent said the following:

*“The Act should not be the alpha and omega because there are lot of inconsistencies in the Act”* (Respondent B002: KZNLA Board Member)

This resonates with Colebatch (1997), who points out that policy is being made as it is being implemented it should allow for reshaping or redesign as and when problems arise. However, in reality this is not the case, as the research results from all the participants reveal that there are loopholes in the Act, but these can only be fixed through the amendment of the Act itself or a court ruling. In the same breath it was observed during the interview that the same official who said the Act should not be the Alpha and Omega is the same official who said:

*“...unfortunately this Act is the bible for this entity...”* (Respondent B002: KZNLA Board Member)

This implies that the way in which this policy is perceived and implemented is cast in stone. In this case the KZN Liquor Authority shall continue the implementation of the Act as is, even if they all agree that there is an issue or an implementation barrier. Yet, they cannot change or relax matters for the sake of successful implementation until the Act is amended by legislature.

When asked about the above one of the top officials of the Liquor Authority pronounced:

*“Our duty as the Entity is to implement the Act as is. We are not the creator of statutes we are the Regulator or an implementing agency if I can put it that way....so we can only make recommendations to the MEC who can then take those recommendation to the legislator for considerations and remember while we make these recommendations we cannot change anything you see ... we continue the implementation of the Act as is”* (Respondent B003: KZNLA Board Member)

The above statement suggests that the implementation the of the KZN liquor Act is likely to fail as there is limited or no power to make decisions about implementation at the level of the Board and the executive management.

Ideally the Act makes provisions for discretionary deviation only through the delegated authority which is stipulated in the Act. For example, in section 52 of the Liquor Act under the special event liquor license, subsection 1 of section 52 stipulates that this kind of application must be made in a prescribed manner not less than 14 days prior to the date of the event.

However, subsection 2 of section 52 makes provisions for a discretion by the Liquor Authority Board to deviate from the rule mentioned. In subsection 1 it says “*the Liquor Authority may dispense with the prescribed period contemplated in subsection 1(a) if such period places an unfair burden on the applicant*”. Such discretion does appear in few other sections but not all sections of the Act allow for such discretionary powers.

Unless there is a court ruling that replaces the certain sections on the Act the other provisions remain as they are, the decision making for amendment rests with the political executives.

This suggests that to some extent all the actors in liquor policy implementation, including the Board, do not exercise discretion, but rather follow rules given to them by those at the top. This again echoes the fact that the implementation model followed in the Liquor Authority is the top-down model of implementation. This is evident by the utterances of Board and management members, whereby they have referred to the Act as the bible of the Act and the emphasis is on following what was given to them by legislators at all cost.

Matland (1995:154) notes that in the top-down model of implementation, the success of implementation is measured in terms of faithfulness to the instructions or the rules that have been put up by those at the top. In this way the success is not measured by the positive changes brought about the implementation.

With regard to human capacity issues, the Board is of the view that the problem might not necessarily be the manpower shortage, but the question should be whether the right people are placed in the right position. As one top official had to say:

*“....the entire administration is not arranged in a manner that will give the entity ways to uphold its mandate. This is to say human resources ought to be rearranged and channel the human capital in appropriate avenues....”* (Respondent B002: KZNLA Board Member)

This again bring the resonance with Brynard’s (2005) classification of resources particularly the intangible resources. The above challenge, talks to the issue of skills, competencies and experience. When probed what can be changed to remedy the situation in this regard the response was:

*“The Act must be revised together with the entire organogram of the entity. The entire administrative arrangement of the entity should be changed to ensure that we channel resources, especially human resources, where they are needed.”* (Respondent B002: KZNLA Board Member)

## **5.7 Comments by the liquor industry players in the introduction and implementation of the new Liquor Act**

The industry players were asked to comment on the introduction and implementation of the new Act. To this extent, the responses were that the introduction of the new Act have impacted the liquor industry negatively. One top official employed in a liquor manufacturing company has this to say:

*“You see ...we are only allowed to sell or distribute liquor to licensed outlets now the reduction of licenses will result to job loss whereas the increase of licenses will create more jobs. This is an economic challenge. Secondly, the Act has negative effects in a sense that since it came to effect we have lost more than 2000 customers who have their licences lapsed because they could not stand the requirements of the new Act”* (Respondent IND001: Industry Player)

Another industry player added by saying:

*“The market is becoming lesser black-owned but increase of foreign ownership (Chinese, Pakistan). This is because our blacks in South Africans still have lower educational level. People in the industry regard it as a source of income and this new Act requires too much documents and this is too hard for them. Our South Africans are still illiterate and because they can't read so they end up giving up their business to this foreign nationals. This is a failure on the side of our government to empower black South Africans”* (Respondent IND 002: Industry Player)

When asked about the Act in general these role player has this to say respectively:

*“I think the Act is fine but it's how it is implemented that is a problem”*

*“The idea is clear the government is trying to make a transition with these liquor traders from informal business to formal business. He wants to quickly start to collect the tax from them. You can't force such a big change from people who have been operation from their backyards with limited or no education at all. You see... When you want to bath, you don't just pour hot water and jump in. But you firstly dilute hot water with cold water in order to make them conducive to take a bath”* (Respondent IND002: Industry Player)

## **5.8 The analysis of the findings and discussion**

This section of the thesis seeks to analyse above data yielded by the research using the 5C Protocol as a tool of analysis indicated in the methodological section. This section identifies

the five interlinked variables, also known as the “5 C Protocol”. These critical variables are the following:

- The content of the policy itself: What it sets out to do (i.e. goals); how directly it relates to the issue (i.e. causal theory); how it aims to solve the perceived problem (i.e. methods).
- The nature of the institutional context. The corridor (often structured as standard operating procedures) through which policy must travel, and by whose boundaries it is limited, in the process of implementation.
- The commitment of those entrusted with carrying out the implementation at various levels to the goals, causal theory, and methods of the policy.
- The administrative capacity of implementers to carry out the changes desired of them.
- The support of clients and coalitions whose interests are enhanced or threatened by the policy, and the strategies they employ in strengthening or deflecting its implementation.

### **5.8.1 The Content of the Policy and the extent of its implementation on KZN Liquor Authority**

The fundamental question that one must raise at this level of enquiry about the implementation of the content of the Liquor Policy in the KZN Liquor Authority is twofold. On the one hand the Lowian typology as cited in Brynard (2000:179) requires a researcher to do two tasks. To first establish on the basis of data collected whether the policy is either regulatory, distributive or redistributive in its content. Secondly, to demonstrate how the data yielded by the research buttresses one or more of these paradigms or alternatives. On the other hand, one needs to inquire as to how does the data acquired through research indicate the extent to which implementation seeks to exhaust the alternatives of execution provided by the actual programming of the policy. In this sense what needs to be interrogated is the extent to which the different modes of interventions advocated by the policy are adopted in the implementation endeavours of the KZN Liquor Authority.

There is a clear regulatory and redistributive content evident in the policy which aims to provide regulations for micro-manufacturing and retail sale of liquor in the province of KwaZulu-Natal. This is expressed in preamble of KZN Liquor Licencing Act. Further to this

the policy seek to develop and diversify the Liquor Industry through promoting the new entrants into the industry. This is a redistributive content of the policy.

However, when asked “What do they think is the purpose of the new Liquor policy?” most of the respondents in various categories did not mention the developing and diversifying of the liquor industry - instead they have all emphasised that the new Act is here to regulate and police the traders. As one liquor trader responded:

*“I personally think this Act is here to close us down  
The Government want us to close one time!  
Maybe they realised that there are too much people with liquor licences. So this Act is a  
strategy to reduce us”* (Respondent LT006: Liquor Trader)

The above comments by a policy recipient reveals the perceptions and the feelings regarding the policy. These views are contrary to the written intentions of the Act. Besides policy receipts, the same question was posed to all 19 actors in the policy implementation which were interviewed. Out of the 19, only three people mentioned empowerment of previously disadvantaged groups being given a chance to enter into liquor business and the development of the industry as an economic hub as one of the objectives of the New Liquor Policy. All other respondents viewed the Act as having more red tape, being restrictive, difficult, and more complex than the old Act. One respondent in the Board category was of the view that the Act aims to reduce the number of traders and limit access to the industry. Which means the difficult process is intentional, as it is a way of regulation and limiting access.

The evidence collected suggests that there is no common understanding amongst the implementers of the Liquor Act.

### **5.8.2 The institutional Context of the implementation of the implementation of the KZN Liquor Act.**

The research reveals that the liquor policy implementation in the KZN province and in particular the uThukela District is dependent on the collaboration of various institutions these include South Africa Police Services (SAPS), Local Municipalities, South African Revenue Services (SARS) and other. The feedback from the interviews revealed that there is no synergy and progressive working relationships among these institutions. Although there is a



formal relationship in a form of stakeholder forums but there is no sense ownership of these forums as decisions taken in these forums are not implemented.

Brynarads (2005: 178) point out that while formal relationships may be in place, bureaucratic context favourable to implementation more often grows out of human interaction than hierarchical transactions among agencies.

In this way it should be noted that these organisations are represented by people and the role played by these individuals who are coming from these institution is critical for effective policy implementation. It have appeared that there is a need for retracing the relationship. As some of the stakeholders have highlighted during the interviews that the KZN Liquor Authority has imposed the Act and they only came to know about the Act when they were told by the Liquor Authority where they fit in the implementation of the Act.

Secondly it appears that there are overlapping, duplication and lack of alignment in the responsibilities of the stakeholders and liquor Authority. To this extent Brynard (2005:178) identifies bargaining, cajoling, accommodating, and gestures of respect as specific strategies impacting on effective working relations and by implication of effective policy implementation.

In this respect it becomes important for the Liquor Authority to realise that policy implementation involves many more people and organisations than policy formulation. In this way, complexity is bound to arise.

Thirdly, the lack of consultation identified during the research are the indicators of an institutional context not favourable to effective implementation of the KZN Liquor Policy.

Lack of effective direction demonstrated by a stakeholder who said “*it’s like playing one song in a cassette repeatedly*”. This is caused by the Liquor Authority’s failure to value and integrate stakeholders as important partners to get business going in the Liquor Authority.

### **5.8.3 The commitment of policy actors in the implementation of KZN Liquor Act**

The question here is; “Are the implementers of the Act committed to the policy implementation?” This refers to both the ability and the willingness of actors. With regard to

the Liquor Authority matter, the lack of commitment was demonstrated by respondents from all categories. These include the lack of resource provisions to enable the implementation. The respondents raised the issues that there was no training on the Act provided to staff. The lack of resources demotivates the policy implementers. Further to this, the negativity demonstrated by the number of participants at different levels indicates that there is no commitment amongst the policy implementers, the use of the word “they” and “them” brings to light that policy actors do not own the policy implementation process. This gives an indication that there is someone who is being blamed for ineffective policy implementation who is being referred to as “they”. Brynard (2005:18) points out the fact that commitment is important at all levels of the process which includes the state level and street level.

This shows that the actors involved have abdicated their responsibility of being the implementers of the Act. The workers of the Liquor authority feel that they are incapacitated to do the job as they indicated that their job requires them to translate the legal statutes in to action whereas most of them do not have a legal background.

Brynard (2005:18) identifies an intrinsic link between commitment and other variable of the 5C protocol model. In this respect he points out that there is a connection between commitment and the ability of an actor to implement, the said ability relates to the question of capacity which is yet another variable of this model. The comments from those who walk the rope indicates that there are implementation challenges which cause the implementation barrier and that constitute to the unwillingness of the policy implementer to implement. The negative attitude and the working in silos mentality that was prominent from responses from lower level worker to the Executive management is another indication that there is lack of commitment.

The complex tedious and lengthy application and renewal process has led to more than 2000 people losing their liquor licences. This unintended consequence is an indication of the implementation failure.

#### **5.8.4 The capacity of the Liquor Authority to implement the Liquor Act**

One of the fundamental question that this study seeks to answer is the question of “What are the implementation challenges faced by the implementers of the KZN Liquor Act”. Brynards

(2005:178) argues that the capacity to deliver is of high importance and a pre-requisite for successful policy implementation.

The assessment of the actual implementation of the Act by the Liquor Authority depicts severe capacity limitations. The weak culture of consultation with stakeholders and with staff. Lack of necessary skills, experience and leadership were some of the intangible resources mentioned by respondents. The ineffective systems such as Licensing Management System (LMS) and Record Management systems (RMS) causing delays and printing of licences with incorrect information were identified.

The physical manpower shortage, inadequate funding and other resources which impact on the productivity and the service delivery of the liquor Authority. Notwithstanding the fact that capacity is chronically below the demand in any given scenario of the Public Service in South Africa, but the above factors are the pre-requisites for meaningful policy implementation

Brynard (2005:189) points out that the capacity variable asks important questions for effective implementation such as, “Is there a budget for implementation of the policy? Is it enough? Are there people with necessary skills and Knowledge to carry out the job of executing the policy are there technological resources necessary to implement the task?” The list goes on. These questions resonate with the findings of the study. The evidence presented have touched on almost all of them. These questions are important as some policy failures are traced back to scarcity of resources.

### **5.8.5 The Client and coalition**

As established on Theoretical Framework of this study in Chapter two above implementation is a very complex process. The implementation of the KZN Liquor Act is about interactions of different actors ranging from municipalities, SAPS, SARS to the entity itself.

The evidence yielded by the implementation of the KZN Liquor Act suggests that there is weak communication amongst policy implementation stakeholders. These include both the internal stakeholders in a form of inter-business units working relationships and the external stakeholders in a form of key stakeholder relationships.

From a theoretical perspective, the collaboration of these stakeholders allows the Entity to be able to adapt to the ever-changing environment in terms of flexibility adjustment and capacity innovation. However, this study has found that despite the potential of these stakeholders, there is a lack of coordinated effort among them. This lack of coordination is caused by lack of networking which requires capacities, skills and knowledge that differ from each actor. This is evidenced by the contradictory time frames during the administrative processes. For example, SARS only release tax numbers, but the Entity does not have the system to check whether or not the tax number is valid. Moreover, the study found that there are both inter-organizational and intra-organizational constraints which often affect coordination.

The lack of progressive stakeholder forums evident from the feedback responses necessitate the creation of coalitions for effective policy implementation.

The challenge of people working in silos mentality reveals that there is a lack of a coordinated effort. This was raised by the staff members at the lower and higher level of occupation within the liquor authority

## **5.9 Conclusion**

While policy could be defined in several ways, implementation moves from originally set political goals to results on ground level. The 5C Protocol detailed above is proposed as a useful vehicle for making sense of these twists and turns. As has been repeatedly highlighted in the exposition, all five are likely to act together, often simultaneously and synergistically, with any change in one producing changes in the others. The interconnectedness of these variables creates both a challenge and an opportunity. It is important to stress that policy formulation and implementation are not necessarily consecutive processes, but are in many cases parallel processes where policy design or redesign and revision can take place even during the formal implementation stages of the policy project. In fact policy success is in some cases attributable to such redesign or customisation of the original design during implementation, because the original policy designers did not, or could not, foresee specific complications at regional and local grass roots levels.

According to Wildvasky and Pressman (1975), what the interlinked dynamic 5C Protocol implies is that implementation cannot be seen as an activity to be planned and carried out according to a carefully predetermined scheme. Rather, it is a process that can only, at the very best, be managed with lessons learnt as one proceeds through the different implementation stages. Managing it, and steering it towards a more effective outcome, entails strategically fixing those variables over which we have some direct or indirect influence so as to induce changes in the ones over which we do not have such influence. The defining variables, either in that they define the main stumbling block to effective implementation, or in that they can be better influenced, will vary in each case. The strategic imperative is to identify which, amongst the five, are the defining variables, and how we might best influence them to arrive at the desired results. In essence then, the management of implementation is akin to rewriting the music in the act of playing it.

## **Chapter 6**

### **Conclusions and recommendations**

#### **6.1 Introduction**

In the previous chapter we have presented empirical evidence yielded by the by the field interviews on the implementation of the KZN Liquor Act. Further to this, it has been evident through a critical content analysis of the KZN Liquor Act, and other relevant documentation detailing the various aspects of the intervention, that specific groups of people targeted by this liquor policy display behaviour that needs to be changed for the attainment of policy objectives. The policy targets are liquor traders and those interested in joining the liquor industry in the province of KwaZulu-Natal, and seeks to transform the way in which they engage in this kind of business by inculcating ethics espoused by the KZN Liquor Act and the South African Constitution.

The purpose of this Chapter is therefore to match the stated goals of the study with the findings and draw a conclusion based on the empirical research findings.

The research was pursued to create the broad guidelines with the goal of assisting policy makers, policy implementers, and policy recipients understand that policy formation and policy implementation are inevitably the result of interactions among a plurality of separate actors with separate interests, goals, and strategies. As Scharpf (1978) points out, it is unlikely, if not impossible, that public policy of any significance could result from the choice process of any single unified actor.

Before we draw the conclusions on this study, the researcher deemed it fitting and important to summarise the findings presented in the previous chapter in a table format so as to give the background of the conclusion made. The table below then summarises the findings of the study from different perspectives of the respondents based on similar themes.

#### **6.2 Table summarising the findings from different perspectives**

Themes	Policy recipient (The Liquor Traders)	Policy implementers Stakeholders	Policy implementers Lower level workers of the Liquor Authority	Policy implementer Management of the Liquor Authority	Policy implementers (Board Members)
The purpose or intentions of the Act	<ul style="list-style-type: none"> <li>• This Act is here to close us down</li> <li>• They are trying to limit the access to the industry</li> <li>• They want to tighten the rules</li> <li>• They want to collect more money</li> <li>• I don't know what was the intention</li> </ul>	<ul style="list-style-type: none"> <li>• To regulate and enforce rules and regulations</li> <li>• I don't know</li> </ul>	<ul style="list-style-type: none"> <li>• To regulate and control</li> <li>• To empower people</li> <li>• Service delivery organ</li> <li>• Revenue generation</li> <li>• Promote responsible trading</li> <li>• Social responsibility'</li> <li>• Monitor Liquor Traders</li> </ul>	<ul style="list-style-type: none"> <li>• It is to regulate and development the liquor industry</li> <li>• Open doors for the poor and previously marginalised individuals</li> <li>• Transform the industry and make it more reputable</li> <li>• Control retail sale of liquor and macro-manufacturing</li> </ul>	<ul style="list-style-type: none"> <li>• To reduce the number of liquor traders</li> <li>• To empower communities to have a say.</li> <li>• Address social ills that emanate from liquor</li> <li>• Regulate and limit the access to the industry</li> </ul>
Regulation and control	<ul style="list-style-type: none"> <li>• Too much paperwork</li> <li>• Difficult</li> <li>• Too much red tape</li> <li>• Too expensive</li> <li>• Too long and confusing</li> <li>• It favours big businesses such and chain stores</li> </ul>	<ul style="list-style-type: none"> <li>• Very difficult</li> <li>• People apply but they do not get replied to</li> <li>• Too much use of legal jargon which we do not understand</li> </ul>	<ul style="list-style-type: none"> <li>• Too restrictive</li> <li>• Too much unnecessary paper work.</li> </ul>	<ul style="list-style-type: none"> <li>• Tedious and very complex</li> <li>• It is fair and constitutional</li> </ul>	<ul style="list-style-type: none"> <li>• No sufficient funds for adequate services</li> <li>• Restrictive</li> </ul>

Implementation Challenges	<ul style="list-style-type: none"> <li>• Poor service delivery by Liquor Authority</li> <li>• Licences are not coming back on time</li> </ul>	<ul style="list-style-type: none"> <li>• Duplication of services</li> <li>• Lack of synergistic approach</li> <li>• Forum decisions are not implemented</li> <li>• Underage consumption uncontrollable and no for public drinking</li> </ul>	<ul style="list-style-type: none"> <li>• Working in silo mentality</li> <li>• Lack of resources</li> <li>• Ineffective system</li> <li>• Inconsistencies in the application of the Act.</li> <li>• Safety</li> </ul>	<ul style="list-style-type: none"> <li>• Working in silo mentality</li> <li>• Different interpretations of the Act</li> <li>• Inconsistencies on the application of the Act</li> <li>• Shortage of staff</li> <li>• Current system prone to corruption</li> </ul>	<ul style="list-style-type: none"> <li>• Act is not practical</li> <li>• The act is Vague and subject to interpretation</li> <li>• Incompetence in the administration</li> <li>• Lack of legal background from staff</li> <li>• Fluid political climate</li> <li>• Lack of appreciation and support from the MEC</li> <li>• Use of instincts to make decisions</li> </ul>
Proposals or Recommendations	<ul style="list-style-type: none"> <li>• Simplify the process</li> <li>• Reduce the fees</li> <li>• Minimise the paperwork</li> <li>• Let us at least renew once every three to five years</li> <li>• Employ more staff</li> <li>• Improve systems and provide online options</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• We need to re-align the services and minimise duplication and confusion</li> <li>• Age consent must be changed to 21</li> <li>• Employ more Inspectors</li> <li>• Implement resolutions of meetings</li> </ul>	<ul style="list-style-type: none"> <li>• Simplify the process</li> <li>• Improve Area and district Restrictions</li> <li>• Application and Renewal fee should be based on business profit</li> <li>• Proximities of school and churches reviewed</li> <li>• Safety considerations for Inspector</li> </ul>	<ul style="list-style-type: none"> <li>• District offices should function fully as head office</li> <li>• Streamline process</li> <li>• Motivate Staff</li> <li>• Improve Renewal Process</li> <li>• Amendment of the Act</li> <li>• The Act should not be the Alpha and Omega</li> </ul>	<ul style="list-style-type: none"> <li>• Act must be revised</li> <li>• Act must not be Alpha and Omega</li> <li>• Establishment of a Research unit</li> <li>• Change of KZN Liquor Authority organisational structure</li> </ul>



Amongst other questions that this study seeks to answer was a question of “What are the implementation challenges that the Liquor Authority faces in implementing the New KZN Liquor Act of 2010?”

To this extent Gunn (1978:169-176) lists ten common barriers that prohibit effective policy implementation:

- External conditions that may enforce negative constraints towards the success of the policy implementation
- Insufficient resources such as time, money and skills
- Insufficient support and lack of collaboration towards implementation
- Invalid theories not clearly stating the benefits and effects of barriers
- Unclear and vague interventions
- Too many dependencies which confuse
- Unclear objectives and understanding of the policy, which lead to disagreement
- Incomplete task lists and tasks in a wrong sequence
- Unavailability of coordination and communication, which lead to confusion
- Inability to require and ensure compliance by those in power.

From the above list of common barriers, one can identify policy implementation as the core. Baloyi (2013:348) lists three challenges faced in policy implementing as: non-consultation, violence and non-representation of beneficiaries. These challenges could be added to Gunn’s list above. The only difference is that each barrier is linked to the policy being researched.

The observation was made with regard to the above common barriers to implementation and almost all of them were identified as hindrances for successful implementation of the KZN Liquor Act.

The findings of the study as indicated in the table above occasioned a number of conclusions in the forgoing. Firstly the purpose of the act is perceived differently by the policy implementers and the policy recipients. On one hand policy implementers advocate the liquor policy intention as to empower and afford the previously marginalised section of society by creating opportunities to access the liquor industry. On the other hand the liquor traders who

are the policy recipients view it as a regulatory burden which is intended to clamp down their business and limits access, while at the same time generating more revenue for the state. The stakeholders and the street level implementers unanimously agree that the purpose of the Act is to regulate and empower the recipients of the Act.

This distinctive gap between the policy implementer and policy recipient is undoubtedly a major challenge in the implementation process. It is a signal of poor policy implementation.

Secondly, the application process was viewed a turbid, complicated and confusing process. Ranging from a lack of resources, such as skills, funds, technology and physical manpower. As one respondent commented that this is some kind of a first world piece of legislation imposed in the third world developing country characterised with poor people, of which many are illiterate and cannot cope with the legal jargon and administrative burden required by the new Act.

Thirdly, the majority of the respondents indicated that the Act was impractical and even those respondents who said the Act was practical pointed out a number of improvements that could be made. Further to this, there was a general consensus amongst all the respondents that there is a need of improving the implementation process.

Lastly, one of the major challenges noted was contradictions and misinterpretations of the Act leading to inconsistencies in the application of the Act.

The stated primary goals of this dissertation is analysis by means of 5C protocol model, the implementation of the KZN Liquor Act. To this end the conclusion can be made that the implementation of the KZN Liquor Act by the Liquor Authority is poor and leaves much to be desired. This is demonstrated by:

- The inadequate role of implementing the redistributive content of the Act evident in its programming. The low level of content appreciation further impact on ability of the officials to exhaust alternatives it presents for executing the mandate of the legislator. Further to this, when one of the top officials was asked how much work has been done in respect of promoting new participants or affording the previously marginalised opportunities in the industry, the request in relation statistics of where and to whom are

the licences which the Liquor Authority have been issuing since the inception of the new Act are located. The statistical report in this regard is still awaited even after follow ups were made. It is clear that the evidence is contradictory to what was claimed to have happened when the new Act was introduced and to be written on the Act itself does not translate into action.

- The institutional context which lacks enough strategic direction and leadership for the implementation of the Liquor Policy which amongst other things is reflected by the lack of synergy amongst the internal and the external stakeholders.
- Lack of required commitment to implement
- Lack of sufficient capacity to implement at all levels of policy actors in the policy implementation arena. On this note there are 25 inspectors versus 8200 liquor outlets in the province. According to the Liquor Authority target adopted from national target at least each outlet should be visited by an inspector once a year on routine inspection. This excludes follow ups in case there were issues identified, on top of these 8200 inspections there are compulsory section inspections 64 inspections which must be done to determine where the Liquor Authority should renew a licence or not this makes a target number of 16400 inspections a year. These inspections exclude section 41 inspections, which are made in respect of new applications and blitz operations. It therefore goes without saying that the capacity in terms of human resource is extremely below the demand. It should not be surprising if a number of liquor outlets has not been visited by an inspector in years. However, when one of the top officials was asked about how the Liquor Authority is managing to regulate the 8200 liquor outlets with 25 inspectors, the response was “We are managing but it is difficult”.
- A weak communication between the critical constellations of clients and coalitions affected by the Liquor Policy implementation.

To this extent, drastic measures will have to be taken to expedite the incipient turn around if implementation status quo is to improve significantly, and this leads us to the following recommendations

### 6.3 Recommendations

Through analysing and reporting the findings of the study, the researcher intends to reflect the broad viewpoints and opinions of the respondents on the implementation of KZN Liquor Policy. The following recommendations might usher the KZN Liquor Authority to a more favourable environment for effective implementation.

Synergizing the operations of the business units within the Liquor Authority as well as the external key stakeholders this relates to commitment, effective internal and external communication is important because organisations like Liquor Authority exists in an ever-changing environment, both internally and externally. If these are not examined regularly, no one will know what action to take and if staff from different units do not work together in planning ways around problems. There will be no commitment to get the work done. If the organisation does not find out how best to effectively communicate its services to the stakeholders' communities and beneficiaries of the policy, it will soon be closed down.

It is important that everyone learns to understand the importance of team work not competition. This way every unit and department must work in an integrated manner.

1. Creating a culture of consultation and taking the views of policy recipients and stakeholders seriously.
2. Aligning the services of the Liquor Authority with those of the key stakeholders.
3. Establishing a Research, Monitoring and Evaluation and planning committee. This structure will monitor the implementation of the act and identify areas that need attention.

Further to this, the said policy should accommodate the Brynard's 5 C Protocol, namely, Content, Context, Capacity, Commitment, and, Clients and Coalitions. Brynard, (2000: 185, 186), later amended to 6 C protocol, including Communications as the sixth variable (Brynard, 2005:21). In addition, the policy implementation checklist should be adopted for all programs aimed at achieving the mandate of the liquor Act as a yard stick for monitoring and evaluation.

## 6.4 Conclusion

Based on the above discussion it is clear that the implementation of the KwaZulu-Natal Liquor Act has not been the smooth process. In fact generally the implementation itself is not an easy concept to define. Policy scholars such as Turton, Brynard and Meissner (2002:11) points out that as a ‘*noun*’, implementation means the state of having achieved the goals of the policy. Whereas as a ‘*verb*’ it is a process - everything that happens in trying to achieve that policy objective. In this way, just because implementation (noun) is not achieved does not mean that implementation (verb) does not happen.

In closing, it should be stated that the task that was initially to analyse the implementation process of the KZN liquor Act. The feedback from participants brings resonance to the statement made by Pressman and Wildavsky as cited in Petrus and Brynard (2005: 7-8) who stated that:

*“It is hard enough to design public policies and programmes that look good on paper. It is harder still to formulate them in words and slogans that resonate pleasingly in the ears of political leaders and the constituencies to which they are responsive. And it is excruciatingly hard to implement them in a way that pleases anyone at all, including the supposed beneficiaries or clients”.*

To this end the successful implementation of the KZN Liquor policy is yet to be achieved, between the policy implementer and the policy recipient there is a clear lack of policy coherency. All those who have participated in this study were able to give a clear diagnosis and possible remedy to the implementation challenges faced by the KwaZulu-Natal Liquor Authority. However the complexity of the human factor is identified as the main contributor to the barrier to implement the KZN Liquor Act. As mentioned earlier, many researchers state that implementation seems to be a challenge for many government policies in South Africa. When it comes to policy design, brilliant policies are documented, but end up collecting dust as the implementation does not occur. Furthermore, it has been noted that most of the approaches of policy implementation applied in South Africa are top-down; the legislation in South Africa does not encourage policy integration; this therefore requires policy makers and implementers to work hand in hand to ensure that the relevant policies are implemented.

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APPENDIX **'A'**  
For policy recipients (Liquor  
Traders)

**An implementation analysis of the KZN Liquor Act (Act No. 06 of 2010): A  
case Study of uThukela District Area**

**QUESTIONNAIRE**

Dear Participant,

1. Your kind assistance is requested in filling in this questionnaire on the above topic
2. Please note this questionnaire is for academic research purposes and will not be used for any other purposes
3. Your Privacy and anonymity will be protected, you are at liberty to divulge or keep any of the biographical information you wish / not to give

**Instructions to answer the questionnaire below:**

- i) The questionnaire have 4 sections which are as follows:
  - (a) Biographical information(question 1 - 4)
  - (b) Your type of licence information (question 5 - 6)
  - (c) The administrative and application processes (question 7 - 12)
  - (d) The Act and its practicalities (question 13 - 20)
- ii) Please only tick one box for each answer
- iii) Only tick two or above boxes where requested to do so
- iv) If the space provided is not enough you are welcome to use the reverse side of the questionnaire, just make sure you write the question number next to the answer.

**SECTION A**

For statistical reasons please answer the following questions first:

**1. Name and Surname (Optional)**

.....

**2. Gender**

Male

Female

**3. Race:**

African

Indian

Coloured

White

Other: specify

.....

**4. What age group are you in**

18 – 35

36 - 55

56 – 75

76 - 95

96 and above

**SECTION B**

**5. Select your licence category between the following?**

- a. On Consumption
- b. Off Consumption

**6. Select a type of your liquor licence in the following list?**

- a. Tavern
- b. Bottle Store/ Liquor Store
- c. Restaurant
- d. Pub
- e. Grocer's Wine
- f. Club
- g. Night Club
- h. Gaming premises
- i. Accommodation
- j. Theatre
- k. Sport ground

**SECTION C**

**7. Do you know about the New KZN Liquor Licensing Act No 06 of 2010?**

- a. Yes
- b. No

**8. Are you the owner of the business?**

- a. Yes
- b. No

**9. If not are you the manager appointed to run the Liquor Business in terms of section 77 of the 2010 Liquor Act?**

- a. Yes
- b. No
- c. Not Applicable

**10. How have you received education/ training on the Act? (you may tick more than one box)**

- a. Via Liquor Authority Call Centre
- b. Workshop by Liquor Authority Practitioner
- c. From an Admin Officer at the District Office
- d. By Inspector during his/ her inspection visit
- e. From your Consultant
- f. Other please specify.....

**11. Have you converted your licence from 1989 Act to 2010 Act?**

- a. Yes
- b. No

**11.1. If Not why? If yes skip to questions 11.2**

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**11.2. If yes how easy or difficult was it?**

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**12. For how many years do you have this license ..... (please enter a number)**

**SECTION D**

**13. What do you think is the difference between the New 2010 Liquor Act and the Old 1989 liquor Act?**

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**14. What do you think is the purpose of the New 2010 Liquor Act to you as the liquor trader?**

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**15. According to your understanding of the Act, what is it that is expected of you as the trader?**

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**16. How practical do you think the Act is (as is)?**

- a. Practical
- b. Impractical

**17. What challenges have you encountered during the process of complying with the provisions of the new act?**

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**18. What do you think needs to be change in the application / administrative process?**

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**19. What do you think needs to be changed in the New Liquor Act itself to make it easier for you as a trader to comply?**

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**20. Generally how has your experience been with the New Liquor Act so far?**

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Appendix B  
Interview guide for Key  
Stakeholders

**An implementation analysis of the KZN Liquor Act (Act No. 06 of 2010): A case Study of uThukela District Area**

**Interview Questions for key Stakeholders**

Dear Participant,

1. Your kind assistance is requested in answering questions on the above topic
2. Please note this interview is for academic research purposes and the data collected will not be used for any other purposes
3. Your Privacy and anonymity will be protected, you are at liberty to divulge or keep any of the biographical information you wish / not to give

**Section A**

For statistical reasons please answer the following questions first:

**1. Name and Surname (Optional)**

.....

**2. Gender**

Male

Female

**3 Race:**

African

Indian

Coloured

White

Other: specify

.....

**Section B**

4 What is the name of the organisation that you work for and what is your position?

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5 What is the relationship between your organisation and the Kwazulu-Natal Liquor Authority?

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6 What do you think is the purpose of the New KZN 2010 Liquor Act?

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6.1 Briefly describe your organisation role in the Liquor Licensing application process, in line with the 2010 Liquor Act?

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6.2 Briefly describe your position's role the in your organisation in relation to the liquor industry regulatory process in line with the 2010 Liquor Act?

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7 What systems / resources do you have in place to execute your duties in supporting the KZN Liquor Licensing Act?

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8 What are the challenges that you encounter during the process of the implementing the KZN Liquor Act?

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9 How practical do you think the Act is (as is)?

- 2 Practical
- 3 Impractical

9.1. Why do you think so?

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10. What do you think needs to be changed in the application / administrative process?

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11. What do you think needs to be changed / amended in the New 2010 Liquor Act itself to make it successful in regulating the Liquor Industry in KwaZulu-Natal?

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12. Are there platforms where your organisation sits together with the Liquor Authority to deal with challenges and planning?

- a. Yes
- b. No

12.1 If yes, **do** you think those platforms are progressive in dealing with challenges?

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12.2 If No, how do you resolve such Challenges?

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13 Generally how has your experience been with the New Liquor Act so far?

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## **APPENDIX 'C'**

Interview guide for street level  
bureaucrats

**An implementation analysis of the KZN Liquor Act (Act No. 06 of 2010): A  
case Study of uThukela District Area**

**Interview guide for Street level implementers of the Act**

Dear Participant,

1. Your kind assistance is requested in answering questions on the above topic
2. Please note this interview is for academic research purposes and the data collected will not be used for any other purposes
3. Your Privacy and anonymity will be protected, you are at liberty to divulge or keep any of the biographical information you wish / not to give

**Section A**

For statistical reasons please answer the following questions first:

**1. Name and Surname (Optional)**

.....

**2. Gender**

Male

Female

**3. Race:**

African

Indian

Coloured

White

Other: specify

.....



**Section B**

4. What is your position in the KwaZulu-Natal Liquor Authority and what it entails?

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5. How long have you worked for the Kwazulu-Natal Liquor Authority?

- 0- 1 year
- 1- 2 Years
- 2 – 4 Years
- 4 years & above

6. What do you think is the purpose of the New KZN 2010 Liquor Act?

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7. What do you think is the difference between the New 2010 Liquor Act and the Old 1989 liquor Act?

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8. Briefly describe your understanding of the application process in line with the 2010 Liquor Act?

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**9. Briefly describe your understanding of the regulatory process in line with the 2010 Liquor Act?**

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**10. What is your role/duty in the above mentioned processes as an individual employee?  
Or (Where do you fit in the picture in as far as the implementation of the KZN Liquor Act)?**

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**11. What systems / resources do you have in place to execute your duties?**

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**12. What are the challenges that you encounter during the process of the implementing the KZN Liquor of 2010 Act?**

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**13.** How practical do you think the Act is (as is)?

- c. Practical
- d. Impractical

13.1. Why do you think so?

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**14.** What do you think needs to be changed in the application / administrative process?

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**15.** What do you think needs to be changed / amended in the New 2010 Liquor Act itself to make it successful in regulating the Liquor Industry in KwaZulu-Natal? briefly

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**16.** Generally how has your experience been with the New Liquor Act so far?

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## **APPENDIX 'D'**

### Interview guide for Management

**An implementation analysis of the KZN Liquor Act (Act No. 06 of 2010): A case Study of uThukela District Area**

**Interview guide for KZNLA Management**

Dear Participant,

1. Your kind assistance is requested in answering questions on the above topic
2. Please note this interview is for academic research purposes and the data collected will not be used for any other purposes
3. Your Privacy and anonymity will be protected, you are at liberty to divulge or keep any of the biographical information you wish / not to give

**Section A**

For statistical reasons please answer the following questions first:

**1. Name and Surname (Optional)**

.....

**2. Gender**

Male

Female

**3. Race:**

African

Indian

Coloured

White

Other: specify

.....

**Section B**

4. What is your position in the KwaZulu-Natal Liquor Authority and what it entails?

.....  
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5. How long have you worked for the Kwazulu-Natal Liquor Authority?

- 2- 1 year
- 3- 2 Years
- 2 – 4 Years
- 5 years & above

6. What do you think is the purpose of the New KZN 2010 Liquor Act?

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7. What do you think is the difference between the New 2010 Liquor Act and the Old 1989 liquor Act?

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7.1. Briefly describe your understanding of the application process in line with the 2010 Liquor Act?

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7.2 Briefly describe your understanding the regulatory process in line with the 2010 Liquor Act?

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8. What do you think is the Role of the Executive Management in the above two processes of implementing the 2010 KZN Liquor Act?

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9. Which specific role do you play in the above mentioned processes as an Executive Manager? Or (Where do you fit in the picture in as far as the implementation of the KZN Liquor Act)?

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10. What systems / resources do you have in place to ensure that your mandate is fulfilled?

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11. What are the challenges that you encounter during the process of the implementing the KZN Liquor Act?

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12. How practical do you think the Act is (as is)?

e. Practical

f. Impractical

12.1. Why do you think so?

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13. What do you think needs to be changed in the application / administrative process?

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14. What do you think needs to be changed / amended in the New 2010 Liquor Act itself to make it successful in regulating the Liquor Industry in KwaZulu-Natal?

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15. Generally how has your experience been with the New Liquor Act so far?

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## **APPENDIX 'D'**

### Interview guide for Board Members

**An implementation analysis of the KZN Liquor Act (Act No. 06 of 2010): A case Study of uThukela District Area**

**Interview Guide for Board Members**

Dear Participant,

1. Your kind assistance is requested in answering questions on the above topic
2. Please note this interview is for academic research purposes and the data collected will not be used for any other purposes
3. Your Privacy and anonymity will be protected, you are at liberty to divulge or keep any of the biographical information you wish / not to give

**Section A**

For statistical reasons please answer the following questions first:

**1. Name and Surname (Optional)**

.....

**2 Gender**

Male

Female

**3 Race:**

African

Indian

Coloured

White

Other: specify

.....

**Section B**

4 What is your position in the Board and what does it entails briefly?

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5 Were you appointed in your personal capacity or are you representing an Organisation?

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6 If you represent an organisation what is the name of that organisation?

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7 What do you think is the Role of the Board in the implementation of the KZN Liquor Act?

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8 What is your Role in the Board as an individual member in the implementation of the Board Mandate?

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9 What systems / resources do you have in place to ensure that your mandate is fulfilled?

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10 What are the challenges that you encounter during the process of the implementation Act?

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11 What do you think is the difference between the New 2010 Liquor Act and the Old 1989 liquor Act?

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12 What do you think is the purpose of the New 2010 Liquor Act to the citizens of KZN Province?

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13 According to your understanding of the Act, what is it that is expected of you as the Board?

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14 How practical do you think the Act is (as is)?

g. Practical

h. Impractical

15 What challenges have you encountered in implementing the provisions of the 2010 Act?

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16 What do you think needs to be changed in the application / administrative process?

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17 What do you think needs to be changed in the New Liquor Act itself to make it successful in regulating the Liquor Industry?

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18 Are there areas where the Act is not assistive in assisting you as the Board to make sound decisions if any please list?

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19 Generally how has your experience been with the New Liquor Act so far?

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