

**A CRIMINOLOGICAL STUDY OF NON-COMPLIANCE WITH SELECTED
LICENSING CONDITIONS OF TAVERNS: A SELF-REPORTING SURVEY
AMONGST TAVERN OPERATORS IN
MANKWENG, LIMPOPO**

MASTER OF ARTS

In

CRIMINOLOGY

LEKGAU K

2015

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SURVEY AMONGST TAVERN OPERATORS IN
MANKWENG, LIMPOPO**

by

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DISSERTATION

Submitted in fulfilment of the requirements for the degree of

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DECLARATION

I declare that the **CRIMINOLOGICAL STUDY OF NON-COMPLIANCE WITH SELECTED LICENSING CONDITIONS OF TAVERNS: A SELF-REPORTING SURVEY AMONGST TAVERN OPERATORS IN MANKWENG, LIMPOPO** hereby submitted to the University of Limpopo, for the degree of master of Arts in criminology has not previously been submitted by me for a degree at this or any other university; that it is my work in design and execution and that all material contained herein has been duly acknowledged.

LEKGAU K

DATE

Dedication

This study is dedicated to my three loving sons, Keratilwe, Kananelo and Lesego.

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My sincere gratitude to:

God, for showering me with blessings even if things seemed impossible, He gave me the strength to carry on;

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Abstract

The study was aimed at analysing the non-compliance of tavern operators with selected licensing conditions of taverns in Mankweng Area, Limpopo Province. Tavern operators were randomly sampled for the study. A quantitative research approach was used and questionnaires were administered for data collection. The findings revealed that tavern operators do not comply with the licensing conditions as stipulated in the Liquor Act, no 27 of 1989. The most contravened conditions include trading beyond stipulated times and allowing minors into the licensed premises. However, there is a need to study the perceptions of the tavern operators with regard to the licensing conditions of taverns. The researcher recommended that the community should co-operate with the Liquor Board in the effective prevention of the non-compliance of the tavern operators.

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DEFINITION OF OPERATIONAL TERMS

1. Liquor

Liquor is a strong alcoholic drink containing ethanol that is produced by distilling fruits, grains or any organic substance that ferment. It is sold among others, in taverns, hotels, restaurants and wholesale stores and people under the age of 18 years are not allowed to purchase or consume it (Liquor Act 27 of 1989, section 2 and 45).

2. Liquor board

In this study, the Liquor Board is a group of designated people who provide liquor licenses and attend to matters connected with it (Liquor Act 27 of 1989). This includes people such as the chairperson, deputy chairperson, a member of the South African Police Services and inspectors. This Board has powers to grant or refuse an application for a license. In this study, the Board refers to the Limpopo Liquor Board.

3. Liquor license

This refers to a license granted by the Liquor Board in allowance for selling liquor. In this context, tavern operators are given special liquor licenses and they have to abide by the conditions imposed on them.

4. Liquor Act

This refers to Act 27 of 1989 which provides control over the sale of liquor and matters connected therewith. It includes among others, the conditions that liquor license holders should abide by and also the penalties imposed as a result of non-compliance.

5. Licensed premises

Licensed premises refer to premises on which liquor may be sold under a license. This includes a building whose plan was submitted to the Liquor Board during application for a license. It is prohibited to change or alter the structure of these premises without the permission from the Liquor Board. Liquor is supposed to be sold and consumed only in this premises (Liquor Act 27 of 1989, section 2 and 42).

6. Tavern operators

Tavern operators are people who own taverns and are in possession of liquor licenses. These are people who are not under 18 years of age, have not in the Republic of South Africa or elsewhere in the preceding 10 years, been sentenced for any offence to imprisonment without the option of a fine and are not rehabilitated insolvents. These people have the responsibility to comply with the conditions of their liquor licenses (Liquor Act 27 of 1989, section 114).

7. Compliance

According to the Longman Dictionary 2008, Compliance means to obey to a rule, agreement or demand. The tavern operators are obliged to comply with the conditions of their liquor licenses as stipulated in the Liquor Act 27 of 1989. This condition includes among others; adherence to the trading hours, prohibition of sales of alcohol to intoxicated people and also to minors or (persons under 18 years of age).

8. Licensing Conditions

Licensing conditions refers to the conditions that are stipulated in the Liquor Act 27 of 1989, Section 40 to 51. This includes nature of business, alterations to and extension of licensed premises, place for sale of liquor, juveniles, accessibility of licensed premises and storing of liquor.

9. On-consumption licenses

This refers to a license which states that liquor should be consumed inside the licensed premises only. This includes special licenses that are granted by the Liquor Board to the tavern operators and it is prohibited for alcohol to be consumed outside the licensed premises (Liquor Act 27 of 1989, section 20).

10. Liquor outlet

A liquor outlet is a licensed premise where liquor is sold or supplied whether for on-consumption or off-consumption purposes. It can include a bottle store, wholesale retail outlet or a tavern.

11. Tavern

A tavern can be defined as a licensed premise where liquor is sold for on-consumption purposes only. This means that no liquor should be allowed to leave the tavern.

CHAPTER 1: ORIENTATION TO THE STUDY

1.1 INTRODUCTION

The main focus of this study is on the non-compliance of tavern operators in the study area regarding the licensing conditions stipulated in the Liquor Act, Act 27 of 1989, henceforth referred to as the Act. Limpopo Province still uses the Act because it does not have a Provincial Liquor Act at present, as the Provincial bill has not yet been passed by the Limpopo Legislature. The Act is used throughout this study.

The focus of the law is to regulate relationships. In a democratic society the people elect their leaders to represent them in Parliament. These representatives (legislature) make laws to regulate behaviour. Violations of relationships normally lead to the activation of the Criminal Justice System [CJS] (Roelofse, 2007:1). A law introduces both rights and responsibilities. Those who have the right to sell liquor have the responsibility to abide by the legal requirements and regulations. The researcher lives in the study area and has observed that tavern operators do not comply with the conditions imposed on them by the Liquor Board. It is in this context where a need arises to conduct research on non-compliance of tavern operators to the conditions of their licenses. According to Burney (2008:1), a deductive approach in research is suited for arguments based on laws, rules and principles.

1.2 BACKGROUND TO THE STUDY

The history of laws controlling the liquor trade in South Africa is an integral part of the history of apartheid and segregation. In traditional African societies, the use of alcoholic beverages was well regulated. The Native Beer Act (no 23) of 1908 was passed through which Municipalities obtained the sole right to brew and sell beer within their boundaries and criminalised others (blacks) who produced alcoholic beverages (Haggard, 2001:242). The 1927 Liquor Act was also passed which among other restrictions prohibited Africans from selling alcohol. Alcohol was only provided to African labourers as part of remuneration in the farms (the *dop* or tot system), which contributed to alcoholism amongst the black community. It was only in 1962 when it was made legal for blacks to purchase alcohol from white liquor outlets. Blacks were still denied access to liquor licenses, meaning they could not trade in

alcoholic beverages. The African community then started to practice illegal liquor trading called *shebeens* as a source of income because of devastating economic conditions they found themselves in. Only African traditional beer such as home distilled and brewed alcohol was sold in those *shebeens* according to Setlalentoa, Pisa, Ryke, & Loots, (2010:1). To Africans, a *shebeen* was a place where they meet to discuss political and social issues and escape the oppression of life in a segregated society.

As *shebeens* are not licensed premises, there were no laws regulating them. As the number of *shebeens* increased and they were mostly located within residential areas, there was a need to regulate their activities. According to Setlalentoa, *et.al*, (2010:1), this was a way of making the operators to comply with the conditions of their licenses, to avoid problems such as alcohol abuse, criminal activities and lawlessness. During the time of the homelands each territory drafted its own legislation. According to Crawford and Owe (2008:201), during the 19th century, South Africa granted independence to four states within its territory namely, Transkei, Bophuthatswana, Venda and Ciskei (the TBVC states). This was an ultimate extension of the South African government's apartheid policy to produce a new version of racial segregation.

The creation of the homelands was to make blacks involuntary citizens of these homelands, losing their original South African citizenship and voting rights which enabled whites to remain in control of South Africa. Even though blacks lived in South Africa, they were not regarded as South Africans but rather as the citizens from the Bantustans territories. The process was completed by the Black Homelands Citizenship Act of 1970, which made black South Africans into citizens of the homelands, even if they lived in white South Africa and cancelled their South African citizenship.

Khalfani, Zuberi, Bah, and Lehohla, (2005:8) also states that the main aim of the Bantustans was to segregate black South Africans from whites. The governing National Party introduced a series of measures that reshaped the South African society such as whites would be the demographic majority in the territory outside the homelands.

According to Crawford and Owe (2008:202), the 1989 government lead by F.W.de Klerk in South Africa marked the beginning of a new era and gradual renunciation of apartheid. In February 1990, the South African government began to dismantle the apartheid regime. The homelands or Bantustans were incorporated within the new democratic South Africa. On 27 April 1994, elections were held throughout South Africa including the TBVC homelands. After the elections, the interim Constitution came into force, repealing the TBVC states and incorporating them into the nine Provinces of the Republic of South Africa. At the height of the apartheid regime several independent and self-governing territories were created. This led to a proliferation of legislation within each territory where for example, Liquor Acts were drafted by each territory.

The following Liquor Acts were thus implemented by the homeland governments: Intoxicating Liquor Act no 7 of 1973 (Lebowa), the Intoxicating Liquor Act no 8 of 1973 (Gazankulu), Liquor Act no 37 of 1978 (Transkei), the Intoxicating Liquor Act no 36 of 1980 (Bophuthatswana), the Liquor Act no 13 of 1983 (Ciskei). On top of this, a national Act also existed. This Act, the Liquor Act 27 of 1989 is still in operation in the Limpopo Province and thus the Act will be used throughout this study. The Act brought *shebeens* under control of a licensing procedure and refers to liquor outlets as taverns which are granted special licenses (Section 20).

1.3 PROBLEM STATEMENT

As a resident of a rural community where there is a number of taverns, the researcher has observed how liquor is sold outside trading hours and that juveniles are also buying liquor. These are blatant violations of sections 45 and 57 of the Act. In South Africa, the non-compliance with the Act, by tavern operators, is a major problem that needs to be addressed and the citations below confirm this notion. In this context, an overview of three of the nine provinces of South Africa confirms a general trend and widespread culture of non-compliance to the requirements and conditions imposed on tavern operators by legislation.

Inspections were conducted throughout the Province in Kwazulu-Natal (KZN), on the occasion of the launch of the 'Responsible Trader Program' and it was revealed that

70% of the licensed premises did not comply with the liquor license conditions (Department of Economic Development, Environment and Tourism, 2011:1). In North West, an operation named 'Liquor Compliance Enforcement Operation' was carried out. Ten taverns were closed down due to lack of compliance. Over forty tavern operators were fined and charged with contravening the operational hours. Another operation called a "Legislative requirements liquor enforcement operation" was carried out whereby a total number of 83 liquor outlets were visited and some of the liquor outlets inspected were issued with sanctions for their non-compliance and a total of R133 500 in fines was imposed on those that transgressed the Liquor Act of 1989. (Department of Economic Development, Environment and Tourism, 2011:1).

Out of 83 liquor outlets, only 23 were found to be compliant with the Liquor Act and conditions of the licenses. A total of 60 outlets contravened the Act and its conditions, which constitute approximately 72% of non-compliance. What was observed in this operation was that most of the outlets were selling liquor to under-aged children, were operating beyond the trading hours stipulated in the licenses whilst others made structural changes to the original architectural plans submitted to the Liquor Board without obtaining approval as prescribed by the Act. (Department of Economic Development, Environment and Tourism, 2011:1).

Similarly, in Limpopo, inspections were conducted at liquor outlets and fifteen tavern operators were arrested for failing to comply with the conditions imposed on them by their liquor licenses (Department of Economic Development, Environment and Tourism, 2011:1).

Focusing on the area of study, there are currently 182 taverns in Mankweng Area (Liquor Affairs, 2012:1). These taverns have to conduct their operations in a proper manner that does not contravene the Act. The deductive approach taken in this study is that the majority of tavern owners in the study area are also violating the licensing conditions of their liquor outlets.

1.4 PURPOSE OF THE STUDY

1.4.1 Aim

The aim of this study is to analyse the non-compliance of tavern operators of selected licensing conditions that regulate taverns.

1.4.2 Objectives

The following objectives have been pursued in the study:

- To assess the non-compliance of the tavern operators regarding specific conditions of liquor licenses;
- To determine whether the prescribed sentences in the Act deter tavern operators from violating the licensing conditions; and
- To make recommendations to improve control over taverns.

1.5. HYPOTHESES

To determine whether the tavern operators comply with the licensing conditions, the following hypotheses have been constructed:

H1 Tavern operators do not adhere to the structural conditions of their licensing conditions.

H2 Liquor is sold to people under an age of 18 years.

H3 Liquor is sold to people who are already intoxicated.

H4 Liquor is not stored inside the licensed premises only.

H5 Tavern operators do not adhere to the trading hours.

H6 Penalties prescribed by the Liquor Act do not deter tavern operators from contravening their licensing conditions

1.6. SIGNIFICANCE OF THE STUDY

It is hoped that study will help the Limpopo Liquor Board to know the extent of non-compliance to the conditions of their licenses by tavern operators in the study area. The knowledge gained from this study will help the stakeholders to know the sections of the Act that are contravened by the most liquor license holders regarding conditions of their licenses. This will also serve as a framework for the formulation of new policies which will embrace the co-operation between the tavern operators and the Liquor Board.

The findings of this study could shed light on how the Liquor Board can control the non-compliance of tavern operators regarding the conditions of their licenses. The study also provides insights into the problems from which actions may be taken to efficiently and effectively reduce the level of non-compliance by tavern operators.

1.7 SCOPE AND CONTEXT OF THE STUDY

The study mainly focuses on the non-compliance by tavern operators to the licensing conditions. It deals with the conditions that are stipulated in the Liquor Act, Act no 27 of 1989 and the study is limited to on-consumption liquor outlets (taverns) in Mankweng Area.

1.8 PRELIMINARY LITERATURE REVIEW

According to the Department of Trade and Industry (2012:1), fifteen liquor outlets were ordered to close down and issued with fines of R1 500 each during the Operation Blitz conducted by officials from the Department of Trade and Industry (the DTI), South African Police Service (SAPS) and Mpumalanga Liquor Board in the Malelane, Komatipoort and Nkomazi areas of Mpumalanga. The aim was to monitor and enforce compliance with the country's liquor legislation. More than thirty taverns were raided. The outlets were closed down and their owners fined because they did not adhere to the conditions of the liquor licenses issued for their businesses.

Most of the contraventions related to failure by owners to officially appoint someone to run their businesses in their absence. The Act requires a person who has been certified competent by the police and approved by the Liquor Board should take charge of a liquor outlet. However, it has been disappointing to find people behind the counters who do not understand what their responsibilities and obligations are with respect to selling liquor. This results in further violations of the Act such as allowing minors on liquor premises (DTI, 2012:1). Other contraventions for which liquor outlet owners were fined during the blitz included failure to produce their licenses, operating beyond times stipulated in their licenses, and allowing off-site consumption in on-consumption premises.

During 2012 ninety-two liquor outlets were raided in Polokwane area (that includes Mankweng). During these raids fines to the value of R27 000 were issued. The joint operations were performed by the Limpopo Liquor Board and the Limpopo Police. About 30 of the liquor outlets were fined for reasons such as trading without displaying their liquor licenses, on-site consumption, licensees selling take-away alcohol, operating with an expired liquor licenses and not having the correct facilities such as proper toilets. One liquor outlet was caught selling liquor to a minor and four were found to be trading illegally (Venter, 2012:6).

Enghagen (2001:38), also states that under-aged persons are allowed on the licensed premises and served liquor. This lies within the tavern's responsibility and clearly shows non-compliance with the licensing conditions. Enghagen (p.38) further explains that one particular concern is the lack of enforcement of regulations governing bar operations, such as noise levels, age of patrons, and the behaviour of intoxicated patrons outside the bar.

South Africa is not the only country experiencing problems with liquor outlets. In Australia the problem of non-compliance is also experienced. According to Gray, Drandich and Moore (1995:180), it was discovered that in some premises, the facilities provided for Aboriginal patrons such as toilets were clearly below standard. Often, comfortable seating is not provided in the taverns and at times large numbers of patrons are crowded into confined spaces. Consequently, this leads to violence and drinking in public areas as people look for more congenial locations outside the tavern. This is also supported by Hudson (2011:6), who emphasises that the

numbers of licenses that sell take away alcohol have increased: few canteens (Australian term) practise responsible serving of alcohol and would serve people until they became severely intoxicated, with dramatic consequences for communities.

In the context of the above, the normal functioning of people who once took responsibility for their families is drawn into the vortex of alcohol abuse. Heavy drinking over a sustained period can cause many serious health problems including liver cirrhosis, haemorrhagic strokes, various cancers, and mental illnesses such as psychosis. These health problems are commonly referred to as chronic harms and are associated with long-term alcohol abuse. Heavy episodic drinking also causes acute harms such as alcohol poisoning, road injury, violence, and falls. In this context, a liveable and vibrant community can result in high levels of violence, abuse and neglect following the introduction of a regular supply of alcohol and no controls on its use (Hudson, 2011:6).

Stockwell (1997:927) also noted that people who experienced alcohol related problems were consuming alcohol at licensed venues. This tendency has also been observed by the researcher as a regular violation in the Mankweng area.

In summary, from the available literature is clear that non-compliance is evident across the world, South Africa in general and Limpopo. In particular, violations such as serving liquor to already intoxicated patrons and juveniles seem to be commonplace.

1.9 ETHICAL CONSIDERATIONS

1.9.1 Informed consent and Voluntary participation

Prospective participants were informed about the nature of the study, its purpose and the right to participate voluntarily. There was no individual who was forced to participate in the study without their consent. The researcher obtained permission from the University of Limpopo to perform with the study. The participants were also allowed to withdraw from the study if they do not wish to continue. Furthermore, participants were informed about the possible publication of the study results.

1.9.2 Confidentiality and Anonymity

Confidentiality refers to a situation whereby information is known and recorded by the researcher but is not revealed (David & Sutton, 2004:19). All participants remained anonymous and their identity will not be revealed without their consent. To support this, the participants were not required to disclose their names, address, contact details or disclose their identity in any way.

1.9.3 Emotional and Psychological constraints

The participants were not subjected to any kind of harm either psychologically or emotionally during the course of this research. The participants were also given the right not to disclose the information that they did not wish to share with the researcher

1.10 LAYOUT OF THE STUDY

The chapters are outlined as follows:

Chapter 1: Orientation to the study

It outlines the introduction, background to the study, problem statement, aim of the study, research objectives, hypotheses, significance of the study and chapters outline.

Chapter 2: Literature review

The literature review presents the licensing conditions stipulated in the liquor Act 27 of 1989, the non-compliance of license holders to these conditions, the consumption of alcohol and abuse, reports from the Limpopo Liquor Board, the media statements reflecting the non-compliance of tavern operators and the impacts of alcohol.

Chapter 3: Research Methodology

This chapter presents the introduction, research methodology, research design, area of study, sampling method, random sampling, research sample, data collection procedures, data collection method, questionnaire and ethical considerations.

Chapter 4: Discussion, Presentation and Interpretation of findings

Statistical Package for the Social Sciences (SPSS) will be used to analyse the data and the findings have been presented in this chapter.

Chapter 5: Summary, recommendations and conclusion

This chapter summarises the major findings of the research based on the analysed data.

CHAPTER 2: LITERATURE REVIEW

2.1 INTRODUCTION

The literature review is the cornerstone of research. It provides in-depth knowledge of the problem that is studied and also identifies the shortcomings of previous research and gaps in the field of study that are normally used for problem statements and research questions and objectives. In this study, the non-compliance of tavern operators to the conditions of issued licenses is explained. The main sources of information studied are the Constitution of the Republic of South Africa, Act 108 of 1996. The Liquor Act, Act 27 of 1989, and the Directorate of Liquor Affairs (of the Department of Economic Development, Environment and Tourism) quarterly reports on non-compliance. The Limpopo Liquor Board resorts under the Directorate of Liquor Affairs and media statements from the Board have also been studied. From these sources, specific violations by tavern operators, the effects of non-compliance and explanations of non-compliance have been identified. Sources giving theoretical explanations for these violations of the law have also been studied and are reflected in the section on theories.

2.2 THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996

In terms of Schedule 5, Part A of the Constitution of South Africa, 'liquor licenses fall within the functional area of provincial legislative competence'. Furthermore, Part B of the same schedule stipulates that the 'control of undertakings that sell liquor to the public' is under the 'functional area of exclusive provincial legislative competence to the extent set out in section 155(6) (a) and (b)'. In the absence of Provincial legislation regulating liquor licenses in Limpopo, it is therefore imperative to have a look at requirements for compliance of tavern operators in the national legislation, Act 27 of 1989. In other words, Limpopo still uses the Act because it does not have a Provincial Liquor Act at present. Lastly, other literature in respect of non-compliance with liquor licenses has been reviewed.

2.3 LIQUOR ACT NO 27 OF 1989

The aim of this Act is to enforce compliance by liquor outlets and to control the sale of liquor. The first pages of this Act include introductory provisions (definition of terms), the duties of the Liquor Board, applications for licenses, disqualification of licenses, issue of licenses and general conditions applicable to licenses. Specific conditions are stipulated to “on-consumption” licenses and are hereby discussed. The aim and objectives of the study have been clearly stated and the following sections of the Act specifically address the possible violations by operators in the study area.

2.3.1 Section 42 - Alterations to and extension of licensed premises

This section states that “the holder of a license shall not affect any structural alteration, addition or reconstruction of or to the licensed premises or extend the licensed premises except with the consent of the chairperson of the Liquor Board.

2.3.2 Section 43 - Place for the sale of liquor

It stipulates that “the holder of a license shall not sell liquor at any place other than the licensed premises. The chairperson of the Liquor Board: may, on application by the holder of an on-consumption license, grant consent to that holder to sell liquor on a specified premise.”

2.3.3 Section 45 - Juveniles

This section states that “the holder of a license shall not sell or supply liquor on the licensed premises to any person who is under the age of 18 years”.

2.3.4 Section 46 - Accessibility of licensed premises

This section stipulates that, “the holder of a license or employee may refuse to admit any person to the licensed premises or any part thereof, refuse to sell or supply

liquor to any person, request any person to whom is in any part of the licensed premises to leave that part, remove from the licensed premises any person who is drunk, violent or disorderly or whose presence on the licensed premises may subject the holder of the license to prosecution under this Act". The study will only focus on one aspect of this section, namely selling liquor to people that are already intoxicated.

2.3.5 Section 51 - Storing of liquor

It stipulates that "the holder of a license shall store his or her liquor on the licensed premises unless the chairperson, on application, determines another or an additional place in the district in which the licensed premises concerned are situated in which the liquor may be stored".

2.3.6 Section 52 - Place for consumption of liquor

This section states that "the holder of every on-consumption license shall ensure that liquor sold there shall be consumed on the licensed premises only".

2.3.7 Section 57 - Times of business

It stipulates that, "the holder of a liquor license may, notwithstanding any law to the contrary, sell his or her liquor between 10h00 on any day and 02h00 on the following day".

2.3.8 Section 160 - Offences by holders of on-consumption licenses

It states that the holder of a license shall not "allow drunkenness or licentious conduct on the licensed premises, sell or supply liquor to a person who is in a state of intoxication, allow the licensed premises to be used as a brothel or to be frequented by persons who are regarded as prostitutes, allow any person to perform an offensive, indecent or obscene act or who is not clothed or properly clothed to perform or appear in any part of the licensed premises, shall be guilty of an offence". As far as the study is concerned, the focus in this section was on brothels

or persons who are regarded as prostitutes, offensive, indecent or display obscene acts in the tavern or people who are not clothed or properly clothed to perform or appear in licensed premises. The prohibition of selling liquor to already intoxicated persons has been covered under section.

2.4 MUNICIPAL BYLAWS WITH REGARD TO THE ESTABLISHMENT OF TAVERNS

According to the Local Economic Development (2000:4) municipal bylaws for a tavern to be established in an area, there must not be an educational institution or a place of public worship within a radius of 250m from the intended site of location of the tavern. The approval of the application for a tavern license within the study area lies within the competency of the Polokwane Local Municipality and particularly with the Town Planning Division.

2.4.1 Conditions that are imposed on approved applications for taverns

The bylaws stipulate that the primary use shall remain residential. The floor area of the business shall not exceed 50m² and at least one parking space shall be provided on the site. The residential amenities, health, safety and character of the area shall not be disturbed. Trading hours shall be limited to the hours as determined by the Liquor Act in existence. Selling or serving and consumption of liquor and other beverages including prepared food shall be conducted from within a building structure which complies with national building regulations. Advertising signs shall not exceed 600 x 450mm and may not be illuminated. Toilet facilities for both sexes shall be provided as required by the local municipality and no serving and consumption of liquor or other beverages shall take place outside a building structure of the premises. These bylaws are used together with the Liquor Act 27 of 1989.

2.4.2 Non- compliance with the conditions of the bylaws

This consent of approval for liquor trade shall lapse if it is, according to the opinion of the Local Municipality that these conditions stated above are contravened. The non-compliance to the set conditions, the owner of the business/property will be issued

with a notice informing him/her of the cancellation of the consent. The Police and the Liquor Board will also be informed of the revocation of the license for the specific tavern/s.

Alcohol consumption and abuse is a worldwide problem that existed for centuries. In this instance, India and Australia are explained as two of the countries that have high levels of alcohol consumption. This will be followed by a discussion of patterns of alcohol consumption in South Africa.

2.5 ALCOHOL CONSUMPTION IN INDIA

The high prevalence of alcohol use and its consequences among Indians may be attributed to a number of factors including the influence of the European colonists who first made large amounts of alcohol available. Two patterns of alcohol abuse exist within Indian groups which are the anxiety and recreational drinkers (Beauvais, 1998:253).

2.5.1 Anxiety and recreational drinkers

Anxiety drinkers are chronic heavy drinkers who exhibit a wide variety of medical, social, and psychological problems. They have minimal involvement in their traditional Indian culture and show little competency in meeting the demands of the majority culture, for instance, maintaining employment. Early alcohol related mortality is common among this group. In contrast, recreational drinkers engage in binge drinking less frequently than anxiety drinkers do but they consume extremely high quantities when they do drink (May, 1995:183).

Recreational drinkers are the largest group of Indian alcohol abusers (about two-thirds of all heavy drinkers) and thus account for the largest number of alcohol related problems in Indian communities. Beauvais (1992:78) reported similar drinking patterns among Indian adolescents. According to his research, Indian youth become heavily involved with alcohol at an early age and continue with that pattern into young adulthood. Approximately 20 % of Indian youth in 7th to 12th grades fall into this category.

2.5.2 Effects of alcohol abuse amongst Indian population

Nearly twice as many Indian men as women die from alcohol related causes between ages 45 and 64, the peak age range for such deaths. Chronic liver disease and cirrhosis are 3.9 times as prevalent in the Indian population, alcohol related fatal automobile accidents are 3 times, alcohol related suicide is 1.4 times and alcohol-related homicide is 2.4 times as prevalent. About 85% of men who were violent towards their wives were frequent or daily users of alcohol. More than half of the abusive incidents were under the influence of alcohol (Beauvais ,1998:255).

The data clearly demonstrate that the health consequences of alcohol abuse have much greater effects on the Indian population. The problems within the Indian population indicate those who use alcohol at exceptionally high levels. High rates of foetal alcohol syndrome (FAS) have been found among Indian tribes. May (1992:1) found rates of FAS ranging from 1.6 to 10.3 births in a number of tribes.

In a study conducted by Mohan, Chopra, Ray and Sethi (1996:109), it was discovered that the prevalence of monthly quantities of alcohol consumption is very high, ranging between 66, 7% and 92, 9% in young men. The findings were that 81, 1% of men reported not being able to limit their alcohol use. Eighty coma three percent reported being often intoxicated when required to fulfil major obligations, 51% reported inability to cut down drinking and 44, 4% reported to have increased alcohol intake. The prevalence of having reported giving up social, occupational or recreational activities was 40, 1% in Thoubal as one of the districts in India. Between 3 to 45 % of household expenditure is spent on alcohol. The use of alcohol increases indebtedness and reduces the ability to pay for basic needs such as food and education. Alcohol abuse leads to separations, divorces and causes emotional hardship to the family.

2.6 ALCOHOL CONSUMPTION AND DRINKING PATTERNS IN AUSTRALIA

The high levels of alcohol consumption and patterns of drinking are problems throughout Australia just like in India. For instance, men who work in the outback

tended to drink heavily when they were in town because of hard work on the stations and mines. The annual per capita consumption of alcohol in Australia is relatively high by world standards (10.8 litres of pure alcohol in 2008–09 compared to a global average of 6.1 litres in 2005) (Hudson, 2011:1).

In 2003, Australia was ranked 30th out of 180 high-alcohol consuming countries. Alcohol consumption figures vary across Australia, particularly between urban, rural areas and between states and territories. Alcohol consumption levels are consistently lower for people living in major cities compared to outer regions. Alcohol consumption has been between 50% and 100% higher in the Northern Territory than the rest of Australia and also higher than most other nations. A recent study published in the Medical Journal of Australia found that the average consumption of pure alcohol per person in the Northern Territory in 2006–07 was 14.35 litres compared with the Australian average of 9.88 litres in 2006–07. The average consumption was even higher (16.1 litres) among Aboriginal Territories (Hudson, 2011:1).

2.6.1 Harmful effects of excessive alcohol consumption in Australia

Heavy drinking is a major factor in the breakdown of social and family relationships and the overall dysfunction of many Indigenous communities. It causes acute harms that include alcohol poisoning, road injury, violence and falls. Deaths from chronic harms are more common among people over 45, while deaths from acute harms are more common among people aged 15–29 years. Overall, more people are hospitalised for acute alcohol related harms than chronic harms. Excessive alcohol consumption contributes to public violence, homicides, domestic abuse, sexual abuse, chronic debt and unemployment. There is also a strong correlation between alcohol and crime because about two-thirds of offenders test positive for a range of drugs and alcohol on arrest. Alcohol abuse is also a major factor in poor parenting and leads to children being unsupervised, neglected and vulnerable to physical and sexual abuse (Hudson, 2011:2).

2.7 ALCOHOL CONSUMPTION PATTERNS IN SOUTH AFRICA

According to an Association for Responsible Alcohol Use (ARA) (2013:23), South African adult per capita alcohol consumption in 2005 equalled 9.5 litres of pure alcohol. Of this consumption, 26.3% or 2.5 litres per person, was homemade and illegally produced alcohol, in other words, unrecorded alcohol. The consumption of homemade or illegally produced alcohol may be associated with an increased risk of harm because of unknown and potentially dangerous impurities or contaminants in these beverages.

In the content of the above, adult per capita (APC) in South Africa (of 9.5) is above the world average of 6.13, the regional average for Africa of 6.2, the average for the Americas of 8.7, the average for the South-East Asia region of 2.2, and the average for the Western Pacific region of 6.3. South Africa has the 75th highest APC in the world.

The analyses of the litres of pure alcohol (recorded and unrecorded) consumed by the adult (15+ years) drinking population makes South Africa the 5th highest ratio in the world (after Bosnia & Herzegovina, Mali, Comoros and Zimbabwe). The ratio shows that among the drinking population, the average amount consumed per drinker is 34.9 litres per annum. This indicates that despite South Africa's high abstention rate of 73%, the amount of alcohol consumption in South Africa is exorbitantly high amongst the drinking portion of the population ARA (2013:24).

2.7.1 Patterns of drinking

Prevalence of abstention is an indicator that is equally relevant to the description of levels and patterns of alcohol consumption. Within the context of alcohol epidemiology there are several different types of abstentions, each of which has a different effect on alcohol trends. The abstention rate (the percentage of those in the population aged 15 years and older, who did not drink any alcohol in the past 12 months) is an important characteristic of a drinking pattern in a population and

provides key information for the interpretation of adult per capita consumption figures, ARA (2013:27). In South Africa, 65% of the population has never consumed alcohol and this is among the highest rates in the world. In addition, 7.7% have not consumed alcohol during the past year. This means that almost three quarters of the population have abstained from drinking alcohol in the past 12 months.

It must also be noted that of the 35% of the population that consume alcohol, only a small percentage consume branded products, the largest percentage consume home-brews or illegal alcohol. There are around 50,000 to 60,000 licenced/legal outlets for alcohol sales and distribution. In contrast, there are an estimated 120,000 unlicensed outlets. It is generally accepted that the alcohol abuse problem does not only lie within the unlicensed sector which is not regulated at all by government but rather also within the licensed outlets, ARA (2013:27).

2.7.2 Patterns of drinking score (PDS)

Measuring drinking patterns to accurately account for the impact of alcohol consumption is more complex than simply ascertaining the amount of alcohol consumed. In the 2000 Comparative Risk Assessment in the Global Burden of Disease Study, a composite measure of drinking patterns, the patterns of drinking score was developed. The score reflects how people drink instead of how much they drink and it is strongly associated with the burden of disease of a country attributable to alcohol. Patterns of drinking score strongly associated with the alcohol-attributable burden of disease of a country, is measured on a scale from 1 (least risky pattern of drinking) to 5 (most risky pattern of drinking). The higher the score, the greater the alcohol attributable burden of disease is. Notably, different drinking patterns give rise to very different health outcomes in population groups with the same level of consumption, ARA (2013:28).

The PDS is based on an array of drinking attributes, which are weighted differentially in order to provide the PDS on a scale from 1 to 5. The usual quantity of alcohol consumed depends per occasion, e.g. festive drinking, proportion of drinking events, when drinkers get drunk, proportion of drinkers who drink daily or nearly

daily, drinking with meals and in public places. High patterns of drinking scores or the most risky patterns of drinking, prevail South Africa. It has a pattern of drinking score of 4, among the highest in the world, which indicates a high alcohol-attributable burden of disease (ARA, 2013:28).

2.7.3 Heavy episodic drinking

Heavy episodic drinking (HED) is another measurable pattern of alcohol consumption risk. It is defined as drinking at least 60 grams or more of pure alcohol on at least one occasion in the past seven days. HED is one of the most important indicators for acute consequences of alcohol use such as injuries and fatalities.

It is quite high in many countries with middle to high per capita consumption, such as in Brazil and South Africa (ARA, 2013:29).

In South Africa, a very high percentage of drinkers 45.4%, have weekly heavy episodic drinking occasions, compared to a global average of only 11.5%. It is important to note that alcohol dependence in itself accounts for a relatively small amount of harm at the population level, as it affects relatively few people. By far the biggest impact comes from binge drinking, which affects a much bigger demographic. For example, a recent review of drinking practices in 20 African countries reported that whereas 23% of South Africans had consumed alcohol in the previous week, nearly half of these drinkers (48%) have binged (that is, drinking five or more units on one or more occasions) and 29% could be categorised as heavy drinkers (that is, drinking 15 or more units of alcohol). It is also notable that in South Africa rates of heavy drinking are up to five times higher on weekends than on weekdays (ARA, 2013:29).

2.7.4 Demographic patterns of liquor demand

Examination of the alcohol patterns by various demographic indicators provides useful insight into consumer behaviour, which can also be used to inform the targeting of anti-abuse initiatives. A brief review of liquor demand patterns, as per the Bureau for Market Research (BMR) of UNISA's Income and Expenditure of Households in South Africa, 2011 and the 2010/11 Income and expenditure of

households conducted by Statistics South Africa (Stats SA) is therefore provided below.

In total, household expenditure is estimated at R1 984 billion for 2011. The biggest expenditure component was food, which comprised more than 22% of total household expenditure, while expenditure on alcoholic beverages amounted to 2.7% of total expenditure in 2011 (or equivalent to R56, 6 billion). Expenditure on alcoholic beverages recorded 7.4% yearly growth (nominal prices) in 2011 over the previous years (ARA, 2013:30).

2.7.5 Expenditure on alcoholic beverages by income group

Income plays a very strong role in driving the quantity of liquor purchased because a proportion of total household expenditure that is spent on liquor. Liquor makes up a much larger proportion (almost double) of the shopping bag for poor and middle class households (around 3% to 4.5%) than for wealthy households (around 1½% to 2%). The type of basket of liquor goods that poor and wealthy households purchase is very different. For the lower income groups, beer is two-thirds to three-quarters of the liquor consumption basket. The wealthiest consumers however spend more or less equally on wine, beer and spirits. The lower income groups have shown the biggest increase (from 2005 to 2011) in the proportion of total expenditure spent on liquor, while the proportion for higher income groups has virtually remained unchanged (ARA, 2013:31).

2.7.6 Alcohol consumption among young people

The age group of 16-24 spends the most on alcohol, followed by the age group 25-34, which spends 3.5% of their total expenditure on alcoholic beverages and all the other age groups spend around 2,5% of their total expenditure on liquor. Overall, hazardous and harmful drinking patterns, such as drinking to intoxication and binge drinking, seem to be on the rise among adolescents and young adults, (WHO 2002).

According to a recent Bureau for Market Research (BMR), UNISA, study on Drug Use and Alcohol Consumption among Secondary School Learners in Gauteng (2012), findings show that drug and alcohol abuse among young people is a reality with concerning consequences. Not only do young people find themselves in an environment in which drugs and alcohol are readily accessible, but very often these substances are used by their peers, to whom they relate and with whom they interact. Hence, their receptiveness to drug and alcohol use increases.

It was discovered that the majority of learners agreed that alcohol consumption among the youth in South Africa is becoming more socially acceptable and tolerated. Many learners who consume alcohol have been drunk or engaged in binge drinking with disturbing consequences which impact on education. Reported consequences include: drunkenness, violence, motor car accidents, irresponsible sexual behaviour and criminal activities (ARA, 2013:1).

Some of the most important report findings regarding alcohol consumption by learners in Gauteng are: (UNISA Bureau for Market Research, 2012:1).

- Two thirds of the learners (66%) agreed that alcohol consumption among the youth is becoming more socially acceptable and tolerated;
- 87.5% have friends who consume alcohol and almost eight in ten learners (79.4%) consume alcohol themselves;
- The average age for starting to consume alcohol is around 13-14 years for both genders;
- Approximately seven in 10 learners (66.6%) have been drunk. This occurs mainly in grades 10 to 12;
- Almost half of the learners (44.8%) who consume alcohol themselves have engaged in 'binge drinking' (had five or more drinks in a few hours on one Or more occasions);
- Money received from parents (pocket money or lunch money) is used to buy alcohol. Average per month is R328;

- The major consequences related to alcohol abuse include drunkenness, violence, motor car accidents, irresponsible sexual behaviour and criminal activities; and
- 84.2% of learners are aware of health risks associated with alcohol. Most of these learners are in grades 11 and 12.

An in-depth analysis of youth drinking behaviour on a national level, 2008 Youth Risk Behaviour Survey (YRBS) conducted by the Medical Research Council, surveyed Grade 8, 9, 10 and 11 learners in all nine provinces. On a national level, learners reported alcohol consumption was 50% with 49.1 in 2002, 35 % for having consumed alcohol (up from 32 % in 2002) and 29 % for having engaged in binge drinking (up to 23% in 2003) (ARA, 2013:34).

The above information confirms that alcohol consumption and abuse is a global problem especially amongst the youth who are reported to be binge drinking. The legal age of alcohol consumption is 18 years but several studies revealed that alcohol consumption amongst high school learners has increased. It can be said that those who have the right to trade in liquor (tavern operators), do not abide by the regulations of the law.

As South Africa is rated the highest regarding alcohol consumption and abuse, this means that the laws with regard to the sales of alcohol are contravened. The following three provinces namely, KwaZulu-Natal, North West and Western Cape confirm the problem of non-compliance among the tavern operators.

2.8 KWAZULU- NATAL

According to the Independent Newspaper (2012:2), an operation in KwaZulu-Natal led to the closure of 15 liquor outlets in Pietermaritzburg and Howick. More than 35 outlets, including distributors, taverns, restaurants and bottle stores were raided during the operation. The 15 closed outlets were fined up to R1 500 each during the operation jointly launched by Department of Economic Development, SAPS and SARS. The outlets were closed down and operators fined because they did not

adhere to the conditions of the liquor licenses issued for their businesses. The majority of contraventions were for allowing off-site drinking, while other violations included failure to produce liquor licenses and operating outside of stipulated times.

On other inspection by officials from the Department of Trade and Industry, (DTI) SAPS, KwaZulu-Natal Liquor Board and Ethekewini Metropolitan Municipality closed down about six liquor outlets and fines to the value of R20 000 was given to non-compliant license holders. More than fifty-seven outlets ranging from taverns, restaurants, distributors and manufacturers were raided in Durban Central Business District, Pinetown, New Germany, Hillcrest, Phoenix, Kwa-Nyuswa and Kwa-Makhuta.

Most outlets that were given non-compliance notices and fines failed to adhere to the stipulated conditions of their licenses e.g. failure to produce licenses on the trading premises, failure to produce managers certificate if trading as juristic person, renewal of licenses, trading with a deceased person's license, trading beyond stipulated hours, juveniles drinking on premises, taverns and grocery stores combined, loud music and patrons drinking outside permitted areas (Department of Trade and Industry, 2013:1).

According to the Department of Trade and Industry (DTI), (2011:1), Eighteen liquor outlets were ordered to close down and nineteen were issued with fines ranging from R500 to R3 000 each during the operation which lasted for four days. The operation was conducted by officials from the Department of Trade and Industry, South African Police Service, KwaZulu-Natal Liquor Board, KwaZulu-Natal Gambling Board, and the Department of Agriculture, Forestry and Fisheries, in Port Shepstone, Margate, Port Edward and Umzinto on the KwaZulu-Natal South Coast to monitor and enforce compliance with the country's liquor legislation. The outlets were closed down and their owners fined because they did not adhere to the conditions of the liquor licences issued for their businesses. There were those who possessed licences which were issued on condition that they would be running a restaurant and also sell liquor. There were no signs of food being served on the premises.

Other owners were fined for failure to produce their licences, allowing minors on their premises, operating beyond times stipulated on their licence, and effecting alterations to their buildings without the necessary approval. Knives and drugs were also found on some of the premises and one patron was arrested for possession of dagga. During the operation primary school children from a nearby school were found playing soccer pool game and machines next to a bottle store. The owner was ordered to close his business until such time as a fence had been erected around the area to prevent school children from accessing it.

2.9 NORTH WEST

The SAPS in Zeerust together with members of the Liquor Board, municipality and various government departments visited taverns in and around Zeerust, Braklaagte and Ikageleng townships (Zeerust News, 2011:2). During the operations, 83 taverns were visited and it was found that 38 taverns did not comply with the regulations according to the Liquor Act 27 of 1989. Their non-compliance included among others, owners who sold liquor beyond stipulated times, unauthorised persons were in charge of the businesses and utilising altered structures without the board's approval. Fines to the amount of R1500-00 were charged to all non-compliant owners (Zeerust News, 2011:2).

SAPS conducted liquor law compliance checks and it was revealed that 15% of the liquor businesses sold liquor to minors. Police sent a person under the legal age to drink into each of the businesses to see if the employees would sell liquor to the minor. It turned out that the minor was provided with the alcohol (Brandt, 2010:1).

More than fourteen liquor outlets in Mafikeng were raided by provincial government officials, the economic development to clean up illegal businesses. 14 taverns were swooped up and two businesses that failed to comply with health and labour requirements were closed down. Another outlet was penalised for operating without adequate ventilation, lack of proper sanitary facilities, failed to display both business and liquor licenses. The owner was locked up for conducting structural alterations without the Liquor Board's approval (Rantlha, 2010:4).

A liquor blitz was conducted in Lichtenburg, Boikhutso, Verdwaal, Mafikeng and Mmabatho. A total of fifty six (56) liquor outlets were visited where twenty eight (28) were found to be con-compliant and a total of R33 000.00 worth of fines were issued (Medupi, 2012:1).

2.10 WESTERN CAPE

Police in Woodstock visited 20 liquor outlets and issued 17 fines to the amount of R25 500-00 for non-compliance to liquor license conditions. One liquor outlet was also closed down for noise pollution. Various liquor compliance inspections were conducted at licensed liquor establishments and fines to the amount of R16500-00 for non-compliance to conditions stipulated on license conditions were issued (Malila, 2012:1).

These inspections were conducted to give specific attention to certain liquor establishments that contravenes their license conditions. Complaints from the community regarding certain establishments that were trading after their normal trading hours, loud and excessive noise and unruly patrons were received. During the operation, over 18 liquor premises were visited and fines to the amount of R16500-00 were issued (Malila, 2013). During an Operation Paseka that was held in Northern Cape, a 17- year- old girl was found at a legal tavern. The owner was ordered to close his business because of non-adherence to the provisions and conditions of the Liquor Act.

The Liquor Authority In collaboration with municipal enforcement agencies and the SAPS conducted 246 liquor inspections in the Southern Cape towns of Oudtshoorn, Carlitzdorp, Dysseisdorp, Ladysmith, Uniondale, Prince Albert and De Rust. Inspections were also conducted on licenced premises on the R62 leading to Oudtshoorn.

This operation came after scores of complaints from residents in the area. Eighty-nine premises were found to be fully compliant with the Liquor Authority's requirements and 157 were non-compliant. The Liquor Authority also inspected 24 establishments following specific complaints from members of the public. Three

establishments were closed down for non-compliance and two others which were trading without current licences.

Three liquor outlets were inspected and in one outlet, it was discovered that the owner was trading after hours, selling liquor for off property consumption and several assault cases were encountered. It was also discovered that the liquor license was not displayed on the wall, several structural changes were made without informing the liquor board and the liquor outlet was fined R1000, 00 (Barnes , 2012:1).

According to Maregele (2013:4), Western Cape Liquor Authority is investigating seven liquor stores for issues of non-compliance. Two trading licences have been revoked, eight operations conducted and more than 3 000 premises inspected. Seven non-compliance cases were under investigation.

At another liquor outlet, a licence was revoked after reports that the tavern was selling alcohol to visibly drunk people and for selling off-consumption with an on-consumption license. Someone was also shot on the premises. The license was revoked with immediate effect after the Police reported to the authority that the owner had failed to comply with the suspension by selling off-consumption with an on-consumption license.

The Liquor Authority has inspected 3 146 premises and conducted eight blitz operations. The licenses of four establishments have been suspended and the license of another premise was revoked after drugs were found on the premises.

According to Economic Development and Tourism, (2011:1), Liquor Board inspectors, SAPS, City of Cape Town law enforcement officials and the Kraaifontein Community Policing Forum led a joint operation to crack down on illegal liquor operations. The surprise blitz targeted 34 outlets in the Wallacedene and Bloekombos areas to investigate whether vendors were adhering to the conditions of their liquor licenses.

In several cases, fines were issued for selling liquor from incorrectly zoned parts of the premises and for not having working fire extinguishers. Other transgressions that the inspectors discovered included serving alcohol to minors, selling alcohol for off-

consumption with an on-consumption license, lapsed licenses and the violation of trading hours. Another joint operation teams have conducted 1 700 inspections across the province and have issued fines in excess of R120 000 of alcohol.

Focusing on the province of study, the following statements confirm the non-compliance to the licensing conditions.

Inspections were conducted by the Limpopo Economic Development, Environment and Tourism Department (Ledet), SAPS, the Department of Home Affairs and the Polokwane Local Municipality. Five illegal taverns were closed down and fines totalling R83 500 were issued during a three-day blitz inspection operation in Polokwane and surrounding areas. The aim of the blitz operation was to enforce compliance to the Liquor Act and to ensure that traders operated within the set regulations as stipulated by their licensing conditions.

Within the three days of operation, 192 operating outlets ranging from bottle stores, taverns, pubs and restaurants to manufactures and distributors were raided. Of these establishments, it was discovered that five taverns were operating without legal licenses, and they were closed down. About R8 500 litres of alcohol was also confiscated and fines totalling R83,500 were issued. The most common contravention was traders not complying with what is termed a "Liquor Restaurant License". This license permits the trader to sell alcohol and serve food on their premises. The blitz operation targeted traders in and around the Polokwane Central Business District, Mankweng, Sebayeng, Solomondale, Westernburg, Zebediela and Lebowakgomo.

Other contraventions for which liquor outlet owners were fined during the blitz included failure to produce their licenses, operating beyond times stipulated on their licenses, and allowing off-site consumption at on-consumption only premises (Matlala, 2013:7).

Van Rensburg (2013:3), also reports that the Department of Economic Development, Environment and Tourism conducted a joint operation with the Department of Safety and security, the National Liquor Authority (NLA), Provincial Liquor Boards, the national and provincial liquor compliance offices, SAPS, road traffic officials in an

inspection blitz that took place in Polokwane, Seshego and Moletjie. During the blitz, nine national and thirty seven provincial premises were inspected. Fines amounting to R42 000 were issued while the number of arrests on liquor related offences were twenty.

In light of the above statements, the following quarterly reports from the Limpopo Liquor Affairs confirm the notion of non-compliance in Limpopo Province being the province of study.

2.11 LIMPOPO'S LIQUOR AFFAIRS 3RD AND 4TH QUARTERLY REPORTS FOR 2012

In Limpopo, during the 3rd quarter, five districts, namely, Vhembe, Capricorn, Mopani, Waterberg and Sekhukhune were inspected. The licenses of eight taverns were withdrawn, five were suspended and seven taverns were warned. During the 4th quarter, the same districts were inspected again and six tavern licenses were suspended and ten were warned (Limpopo Liquor Affairs; 2012). This implies that the tavern operators fail to comply with the licensing conditions that are imposed on them.

2.12 THE IMPACTS OF NON-COMPLIANCE TO THE LICENSING CONDITIONS

Non-compliance relates to the selling of liquor to minors, selling after official trading hours, selling to already intoxicated patrons and selling of liquor for consumption other than on the licensed premises.

2.12.1 Sales of alcohol to already intoxicated people

The biggest harm caused by drinking is from binge drinking (heavy episode drinking). In South Africa, a very high percentage of drinkers, 45.4%, have weekly heavy episodic drinking occasions, compared to a global average of only 11.5%, (ARA, 2013:36).

It was revealed in the Liquor Regulation Conference (2012:4) that the liquor industry makes a large portion of its profits from people consuming harmful levels of alcohol. People die early or live with disability as a result of alcohol abuse. It further stipulated that the total tangible cost of alcohol abuse in the country was estimated at R37,9 billion, which is 1,6% of the GDP based on the study conducted by the dti in 2010. In this instance, South Africa falls into the highest category of countries with harmful patterns of drinking and it rated a score of four out of five in the dimension of engaging in heavy episodic drinking, for both males and females.

Shaw, (2002:55), revealed that alcohol is a drug. That means it affects how the body functions. When alcohol is consumed, it affects all the organs and tissues of the body and too much of alcohol intake can also lead to death as the liver needs an hour to metabolise the alcohol in one drink. In this condition, selling alcohol to people who are already intoxicated can endanger their lives.

Shaw also argues that excessive alcohol consumption appears to be an important contributing factor to violence in the home such as domestic violence which is very common amongst the intoxicated people.

According to Plant, Miller, Plant, Gmel, Kuntsche, Bergmark, Bloomfield, Csemy, Ozenturk & Vidal (2010:529), heavy and inappropriate drinking is associated with a broad constellation of medical and social problems. This includes alcohol addiction, liver disease, cancer, birth defects, injuries, family violence, and public disorder.

In a study conducted by Phorano Nthomang, Ntseane (2005:189), it was revealed that the abuse of alcohol consumption has a direct causal relationship with gender based violence because its psycho-physiological consequences are that the alcohol abuser's sense of judgement is impaired, resulting in violent acts. McNeill, Zomeron, Cochrane, Melbourne, Morrison, & Robertson (2012:1), also emphasis on the physiological impairment and dysfunction falls while under the influence of alcohol, injuries as a result of physical assaults (including domestic violence) in which alcohol is involved. Alcohol abuse also contributes to injuries and fatalities relating to road accidents.

Injuries related to broken glass from bottle refuse (often concentrated around outlets, on streets and footpaths and in outdoor recreational areas such as parks and reserves). Fetal Alcohol Spectrum Disorder (FASD) and developmental impairment such as in cortex brain development and liver disease in young people who engage in heavy drinking (McNeill Zomeron, M.P. Cochrane, W. Melbourne, P. Morrison, S.L. & Robertson, 2012:1).

2.12.2 Trading hours, lack of management and crime

It was observed that tavern operators do not adhere to trading hours. According to Ehlers (2011:1), many of the crimes committed were either as a direct or indirect result of the operating hours, abuse of alcohol, the lack of proper management by tavern owners in terms of the applicable provisions of the Liquor Act and non-compliance to the provisions of the Act. Ehlers further states that lack of management by owners also result in members of the public carrying dangerous weapons inside the licensed premises which, in many instances contribute to offences such as assault, attempted murder, armed robberies and murder.

In a study conducted by Teh (2007:1), it was discovered that violent and property crimes increased following an outlet opening. Additionally, alcohol outlets in low socio-economic status neighbourhoods appeared to increase violent crimes. The increase in violent crimes was not restricted to those within the immediate vicinity of the outlet but instead it spread over to other locations further away.

A study among arrestees was carried out in Cape Town, Durban and Johannesburg in three phases between 1999 and 2000, Parry, Morojele, Saban and Flisher (2004:371). The main focus of the study was the link between drug use and crime, but the arrestees in the three cities were asked whether they were under the influence of alcohol at the time that the alleged crime took place. Overall, for 15% of the alleged crimes, arrestees indicated that they were under the influence of alcohol at the time the alleged offence took place. Regarding violent offences, arrestees indicated that they were under the influence of alcohol for 25% of weapons related offences, 22% of rapes, 17% of murders, 14% of assault cases and 10% of

robberies. Levels of alcohol related crime were particularly high for family violence offences at 49%.

Arrestees also indicated that they were often under the influence of alcohol in cases involving property offences, for example, 22% of cases involving house- breaking and 12% of cases involving the theft of a motor vehicle. When asked why they consumed alcohol or other drugs in relation to crimes, many arrestees indicated they consumed these substances in order to give them courage to commit the crimes, (Parry, Morojele, Saban and Flisher , 2004:369).

2.12.3 Sales of alcohol to minors

The prohibition of the sale of alcohol to persons below the age of majority is a rational one. According to Janson (1995:17), alcohol impairs the normal functioning of an individual, socially or occupationally. Janson further states that alcohol leads to poor academic performance and also truancy. It increases school drop-outs, resulting in these juveniles roaming the streets and juvenile delinquency, a crime committed by juveniles or young people. Eventually these juveniles will graduate into professional criminals who will be terrorizing the people. As long as tavern operators do not comply with this prohibition and other conditions, the rate of crime commission will not decrease. It is my assumption that the future of every country lies in the hands of those who are still growing but if alcohol is easily accessible to them, it means there is no future for such a country. South Africa is no exception.

According to Crosnoe (2006:45),

Drinking is a risk factor for failure because young people who drink are distracted from their academic pursuits which, when severe, could throw their academic careers off track and disrupt the critical transition into adulthood that is a foundational period for long term trajectories of educational attainment and substance abuse.

The Department of Trade And Industry (2012:4) also revealed that young people, about a third of male learners in Grade 8 – 11 are reported to binge drink. Similar

findings were made in a study conducted by Wechsler, Lee, and Wagenaar (2002:1). It was discovered that the youth who are involved in binge drinking are more likely to engage in unlawful activities such as noise disturbances, vandalism and urination. This also leads to disruptions around the neighbourhood where the youth reside.

In a study comparing the brains of youth's age 14 to 21 who did and did not abuse alcohol, researchers found that the hippocampus of drinkers were about 10 per cent smaller than in those who did not drink. Not only is this finding significant, since the hippocampus is a part of the brain that handles memory and learning, but such effects may be irreversible alcohol can interfere with adolescents' ability to form new, lasting, and explicit memories of facts and events. This has obvious implications for learning and academic performance. Alcohol also has toxic effects on the myelination process in adolescents. Myelination helps stabilize and speed brain processes. Disruption of the myelination process can lead to cognitive deficiencies (American Medical Association, 2010:1).

In a study by Biglan (2007) it was found that children as young as eight were frequent in liquor outlets watching people drink until the wee hours of the morning. It has also been noticed that most visit such places for the purpose of listening to music and watch patrons dancing the night away. The problem arise when girls are dragged from liquor outlets and raped in the nearby bushes, in the extreme is when patrons stab each other to death after being intoxicated

The pharmacological effects of alcohol and other chemical substances most immediately interfere with optimal brain functioning. Continuing the use of alcohol and other drugs over time may keep youths from advancing to more complex stages of thinking and social interaction. Youth with alcohol use disorders often perform worse on memory tests and have diminished abilities to plan (Bonnie & O'Connell, 2004:1).

2.12.4 Omission to remove violent people from the premises

Omitting to remove violent people from the licensed premises constitute to serious crimes and high incidents of rapes, murder, armed robberies and assault. In a study

conducted by McNeill et al (2012:1), it was discovered that the increasingly aggressiveness of the social environment is potentially correlated with the ease of access to alcohol. Aggression often resulted in conflict and violence both of which had the potential to undermine community perceptions of safety.

Herrick & Charman (2013:3) highlighted that taverns are subjected to high levels of violent crime. Licensed and larger premises were proportionally the most likely to have reported an incidence of armed robbery. Thus, 68% of taverns reported being victims of armed robbery (Herrick and Charman, 2013:3).

2.13 SOCIAL IMPACTS

According to ARA (2013:36), the harmful use of alcohol is one of South Africa's leading health risks as alcohol is the drug most commonly used by South Africans of all ages. Alcohol dependence and alcohol abuse or harmful use causes substantial morbidity and mortality. It results in approximately 4-6% of total deaths each year and is a causal factor in more than 60 major types of diseases and injuries. Major diseases linked to alcohol are: neuropsychiatric diseases, gastrointestinal diseases (such as liver cirrhosis and pancreatitis), cancer, intentional injuries (through violence and suicide), unintentional injuries (such as road traffic accidents and drowning), cardiovascular diseases, foetal alcohol syndrome, pre-term complications and diabetes mellitus.

In addition, new evidence points to a causal link between alcohol and infectious diseases. Alcohol consumption weakens the immune system, thus enabling infections by pathogens which cause pneumonia and tuberculosis. This effect is markedly more pronounced with heavy drinking. A strong association also exists between alcohol consumption and HIV infection and sexually transmitted diseases, WHO (2002:1).

According to The Lancet (2004:711), alcohol is responsible for one in ten indigenous deaths in America, with alcohol-related deaths running at a rate of between five and six times that within the non-indigenous population. Indigenous men are 9, 3 times more likely to be admitted to hospital with alcohol related complaints mainly relating

to assault, dependence and fall injuries. Indigenous women are 12, 8 times more likely to be admitted than their non-indigenous counterparts.

Room and West (1998:70), states that alcohol consumption is also a major source of health problems for the individual, health costs for the society and social problems such as violence and family disruption. There are thus costs, both tangible and intangible, attached to drinking.

2.13.1 Alcohol-attributable mortality

The burden of alcohol related mortality and trauma is extremely high. Half of all non-natural deaths in 2002 had blood alcohol concentrations greater than or equal to 0.05 g/100 ml. Two-thirds of all cases tested annually at trauma units between 1999 and 2001 had breath-alcohol concentrations above that level (Matzopoulos, Seedat and Cassim 2003:1). Alcohol related transport, homicide and suicide death and elevated Blood Alcohol Concentration (BAC) has been over 50% for homicide and transport related death and for suicide between 30% to 40% .

Alcohol contributes to traumatic outcomes that kill or disable people at a relatively young age, resulting in the loss of many years of life to death and disability. Alcohol plays a major role in fatal traffic accidents, homicides, interpersonal injury and suicide. In 2004, 3.8% of all deaths in South Africa were attributable to alcohol. The harmful use of alcohol is the leading risk factor for death in men aged 15–59. This is mainly because of injuries, including violence and conflict, and higher levels of heart disease (WHO, 2002:1).

Taking into consideration the beneficial impact of low risk alcohol use on morbidity and mortality in some diseases and in some population groups, the total number of deaths attributable to alcohol consumption was estimated to 21,900 in 2004. This accounts for more deaths than that caused by HIV/AIDS or tuberculosis (ARA, 2013:37).

Data from the National Injury Mortality Surveillance System (NIMSS) in 2008 indicated that 34% (10,613 out of 31,177) of fatally injured deaths in South Africa

involved persons with blood alcohol concentrations (BACs) greater than or equal to 0.05g/100 ml. Levels of BAC positivity were high for homicides (61% positive) and transport related deaths (56% positive). The majority of transport related deaths that involve positive BAC's in South Africa are of pedestrians (63%), followed by unspecified (58%), driver of a motor vehicle (58%) and passenger (45%) of deaths. This means that by far the largest number of transport related deaths in South Africa is of intoxicated pedestrians (ARA, 2013:37).

2.13.2 Harm to society

The impact of alcohol consumption reaches deep into society. Alcohol consumption causes harm far beyond the physical and psychological health of the drinker. It also causes harm to the well-being and health of others. Diseases and injuries, for instance, have social implications, including medical costs that are borne by governments, negative effects on productivity, and financial and psychological burdens on families. Besides the numerous chronic and acute health effects, alcohol consumption is also associated with widespread psychosocial consequences, including violence, child neglect and abuse and absenteeism in the workplace (ARA, 2013:38).

Alcohol also contributes to injuries, in 2001, 39% of trauma patients in Cape Town, Durban and Port Elizabeth had breath alcohol concentrations (BrACs) greater than or equal to 0.05g/100 ml [43]. Levels of alcohol positivity were particularly high for persons injured as a result of violence (73% for Port Elizabeth, 61% for Cape Town and 43% for Durban). In the early 1990's the Medical Research Council (MRC) conducted studies of persons receiving services for traumatic injuries at a wide variety of facilities in the Cape Metropole and it was reported that 70% of domestic violence cases were alcohol related, (Peltzer and Ramlagan 2009:7).

2.14 ASSOCIATION BETWEEN ALCOHOL CONSUMPTION AND SEXUALLY TRANSMITTED DISEASES

Wilson, Minkoff and DeHovitz (1998:70), conducted a prospective study among 677 women, 232 of whom had HIV infection. All were recruited from clinical and community based settings in Brooklyn between 1990 and 1994, the mean age was 32 years and the majority (86%) were black. Participants were tested for chlamydial and gonococcal infections (cervical culture) and trichomonas infection (vaginal culture) at baseline and then every 6 months during follow up. Incident infections were defined as new infections in persons with a prior negative test result and the incidence rate for new STDs was approximately 13 per 100 person years. Alcohol consumption was defined by the self-reported number of times per week participants drank alcohol measured on a 7-point scale ranging from “never” to “more than 4 times a day” (based on a 1-year time period). In a Cox regression model predicting STD incidence, there was a slightly increased risk of a new STD with each consecutive level of alcohol consumption frequency.

Miranda, Vargas, St. Louis and Viana (2000:491), conducted a cross-sectional study among 121 women in a prison in Brazil (mean age, 30 years). All participants received assessments for STDs, including gonorrhea (cervical culture), chlamydia (enzyme-linked immunosorbent assay), syphilis (Venereal Disease Research Laboratory [VDRL] screening with confirmation), human papillomavirus (HPV assessed by the presence of squamous intraepithelial lesions on a Papanicolaou smear from the cervix) and trichomonas (vaginal wet mount). Participants completed a survey that assessed whether the participant “ever abused alcohol”; 49% of the sample responded affirmatively. Having “ever abused alcohol” was significantly associated with syphilis infections.

Mehta, Rothman and Kelen (2001:33), conducted a study among male and female patients who attended an urban emergency department for medical treatment of any nature. Participants provided a urine sample that was used to test for gonorrhea and chlamydia using ligase chain reaction (LCR). Patients were also administered the 4 CAGE questions (a screening test for alcohol abuse and dependence). In analysis restricted to participants aged 18 to 31 years old, 2 alcohol questions were

associated with an increased risk of STD in men: “ever been annoyed by others criticizing your drinking” and “ever had a drink first thing in the morning.”

Miller, Law, Torzillo and Kaldor (2001:21), conducted a cohort study of 1034 Aboriginal people from a central Australian community; 53% were female and 60% were currently married. The sample included all persons aged 12 to 40 who went at least twice for STD testing at any of public clinics. All received laboratory testing for chlamydial and gonococcal infections (using a urine-based polymerase chain reaction assay) and syphilis (serology). Incident STDs were identified among those who had a previous negative result or who had received treatment for STDs at least 4 weeks previously. Alcohol abuse was defined as “binge drinking or regular heavy use” according to Aboriginal health workers, and 36% of the population was classified as abusing alcohol. Persons with alcohol abuse were significantly more likely to have an incident gonococcal infection.

With regard to human immune deficiency virus (HIV), studies conducted at large infectious disease clinic in Cape Town in 2003 revealed that almost one in five HIV patients met criteria for an alcohol use disorder. These patients were more likely to have symptomatic HIV infection. Alcohol use frequency, quantities consumed and problem drinking are associated significantly with the number of sexual partners a person has had and engagement in sex that was later regretted (Peltzer and Ramlagan, 2009:8).

2.15 ECONOMIC IMPACTS

According to McNeill et al, (2012:1), the presence of liquor outlets was considered to impact not only on community perceptions of safety, but also on the ability of other businesses within close proximity of liquor outlets to flourish. Further, high density of liquor outlets was identified as impacting on the retail environment in a community.

McNeill further states that the density of liquor outlets in areas that is already faced with substantial economic hardship, increases implications for household economies. These effects were relevant in terms of both money spent on alcohol rather than on

other essential items and in the capacity of those who drank heavily to participate in paid labour. The findings from the study were that alcohol consumption contributed to a lowered ability to engage with and perform in paid work as well as compromised job security through absenteeism or alcohol-related health impacts.

There was also evidence that outlets in some areas were extending credit so that customers could purchase alcohol even when they did not have the immediate financial means to do so. Heavy drinkers may lose jobs, may become sick or be injured, or may be cut off from family life. But many of the costs accrue to others. Harm can come to those around the drinker, for instance, family members may suffer from the drinking or associated behaviour, and others may be injured by the drinking driver. There can also be costs to the society at large such as domestic violence and accidents rates where drivers are under an influence of liquor, Room and West (1998:70).

2.16 ALCOHOL ADVERTISING AND PROMOTIONS

A longitudinal assessment by Elleckson, Collins, Hambarsoomians and McCaffrey (2010:1) revealed how exposure to different forms of alcohol advertising promotes adolescent drinking. The study discovered that for seventh grade non-drinkers, exposure to in store beer display predicted that adolescents under this type of classification would start drinking by grade nine whilst for seventh grade drinkers, exposure to magazines with alcohol advertisements and to beer concession stands at sports or music events predicted frequency of grade 9 drinking.

Young drinkers are more sensitive to price differentials and would be more likely to be willing to drive to where the drinks are cheaper. The incidence of cross-border drinking and driving is thus likely to be higher among young adults, given their proclivity for drinking in licensed venues and for travelling to take advantage of lower prices, longer hours of sale and lower minimum age requirements. And they are more likely than older drinkers to experience harm from their drinking (Room and West, 1998:75).

2.17 SUMMARY

In summarizing the available literature, it is evident that alcohol consumption and abuse is a worldwide problem. South Africa has the 5th highest ratio in the world. Despite South Africa's high abstention rate, the amount of alcohol consumption is exorbitantly high. It is also clear that non-compliance is evident within South Africa in general and Limpopo. In particular violations such as serving liquor to already intoxicated patrons and juveniles seem to be commonplace.

The problems that were encountered in this literature regarding the non-compliance of tavern operators such as not adhering to trading hours was also specified in the data collection tool as a way of finding the evidence of these problems specified in the literature. The impact of alcohol abuse socially and economically has negative consequences on the community at large. Not only does it leads to fatalities and injuries but also increases the mortality rate. The global findings indicates that alcohol use is taking on a youthful face, as indicated by an increasing trend in lifetime prevalence of alcohol use among youth aged 13-19 years in South Africa. Hazardous and harmful drinking patterns such as drinking to intoxication and binge drinking seem to be on the rise among young adults.

Learners reported alcohol consumption was 50%, 35% for drinking alcohol and 29% for having engaged in binge drinking. Expenditure on alcoholic beverages by households amounted to 2.7% of total expenditure. Liquor makes up a much larger proportion (almost double) of the shopping bag for poor and middle class households (around 3% to 4.5%) than for wealthy households (around 1½% to 2%). The majority of liquor consumed in South Africa is recorded (processed), thus creating the need for close collaboration between industry and government in policy decisions.

2.18 THEORETICAL EXPLANATIONS OF NON-COMPLIANCE FOR TAVERN OPERATORS.

The theoretical framework presented in this section is meant to support the study. It presents the theory which explains why the problem under study exists. The theories considered the most relevant for this study are “rational choice theory” and “strain theory”

2.18.1 Rational choice theory

According to Cote (2002:292), the rational choice theory, also known as rational action theory, has its roots in the classical school of criminology developed by the Italian social thinker, Cesare Beccaria, in the 1700s. In keeping with his utilitarian views, Beccaria called for fair and certain punishment to deter crime. He believed people are egotistical and self-centred and therefore, they must be motivated by the fear of punishment, which provides a tangible motive for them to obey the law and suppress the criminal spirit that resides in every person. In other words, he believed that people choose to engage in all behaviour, criminal or non-criminal (in the study compliance/non-compliance) without the fear and certainty of severe punishment for criminal offences.

From the perspective of the rational choice theory, it can be said that the liquor outlet owners are aware of the conditions which are stipulated within the Liquor Act, which stipulate that selling liquor to a patron or person who is visibly intoxicated, and selling liquor to a minor is an offence which is punishable by the law.

Additionally, he believed that all individuals possess a free will which they use to make rational decisions, such as whether or not the personal benefits are worth the risk of violating the law by committing a crime. The theory states that it is by free will that people are able to follow through with those “rational” decisions. According to Beccaria, punishment should address prevention rather than revenge. He believed that the only way to deter criminals from continuing to commit more serious offenses is to ensure that the punishment is well suited for the crime.

In other words, the punishment should only be severe enough to outweigh the personal benefits gained from committing the crime. If this was not the case, minor

offenses would be punishable by the same sanctions as more serious offenses, making it more logical for an offender to commit a more serious crime and suffer the same consequences, a concept that is today referred to as marginal deterrence. In this context, the study, assumes that tavern operators choose to commit offenses because the punishment in terms of the liquor legislation and criminal law in respect of offenses is minimum such as (a issuing a fine worth R27 000 to ninety-two liquor outlet) symbolises that each liquor outlet will be fined R293,00. This increases the consistency and persistency of tavern operators to contravene the Liquor Act. This study seeks to ascertain, as one of its objectives whether the punishment prescribed for violations of the Act are indeed deterrence.

2.18.2 Strain theory

The strain theory was developed by Robert K. Merton in 1938. It depicts delinquency as a form of adaptive, problem solving behaviour, usually committed in response to problems involving frustrating and undesirable social environments. Merton developed the concept of anomie meaning a dysfunction between socially approved means to success and legitimate goals. He maintained that legitimate goals involving such things as wealth, status and personal happiness are generally portrayed as desirable for everyone. The widely acceptable means to these goals including education, hard work, and financial savings are not equally available to all members of society. As a consequence, crime and deviance tend to arise as alternative means to success when individuals feel the strain of being pressed to succeed in socially approved ways but find that the tools necessary for such success are not available (Schmallegger, 2004:222).

Siegel (1992:200),also emphasises that when no acceptable means for obtaining success exist, individuals may either use deviant methods to achieve their goals or reject socially accepted goals outright and substitute them with more deviant goals. In this context, the study departs from an inductive position that tavern operators have a dysfunction between socially approved means to succeed and legitimate goals. This is because they want to attain personal goals such as wealth but they fail to comply with the legitimate ways to obtain that. They do not comply with the

licensing conditions as stipulated in the Liquor Act 27 of 1989, but rather they deviate to get profit and satisfy their personal goals.

2.18.3 Social control theory

Social control theory gained prominence during the 1960s by sociologists called Travis Hirschi. It is a theory built upon existing concepts of social control. Hirschi's social control theory asserts that ties to family, school and other aspects of society serve to diminish one's propensity for deviant behaviour. As such, social control theory states that crime occurs when such bonds are weakened or are not well established. It takes the opposite approach, questioning why people refrain from offending. As a result, criminality is seen as a possibility for all individuals within society, avoided only by those who seek to maintain familial and social bonds, (Hagan, 2011:165).

According to Hirschi, these bonds are based on attachment to those both within and outside of the family, including friends, teachers, and commitment to activities in which an individual has invested time and energy, such as educational or career goals, involvement in activities that serve to both further bond an individual to others and leave limited time to become involved in deviant activities and belief in wider social values. These four aspects of social control are thought to interact to insulate an individual from criminal involvement (Hagan, 2011:165).

Attachment

It refers to the level of psychological affection one has for prosocial others and institutions. It is the emotional element of the bond because it reflects ties to schools and friends and affection for and sensitivity to others. For Hirschi, parents and schools were of critical importance in this regard, where youths who form close attachments to their parents and schools will, by extension, experience greater levels of social control. This also means that a person, who is more attached to the society, is less likely to engage in criminal activities. This theory proves that the tavern operators lack attachment and in this instance, they contravene the conditions of their licenses (Vito & Maahs, 2012:181).

Commitment

It is the rational element of the bond or an individual's stake in society and what that person stands to lose by committing crime. Hirschi cited the importance of the social relationships that people value, which they would not want to risk jeopardizing by committing criminal or deviant acts. In essence, Hirschi noted that people are less likely to misbehave when they know that they have something to lose. Hirschi argued that people might refrain from engaging in deviant activities such as contravention of licensing conditions that may threaten their employment or marriage bonds that, again, may serve as sources of social control (Vito & Maahs, 2012:182).

Involvement

The third type of social bond is known as involvement which is the extent to which a person participates in the conventional activities of a society. It relates to the opportunity costs associated with how people spend their time. The more an individual is involved in legitimate opportunities and activities; it is less likely that the person will be involved in criminal activities. This indicates that the tavern operators are involved mainly in illegitimate opportunities such as making profit and that makes them to supply alcohol to already intoxicated individuals and to minors (Akers, 2009:45).

Belief

It is the final type of social bond identified by Hirschi. It refers to the degree to which one adheres to the values associated with behaviors that conform to the law, the assumption being that the more important such values are to a person, the less likely he or she is to engage in criminal/deviant behavior. It is also called respect for moral validity of the rules of a society. It is the extent to which people believe in, what society stands for and the laws of a society. The sale of alcohol to minors is not permitted to the society. The tavern operators do not believe in the social norms and consequently that leads to the contravention of the law (Vito & Maahs, 2012:182).

From the perspective of the social control theory, it can be said that the tavern operators lack social bonds that can prevent them from engaging in criminal activities. The contravention of the law of tavern operators confirms that they are not attached to the people around them and society as a whole, they are not committed to what they stand for and what they will lose if they commit crime, they are not involved in conventional activities of the society and they do not believe in the norms and values of the society. It can be concluded that they have weak social bonds and their main aim is to make profit.

2.17 SUMMARY

The non-compliance of tavern operators from the point of theoretical framework was explained by the rational choice theory, strain theory and social control theory. The rational choice theory explains that the tavern operators contravene the law because of free will, that penalties are way too insufficient and that makes individuals to contravene the law. The strain theory explains that the tavern operators lack the legitimate ways of attaining their goals, for instance making profit and in return, they sell liquor to minors and intoxicated people. The social control theory states the tavern operators contravene the law because of weak social bonds such as attachment to the society, commitment to legal activities of the society, involvement in legitimate activities and belief in the societal norms and values.

The following chapter will be discussed regarding the methodology that will be used in this study.

CHAPTER 3: RESEARCH METHODOLOGY

3.1 INTRODUCTION

The previous chapter dealt with the general problem of non-compliance and the consequences of the sale of liquor outside the dictates of the law. In this chapter, the research methodology that was used to investigate this problem is explained.

Research methodology is the most important part of research because it contains techniques that are used to conduct research. This includes, research design, area of study, population, sampling, data collection, data analysis, validity, reliability and objectivity. A quantitative study was used to measure the extent of the level of non-compliance of tavern operators to the licensing conditions, a sample of tavern operators from Mankweng area was used together with questionnaires and data was presented through histograms, tables and pie charts.

3.2 RESEARCH DESIGN

A quantitative research design was used in this study because the researcher was measuring the extent to which the tavern operators comply with the provisions of the Act. An advantage of this design is that it is easier to aggregate, compare and summarize data. Furthermore it opens up the possibility of statistical analyses, ranging from simple averages to complex formulas and mathematical models (Babbie, 2010:24). The study is thus descriptive since the researcher was describing specific behaviour as it occurs in the environment meaning the non-compliance of tavern operators with liquor licensing conditions.

3.3 POPULATION AND SAMPLING

The study was based in Mankweng Area which is a semi-urban area situated 30 km east of Polokwane in Capricorn District Municipality. The population of this area is estimated at around 50,000 with a total area of 4.42 km². It is located between a latitude of 23 degrees 53' 26" S and longitude of 29 degrees 44' 35" E. The study was conducted amongst the tavern operators in an area of study.

The population in which data was collected comprised of tavern operators from Mankweng Area. A random sample of 30 taverns was used and thus every member of the targeted population had an equal chance of being chosen. The researcher went to any tavern in the study area until the desired sample was reached. According to Babbie (2010:196), the fundamental idea behind random sampling is to provide useful descriptions of the total population; a sample of individuals from a population contains essentially the same variations that exist in the population. An advantage of the chosen sample is that it provides the greatest assurance that those selected are a representative of the larger group (Bouma, 1996:117).

3.4 DATA COLLECTION

The study used quantitative method for data collection. A Likert-type questionnaire with four possible responses, viz, “Very often; Often; Seldom and Never” has been designed. According to Babbie,(2010:180), a Likert scale is a type of composite measure that was developed in an attempt to improve the levels of measurement in research through the use of standardized response categories in questionnaire to determine the relative intensity of different items .

The researcher was involved in the distribution and collection of completed questionnaires. The questionnaires were both in English and Sepedi versions which were done by a translator and where necessary the researcher explained some of the difficult terms to the respondents. Thirty tavern operators were used in the study comprising of both males and females. The researcher discovered that the majority of the taverns in Mankweng area are owned by males rather than females. The questions were read thoroughly by the researcher to allow the respondents to easily participate in the data collection process. The pilot study was also conducted in Lebowakgomo area to ensure the effectiveness of the questionnaire. The researcher went from one tavern to another as the taverns were apart from each other until a desired sample was reached.

3.5 DATA ANALYSIS

The Statistical Package for the Social Sciences (SPSS) was used to analyse the data and percentages were used to compute the data. Both descriptive and inferential techniques were used to analyse data. A statistical analysis through t-test was used. As only one sample have been taken, the one-sample t-test is a relevant tool to use. “When the standard deviation of the sample is substituted for the standard deviation of the population, the statistic does not have a normal distribution; it has what is called the t-distribution” (Cliffnotes, 2015:1) . The data was presented through histograms, pie charts and tables. Although hypotheses have ben stated, these were not inferentially assessed *vis-a- vis* independent and independent variables. The data frequencies were merely checked to see how high the prevalence of a certain variable is. Hypotheses were then either not rejected or accepted in instances of very high frequencies in the data.

3.6. RELIABILITY, VALIDITY AND OBJECTIVITY

Firstly, the sample of 30 on-consumption taverns was deemed as representative of the population. Secondly, the researcher made sure that methods used in this study are reliable and valid. For example, data collection method such as the questionnaire was also translated into the local language, Sepedi, to embrace those who cannot understand the English language. The questionnaires were written in clear and simple language and it was easy for the respondents understand it.

The researcher was aware of the fact that a self-reporting survey may lead to inaccurate data. Therefore questions about other operators included in most variables of the questionnaire. For instance, the respondents were asked questions such as: according to your knowledge, do other tavern operators in Mankweng area sell liquor to minors? It was assumed that respondents will be more likely to report on non-compliance by other tavern operators as well. Thirdly, the collected data was analysed and compared with the actual violations observed by the Limpopo Liquor Board.

3.7 SUMMARY

The research methodology is the cornerstone of research. The data was collected through the use of questionnaire as it is a quantitative study. The sample consisted of 30 taverns from Mankweng Area. The following chapter will mainly consist of how the collected data was analysed through Statistical Package for the Social Sciences (SPSS). The discussion, presentation and analysis of findings will also be explained in the following chapter.

CHAPTER 4 (DISCUSSION, PRESENTATION AND INTERPRETATION OF FINDINGS)

4.1 INTRODUCTION

This chapter focuses on the presentation, analysis and interpretation of data. The aim of this study was to analyse the non-compliance of tavern operators on selected licensing conditions that regulate taverns in Mankweng Area, Limpopo Province. Questionnaires were administered to a sample thirty tavern owners in Mankweng Area as the study was quantitative. The researcher moved from one tavern to another while collecting data.

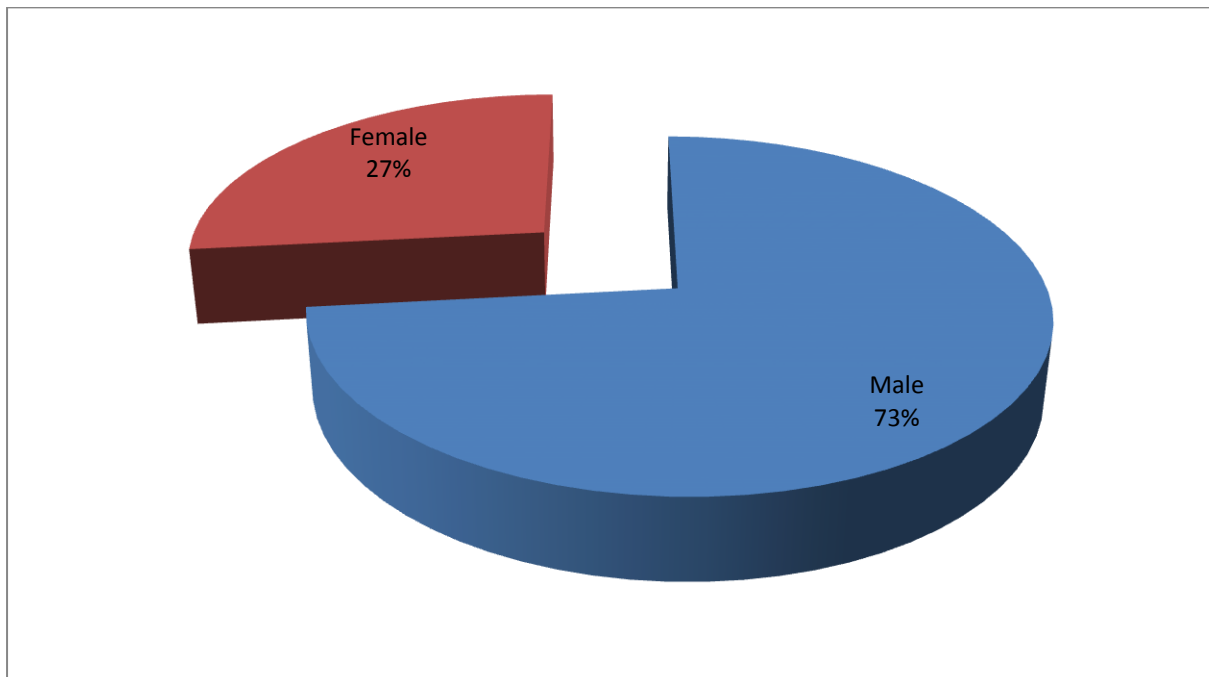
The participants were informed that the participation is voluntary and no person will be forced to participate in the study if they do not wish. They were further explained that they can withdraw from the study anytime if they do not wish to continue and also that the responses given in the study will be used for the purposes of research only. The research findings are presented according to the sections of the questionnaires. Pie charts, histograms and tables were used to present and interpret the data.

4.2 PRESENTATION AND DISCUSSION OF THE FINDINGS

4.2.1 Demographical information

4.2.1.1 Respondents gender

Pie chart 1: Respondents gender

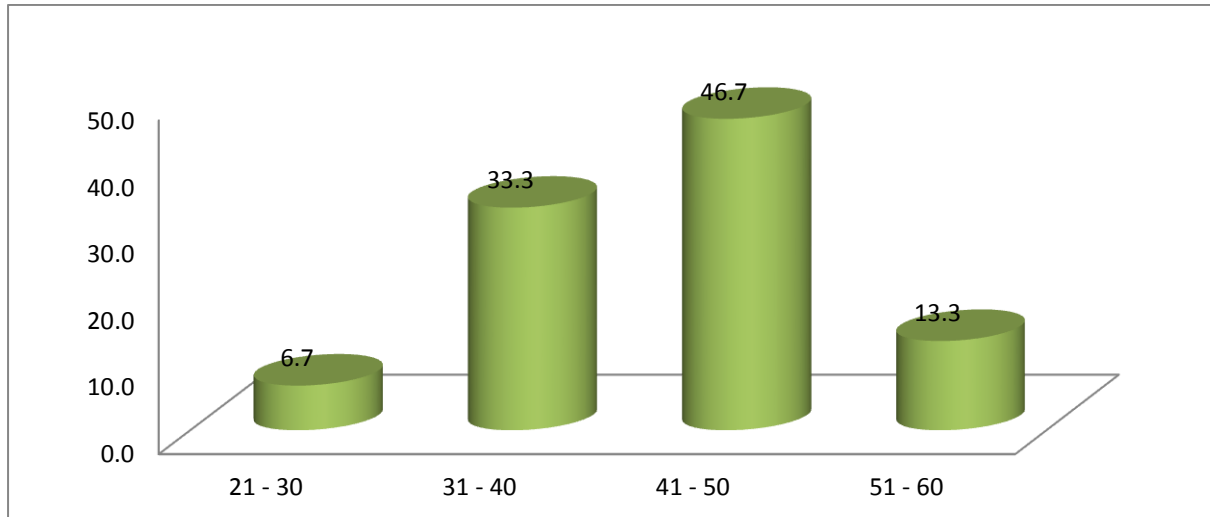


In the pie chart above, it is evident that the majority of the tavern operators in Mankweng Area are male. The percentage of the males is 73.3 while female operators is 26.7%. This shows that the males are the ones who are more involved in liquor trading in the study area.

Women lack skills, capital, social approval, sufficient confidence in themselves and the fear of failure is also very high. The social factors make it more difficult for women to venture into gainful entrepreneurship. First is the attitude that a woman's place is in the home and that her first priority should be marriage, home and family. For instance, girls are brought up with this attitude and therefore few view employment or entrepreneurship as a valid option. The fact that a successful woman threatens her husband ego also contributes to lack of women in entrepreneurship (Economic co-operation and Development, 1998:225).

4.2.1.2 Respondents age group

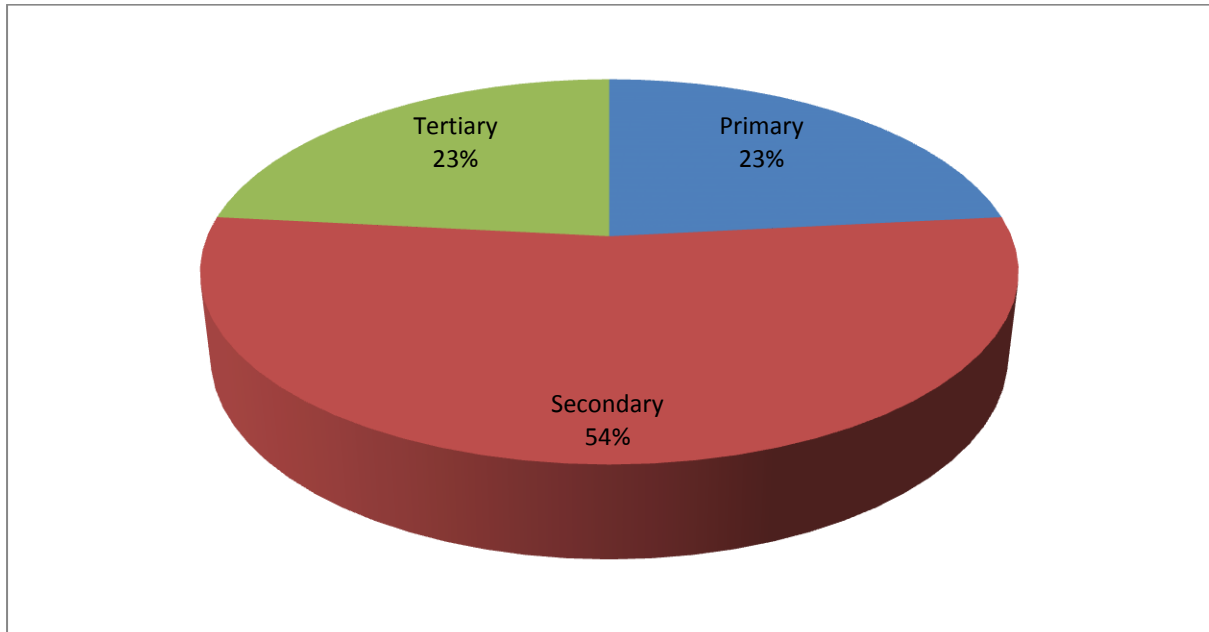
Histogram 1: Respondents' age group



The majority of the tavern operators in Mankweng Area are under the age category of 41-50 which is 47,7%, followed by those who are 31-40 at 33,3%, then 51-60 which is 13,3% .The lowest age range of the tavern operators is between 21-30 with a percentage of 6,7.

4.2.1.3 Respondents level of education

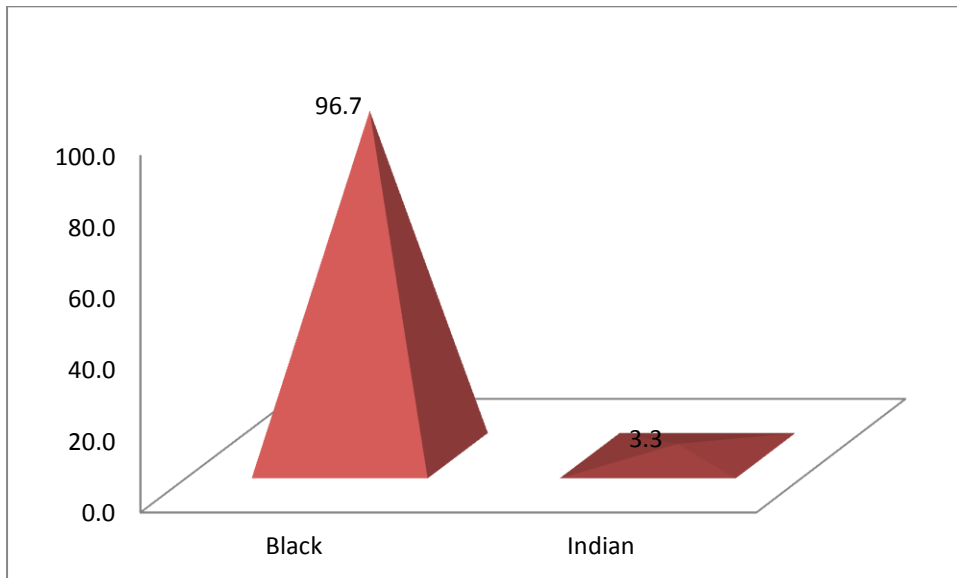
Pie-chart 2: Respondents level of education



The majority of the tavern operators in Mankweng Area attended secondary schooling (54 %) and those who attended primary and tertiary levels are equally represented with 23% each.

4.2.1.4 Respondents race group

Histogram 2: Respondents race group

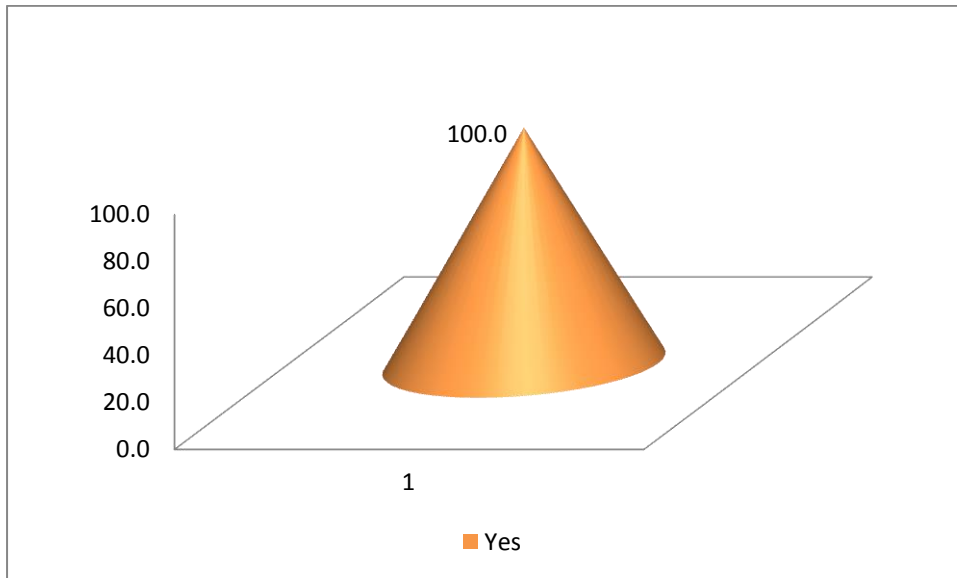


The majority of the tavern operators at Mankweng Area are blacks (96, 7 %). This is because the ethnic grouping of the people who live in Limpopo Province are blacks. There are however a small percentage of Indian tavern operators (3, 3 %).

4.2.2 EXPLORATION OF TAVERN OPERATORS ON CONDITIONS OF LICENSES

4.2.2.1 Possession of a liquor license

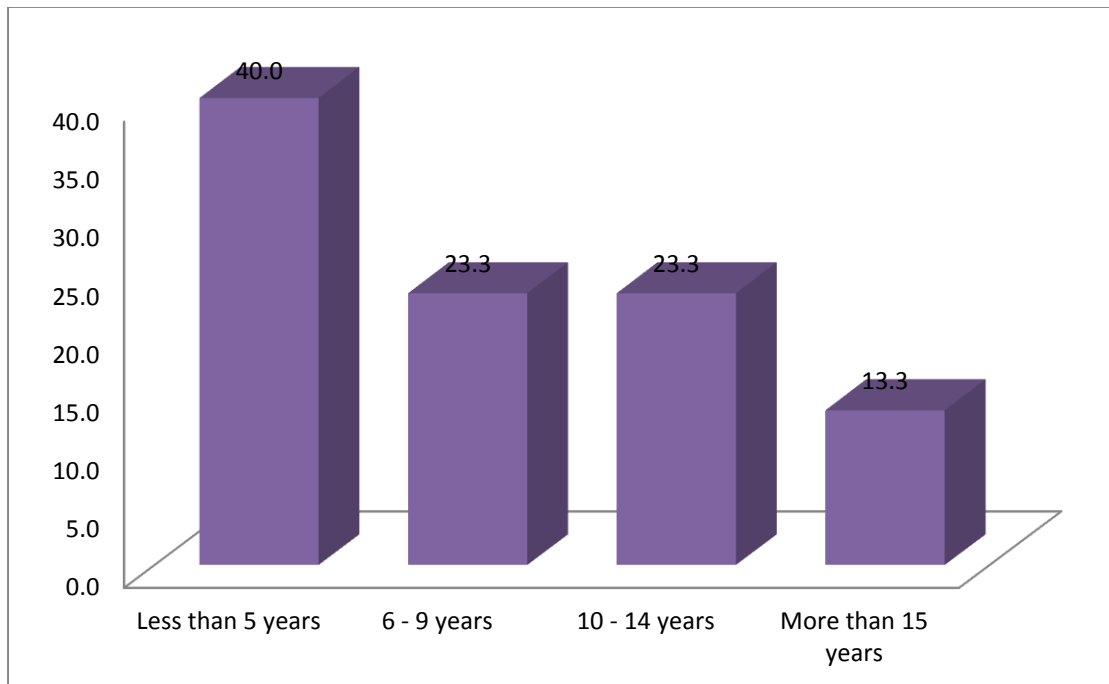
Histogram 3: Possession of a liquor license



All the respondents in the study area reported that they are in possession of a license to operate their taverns which means that they have the right to trade in liquor. The findings show that tavern operators in the study area are in possession of liquor operational licenses.

4.2.2.2 Period of operation with a liquor license

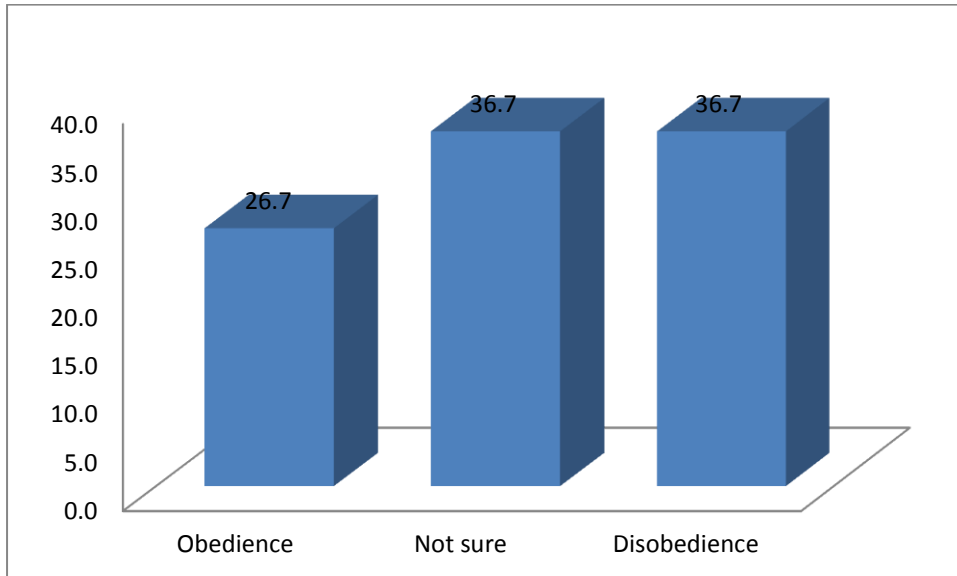
Histogram 4: Period of operation with a liquor license



Most of the tavern operators are still new to the liquor trade, those who have been operating less than 5 years are 40,0%, followed by both who have been operating with their licenses for 6-9 years and 10-12 years at 23,3%. The lowest range were operating for more than 15 years at 13, 3%.

4.2.2.3 Alterations and extension of licensed premises

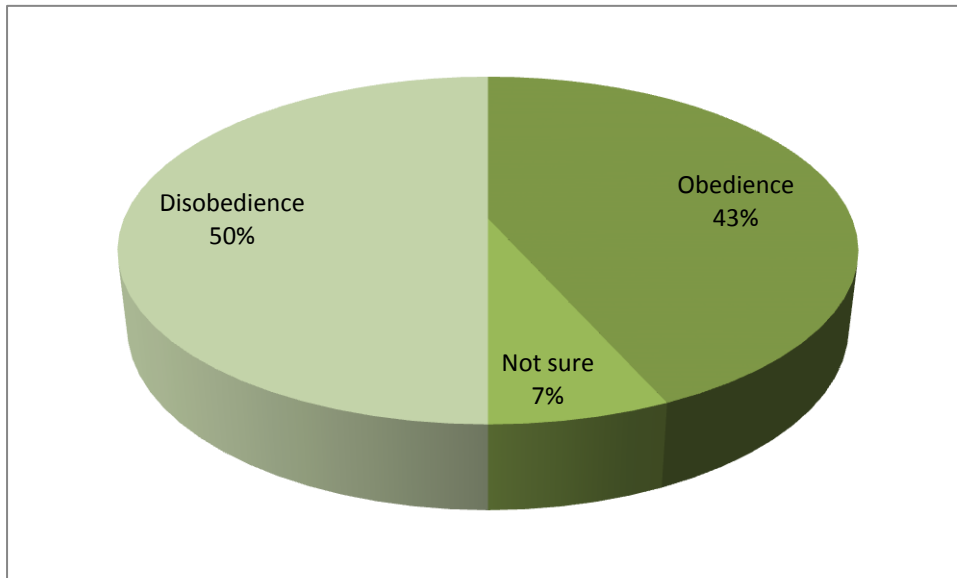
Histogram 5: Alterations and extension of licensed premises



This histogram shows that 36, 7% of the tavern operators do not adhere to section 42 of the Act by informing the Liquor Board first before they make changes to the structures of their taverns. Those who are not sure are 36, 7%. The smallest group of respondents of 26, 7% are those who conform to the law by obtaining prior permission.

4.2.2.4 Serving liquor to juveniles

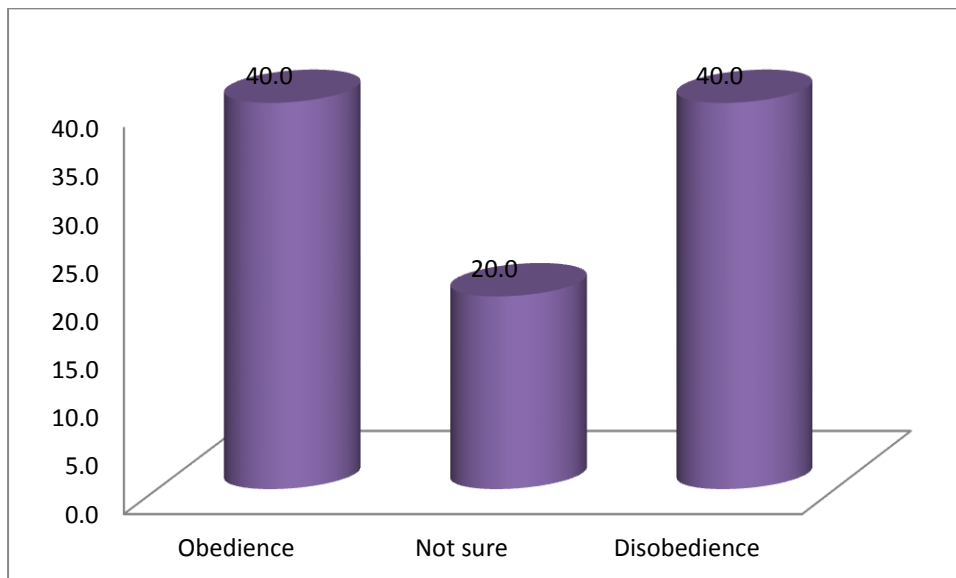
Pie chart 3: Serving liquor to juveniles



According to the respondents, 50% of the tavern operators supply alcohol to juveniles (persons under 18 years of age), while 43 % do not and only 7% are not sure. In a study conducted by Enghagen (2001:38), it was discovered that an under-aged persons are mostly served liquor at licensed premises. This is also supported by the findings of Bureau for Market Research (BMR), UNISA, study *Drug Use and Alcohol Consumption among Secondary School Learners in Gauteng, 2012*, whereby approximately seven in 10 learners (66.6%) have been drunk. This was discovered mainly in grades 10 to 12.

4.2.2.5 Place for the sale and consuming of liquor

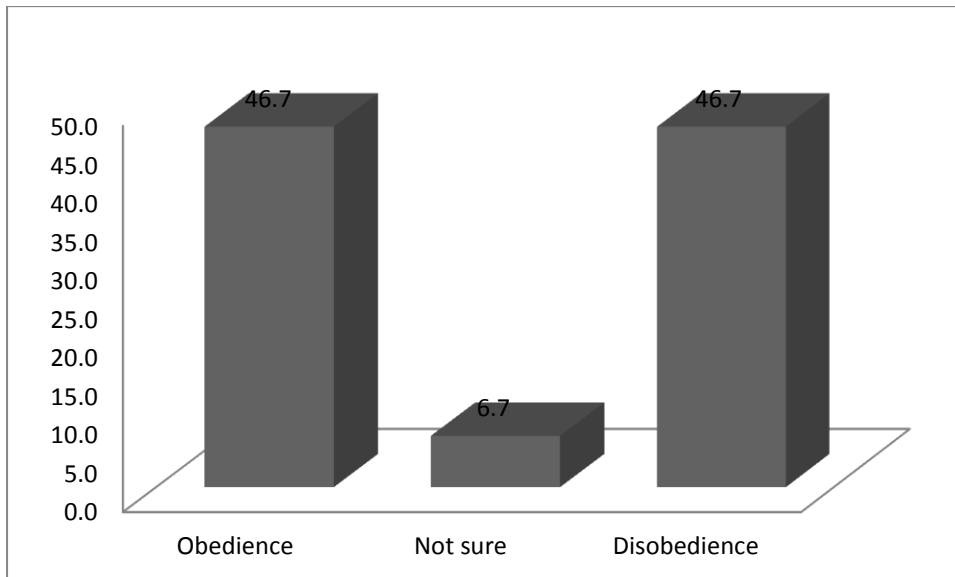
Histogram 6: Place for the sale and consuming of liquor



Tavern operators who sell and allow consumers to drink liquor outside the licensed premises are 40.0%. This is equal to those who do not allow this, while 20% of the respondents were unsure. There seems to be a problem with enforcement. Owners seem not to have the means to enforce this section of the Act. The researcher also observed that almost all the taverns are unable to comply with this condition. The respondents mentioned that they cannot force the consumers to drink liquor inside the licensed premises if they do not wish to. According to the Independent Newspaper (2012:2), an operation in KwaZulu-Natal led to the closure of 15 liquor outlets. The majority of these contraventions were for allowing off-site drinking.

4.2.2.6 Serving liquor to intoxicated patrons

Histogram 7: Serving liquor to intoxicated patrons

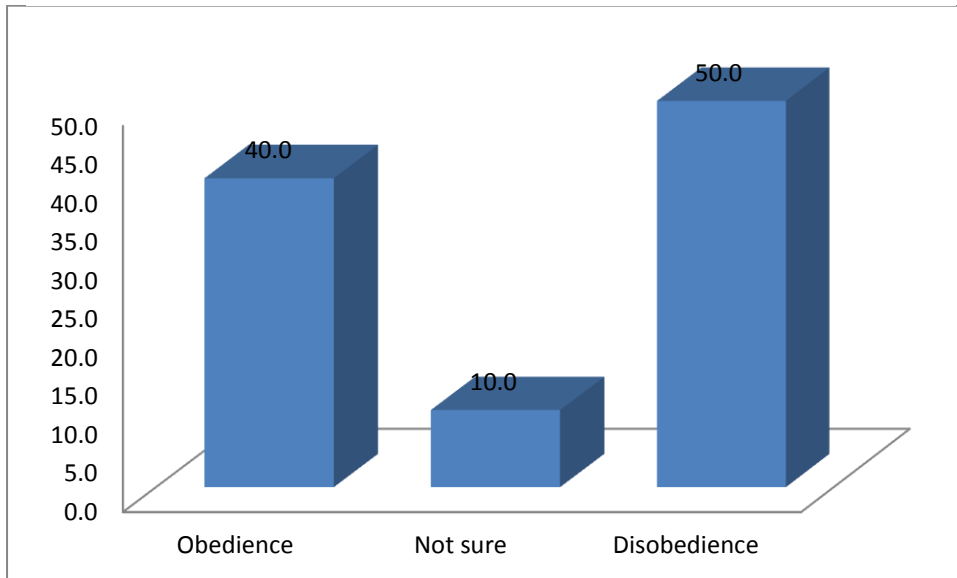


The respondents who supply alcohol to already intoxicated patrons and those who do not are equal at 46, 7%. The contingent who was not sure is 6, 7%. Hudson (2011:2) also discovered that few canteens practise responsible serving of alcohol and would serve people until they became severely intoxicated, with dramatic consequences for communities. Hudson, (p.7) further explains that heavy drinking over a sustained period can cause many serious health problems, including liver cirrhosis, haemorrhagic strokes, various cancers, and mental illnesses such as psychosis. This are commonly referred to as chronic harms and these problems are associated with long-term alcohol abuse. The supply of liquor to intoxicated people is an illegal act that has serious health consequences for patrons.

It was revealed in the Liquor Regulation Conference (2012:4) that the liquor industry makes a large portion of its profits from people consuming harmful levels of alcohol. People die early or live with disability as a result of alcohol abuse. It further stipulated that the total tangible cost of alcohol abuse in the country was estimated at R37, 9 billion.

4.2.2.7 Storing of liquor

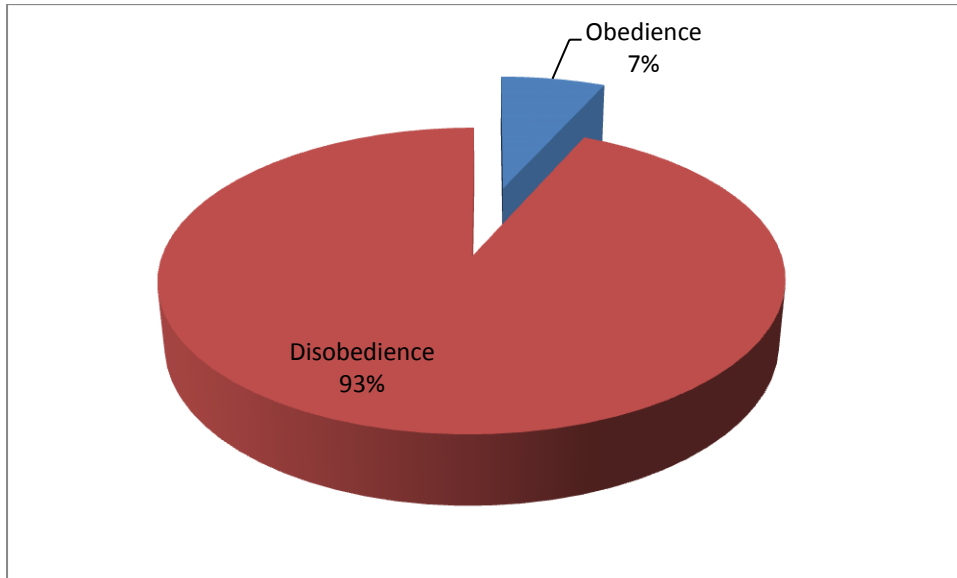
Histogram 8: Storing of liquor



Half of tavern operators (50%) do not store their liquor on the licensed premises. The rest (40%) do while 10% of the respondents were unsure. Liquor is stored in stores that are not on the premises and even at the homes of respondents. This is obviously in violation of the law.

4.2.2.8 Times of business

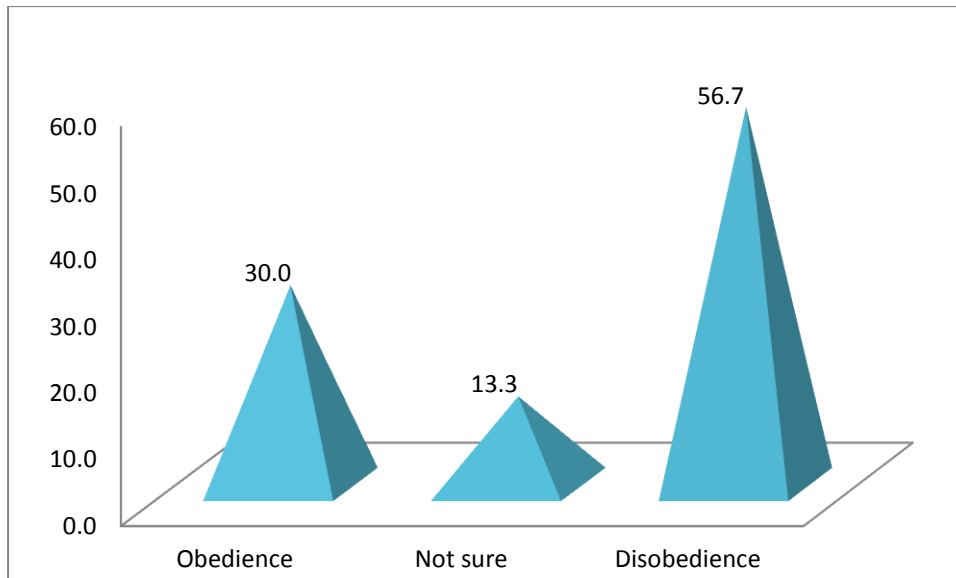
Pie chart 4: Times of business



The majority of the tavern operators who do not adhere to trading hours are 93% while only 7% of the tavern operators do. This is by far the biggest problem where the law is contravened. The Department of Economic Development, Environment and Tourism, (2011:1) also revealed that over forty tavern operators were fined and charged with contravening the operational hours during a 'Responsible Trader Program'. It is evident from the findings that the respondents fails to adhere to the trading hours. It also stands to reason, the longer the taverns are open, the more the likelihood that further contraventions will be committed such as selling liquor to persons who are already intoxicated.

4.2.2.9 Offences by holders of on-consumption licenses

Histogram 9: Offences by holders of on-consumption licenses



In this section of the questionnaire (Offences by holders of on-consumption licences) the following offences were grouped together just as an indication of the level of violations that occur (Disobedience):

People who are not properly dressed;

Violations of section 160 of the Liquor Act 27 of 1989, refer p.13

Tavern used as brothels;

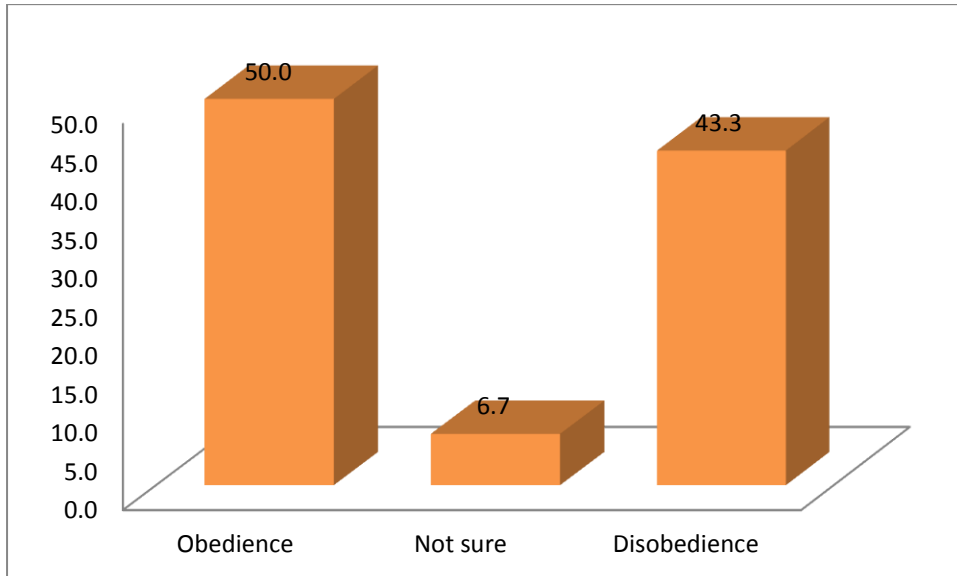
Violations of section 160 of the Liquor Act 27 of 1989, refer p.13

Whether respondents were aware of violations by other taverns.

According to the survey, 56, 7% of the tavern operators have committed one or more of the above offenses regarding the liquor trading and do not comply with the conditions of their licenses. Literature also supports this notion as it was revealed that 70% of the licensed premises do not comply with the liquor license conditions (Department of Economic Development, Environment and Tourism, 2011:1). This is a significant portion of the respondents and should be a point of concern for the Board and the Police.

4.2.2.10 Penalties and Punishments

Histogram 10: Penalties and Punishments



A total of 43, 3% of respondents have been fined or arrested in connection with the sale of liquor and 50% have not.

At a contravention of 93% of the trading hours (Pie-chart 4); Pie-chart 3 reflect that according to the respondents, 50% of the tavern operators supply alcohol to juveniles, it shows that law enforcement is not effective and the punishment does not deter operators from contravening the law.

4.3 T-TEST TABLE: ONE-SAMPLE STATISTICS

One-Sample Statistics

	N	Mean	Std. Deviation	Std. Error Mean
Alterations and extension of licensed premises	30	2.10	.803	.147
Juveniles	30	2.07	.980	.179
Place for the sale and consuming of liquor	30	2.00	.910	.166
Serving liquor to intoxicated patrons	30	2.00	.983	.179
Storing of liquor	30	2.10	.960	.175
Times of business	30	2.87	.507	.093
Offences by holders of on-consumption licenses	30	2.27	.907	.166
Penalties and Punishments	30	1.93	.980	.179

When dealing with normally distributed data, the standard deviation tells us how much variation we can expect in a population. The empirical rule states that 95% of values will fall within 2 standard deviations from the mean. Since the standard error is just the standard deviation of the distribution of sample mean, we can also use this rule. Using the empirical rule we expect 68% of our sample means to fall within 1 standard error of the true unknown population mean. 95% would fall within 2 standard errors (Easton & McCall, 2013:1). In all instances, as reflected in the table above, the standard deviation is under 1 meaning the data is very narrowly distributed around the mean. The standard deviation of the sampling distribution of the mean is called the standard error.

The standard error of a statistics describes the degree to which the computed statistics will differ from one another when calculated from sample of similar size and selected from similar population models. The larger the standard error, the greater the difference between the computed statistics (Stockburger, 1996:3)

The standard error (of the sample) is just another standard deviation. By using the term “standard error” enables us to distinguish it from the standard deviation of the

raw data. The smaller the standard error, the better the data from the sample represents the population. In this instance the standard error is small and reflects the validity of the sample, representing the population.

4.4 T-TEST TABLE: ONE-SAMPLE TEST

One-Sample Test

	Test Value = 0					
	t	df	Sig. (2-tailed)	Mean Difference	95% Confidence Interval of the Difference	
					Lower	Upper
Alterations and extension of licensed premises	14.324	29	.000	2.100	1.80	2.40
Juveniles	11.547	29	.000	2.067	1.70	2.43
Place for the sale and consuming of liquor	12.042	29	.000	2.000	1.66	2.34
Serving liquor to intoxicated patrons	11.148	29	.000	2.000	1.63	2.37
Storing of liquor	11.987	29	.000	2.100	1.74	2.46
Times of business	30.944	29	.000	2.867	2.68	3.06
Offences by holders of on-consumption licenses	13.685	29	.000	2.267	1.93	2.61
Penalties and Punishments	10.802	29	.000	1.933	1.57	2.30

4.5 CONFIDENCE INTERVAL FOR A MEAN

A confidence interval for a mean specifies a range of values within which the unknown population parameter, in this case the mean, may lie (Easton & McCall, 2013:1). In this instance the mean, as reflected by the 95% confidence level should lie between a lower and upper value. Table 4.2.3 reflects the Two-tailed values and indicates that the mean difference in all instances lie within the limits of the lower and upper values, specified. This means that the data represents the true population mean. It also renders the sampling and data with validity.

4.6 HYPOTHESES TESTING

The hypotheses of the study were analysed in this manner:

H₁ Tavern operators do not adhere to the structural conditions of their licensing conditions.

Histogram 6 shows that 36, 7% of the tavern operators do not adhere to section 42 of the Act by informing the Liquor Board first before they make changes to the structures of their taverns a further 36, 7% are not sure. The smallest group of respondents of 26, 7% are those who conform to the law by obtaining prior permission.

Given that only 26,7% are sure that they conform, it can be deduced that the hypothesis should not be rejected.

H₂ Liquor is sold to people under an age of 18 years.

The data in Pie-chart 3 reflect that according to the respondents, 50% of the tavern operators supply alcohol to juveniles (persons under 18 years of age), while 43 % do not and only 7% were not sure.

The data confirm a very serious violation of the licensing conditions by at least half of the tavern operators. Selling liquor to juveniles can be considered as the most serious violation amongst all. The hypothesis is not rejected.

H₃ Liquor is sold to people who are already intoxicated.

The respondents who supply alcohol to already intoxicated patrons and those who do not are equal at 46, 7% with a very small contingent of 6,6% who indicated that they were not sure.

The data confirms that a large section of respondents confirm that they are selling liquor to already intoxicated patrons. This in fact is also a serious violation as these are the people that may fall victim of crime, commit crime or even contract serious physical conditions as a result of heavy intoxication.

H₄ Liquor is not stored inside the licensed premises only.

According to respondents, half of tavern operators (50%) do not store their liquor on the licensed premises only (See Histogram 9).

The hypothesis is therefore not rejected.

H₅ Tavern operators do not adhere to the trading hours.

The majority of the tavern operators who do not adhere to trading hours are 93% while only 7% of the tavern operators do. This is by far the biggest problem where the law is contravened.

The magnitude of this violation (93%) leads to the acceptance of the hypothesis.

H₆ Penalties prescribed by the Liquor Act do not deter tavern operators from contravening their licensing conditions

At the contravention rates it is clear that law enforcement is not effective and the punishment does not deter operators from contravening the law.

- 93% of the trading hours (Pie-chart 4);
- Pie-chart 3 reflects that according to the respondents, 50% of the tavern operators supply alcohol to juveniles, and
- Half of tavern operators (50%) do not store their liquor on the licensed premises only (See Histogram 9).

The hypothesis is not rejected.

4.7 RELIABILITY TESTING OF THE QUESTIONS

The researcher was aware of the fact that a self-reporting survey may lead to inaccurate data. Therefore, in most of the variables, questions about other operators were included in the questionnaire. It was assumed that respondents will be more likely to report on non-compliance by other tavern operators as well. This assumption was supported by the study as respondents were responding about non-compliance of other tavern operators rather than their own.

4.8 SUMMARY

- 4.8.1 The majority of the respondents are males who are between the ages of 41-50 years.
- 4.8.2 Most of them have got a secondary qualification and almost of them are black.
- 4.8.3 All the respondents have a liquor license and the majority of them have been operating with it for less than 5 years.
- 4.8.4 Unauthorised structural alterations are made without informed consent from the liquor Board.
- 4.8.5 The majority of the respondents sell alcohol to people under an age of 18 years. Liquor is not stored and consumed inside the licensed premises.
- 4.8.6 People who are not properly dressed are allowed inside the licensed premises. The majority of the respondents do not adhere to trading hours.
- 4.8.7 Most respondents have committed offenses and were fined or arrested in connection with the sale of liquor.
- 4.8.8 The penalties prescribed in the liquor Act do not deter the respondents from contravening the conditions of the license.

CHAPTER 5: SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 INTRODUCTION

A summary of the study, summary of the main findings, conclusion and recommendations are presented in this chapter.

5.2 SUMMARY OF THE STUDY

The study was aimed at analysing the non-compliance of tavern operators with selected licensing conditions of taverns in Mankweng Area, Limpopo Province. Tavern operators from Mankweng Area were random sampled for the study. Quantitative research approach was used to gather data as the researcher administered questionnaires to the tavern operators. The researcher moved from one tavern to another until a desired sample was reached.

Chapter 1 provided orientation to the study. It included background to the study, problem statement, purpose of the study, significance of the study and also ethical considerations.

Chapter 2 included the literature review with regard to the non-compliance of the tavern operators to the licensing conditions. This involved the discussion of the conditions of the Liquor Act 27 of 1989, media statements with regard to the non-compliance of tavern operators, Liquor Affairs quarterly reports, the impact of alcohol and theoretical explanations for non-compliance of tavern operators.

Chapter 3 focused on the research methodology. It included the descriptive research design, data analysis through statistical package for social sciences (SPSS), reliability, validity and objectivity and data collection.

Chapter 4 involved the presentation, analysis and interpretation of empirical findings. Pie charts and histograms were used to explain and present the findings. In this chapter, it was discovered that the tavern operators do not adhere to the licensing conditions of their taverns.

Chapter 5 dealt with the summary, conclusion and recommendations of the study.

5.3 SUMMARY OF THE MAIN FINDINGS

- 5.3.1 More males than females are engaged in liquor trading.
- 5.3.2 Most of the respondents have a secondary qualification.
- 5.3.3 All the tavern operators are in possession of the liquor licenses.
- 5.3.4 Most respondents have been operating with liquor licenses for less than 5 years.
- 5.3.5 The majority of the respondents supply liquor to the juveniles.
- 5.3.6 Liquor is not consumed inside the licensed premises.
- 5.3.7 Most of the respondents supply liquor to people who are already intoxicated.
- 5.3.8 The majority of the respondents do not adhere to trading hours.
- 5.3.9 The respondents have committed offenses in connection with the sale of liquor.
- 5.3.10 The majority of the respondents were fined or arrested in connection with the sale of liquor but are not deterred by the penalties introduced.

5.4 REACHING OBJECTIVES

The following objectives have been pursued in the study:

- 5.4.1 To assess the non-compliance of the tavern operators regarding specific conditions of liquor licenses.

It has been adequately established that operators engage in practices which violate licensing conditions such as: tavern operators do not adhere to the structural conditions of their licensing conditions. Histogram 6 shows that 36, 7% of the tavern operators do not adhere to section 42 of the Act by informing the Liquor Board first before they make changes to the structures of their taverns.

Liquor is sold to people under an age of 18 years. The data in Pie-chart 3 reflect that according to the respondents, 50% of the tavern operators supply alcohol to juveniles (persons under 18 years of age).

Liquor is sold to people who are already intoxicated. The respondents who supply alcohol to already intoxicated patrons are 46, 7% (Histogram 8). The data confirms that a large section of respondents confirm that they are selling liquor to already intoxicated patrons.

Liquor is not stored inside the licensed premises only. According to respondents, half of tavern operators (50%) do not store their liquor on the licensed premises only (See Histogram 9).

Tavern operators do not adhere to the trading hours. The majority of the tavern operators who do not adhere to trading hours are 93 % (Pie chart 4). This is by far the biggest problem where the law is contravened. This objective has been achieved.

5.4.2 To determine whether the prescribed sentences in the Act deter tavern operators from violating the licensing conditions

5.4.2.1 At the contravention rates it is clear that law enforcement is not effective and the punishment does not deter operators from contravening the law.

5.4.2.2 93% of the trading hours (Pie-chart 4);

5.4.2.3 Pie-chart 3 reflects that according to the respondents, 50% of the tavern operators supply alcohol to juveniles, and

5.4.2.4 Half of tavern operators (50%) do not store their liquor on the licensed premises only (See Histogram 9). This objective has been achieved,

5.4.2.5 To make recommendations to improve control over taverns. The recommendations follow hereafter and hence this objective has also been achieved.

5.5 RECOMMENDATIONS

The following recommendations are made based on the findings of this study:

- 5.5.1 The Liquor Board should thoroughly explain the conditions of the licenses when issuing them to the tavern operators.
- 5.5.2 There should be campaigns specifically to the tavern operators about the dangers of non-compliance.
- 5.5.3 The community must also play a role in the effective prevention of non-compliance of tavern operators.
- 5.5.4 The South African Police Service should also make sure that the tavern operators comply with the conditions of their licenses by patrolling in the taverns.
- 5.5.6 The community should always report on the non-compliance of the tavern operators.
- 5.5.7 The Liquor Act 27 of 1989 should be revised because some of the conditions in the Act are not clearly explained such as what it means to be improperly dressed.
- 5.5.8 There should be the implementation of new policies which should include harsher punishment for those who contravene the law.

5.6 AREAS FOR FURTHER RESEARCH

The following research areas can be considered:

- 5.6.1 There is a need to study the perceptions of the tavern operators with regard to the licensing conditions of taverns. It will be better to investigate the views of tavern operator's with regard to these conditions.
- 5.6.2 The effectiveness of the penalties and punishment of the Liquor Act mainly focusing on whether these aspects are sufficient enough to prevent non-compliance.
- 5.6.3 Investigate the process of the Liquor Board in granting a liquor license to the tavern operators.

5.7 CONCLUSION

The analysing of the non-compliance of tavern operators to the selected licensing condition was achieved. The tavern operators in Mankweng Area do not adhere to licensing conditions of their taverns. The findings revealed that about 93% of the respondents do not adhere to trading hours, 56,7% are liable to offenses, 50% sell liquor to juveniles, and 46,7% sell liquor to intoxicated people. From the above findings, it is evident that the tavern operators do not comply with their licensing conditions as stipulated by Liquor Act 27 of 1989.

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ADDENDUM A: ENGLISH QUESTIONNAIRE

A CRIMINOLOGICAL STUDY OF THE NON-COMPLIANCE WITH SELECTED LICENSING CONDITIONS OF TAVERNS: A SELF-REPORTING SURVEY AMONGST TAVERN OPERATORS IN MANKWENG, LIMPOPO.

Please answer all the questions in this questionnaire to the best of your knowledge and as honestly as possible.

There is no correct answer; your opinion is important and valid for the research.

The information sought through this questionnaire will be used for research purposes only and will be kept confidential and will not be disclosed to any unauthorized person.

You are not required to disclose your name, address or any kind of information about yourself as a respondent.

Thanking you in advance for your willingness, cooperation and assistance in this very important research study.

SECTION A

TAVERN OPERATORS DEMOGRAPHICAL INFORMATION

Please place a tick [√] in the appropriate box that represents the response

1. What is your gender?

Male	1
Female	2

2. To which age group below, do you belong?

Below 21 years	1
21-30	2
31-40	3
41-50	4
51-60	5
61-70	6
71 and older	7

3. What is your level of Education?

Primary	1
Secondary	2
Tertiary	3

4. To which Race Group below do you belong?

Black	1
White	2
Indian	3
Coloured	4

SECTION B

EXPLORATION OF TAVERN OPERATORS ON CONDITIONS OF LICENSES

Please place a tick [√] in the appropriate box that represents the response

5. Do you have a liquor license?

Yes	1
No	2

6. For how long have you been operating with it?

Less than 5 years	1
6-9 years	2
10-14 years	3
More than 15 years	4

SECTION C

NON-COMPLIANCE PRACTICES

Please place a tick [√] in the appropriate box that represents the response

ALTERATIONS AND EXTENSION OF LICENSED PREMISES

7. Have you ever changed the structure of your tavern?	Yes	1	No	2
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If yes, please answer the following questions

Compliance indicators	Very often	often	seldom	Never
8. Do you start with the structural alterations only after the permission has been granted by the liquor board?	1	2	3	4
9. Are you aware of operators in Mankweng area who make unauthorized structural changes to their premises?	1	2	3	4

JUVENILES

Compliance indicators	Very often	often	seldom	Never
10. Do you allow minors in your tavern?	1	2	3	4
11. Have you ever sold liquor to a minor?	1	2	3	4
12. According to your knowledge, do other tavern operators in Mankweng area sell liquor to minors?	1	2	3	4

PLACE FOR THE SALE AND CONSUMING OF LIQUOR

Compliance indicators	Very often	often	seldom	Never
13. Do you allow consumers to drink alcohol outside your tavern?	1	2	3	4
14. According to your knowledge, have you ever saw persons drinking liquor outside the licensed premises at other taverns in Mankweng?	1	2	3	4

SERVING LIQUOR TO INTOXICATED PATRONS

Compliance indicators	Very often	Often	seldom	Never
15. Have you or your staff ever sold liquor to any drunken person in your tavern?	1	2	3	4
16. According to your knowledge, have you ever seen intoxicated persons being supplied with alcohol at other taverns in Mankweng?	1	2	3	4

STORING OF LIQUOR

Compliance indicators	Very often	often	seldom	Never
17. Have you ever stored liquor anywhere else except in your licensed premises?	1	2	3	4
18. Are you aware of other taverns in Mankweng that store liquor anywhere else except inside the licensed premises?	1	2	3	4

TIMES OF BUSINESS

Compliance indicators	Very often	often	seldom	Never
19. Are you complying with the stipulated trading hours of your license	1	2	3	4
20. Have you ever sold liquor before 10h00 am?	1	2	3	4
21. Have you ever sold liquor after 02h00 am?	1	2	3	4
22. Are you aware of other tavern operators that sell liquor before 10h00 and after 02h00 am?	1	2	3	4

OFFENCES BY HOLDERS OF ON-CONSUMPTION LICENSES

Compliance indicators	Very often	often	seldom	Never
23. Do you allow people who are not properly dressed in your tavern?	1	2	3	4
24. Do you allow your tavern to be used as a brothel (a house of prostitutes)?	1	2	3	4
25. Are you aware of other taverns that are used as brothels?	1	2	3	4
26. Have you ever allowed persons to strip (take off) their clothing on your licensed premises?	1	2	3	4
27. Are you aware of any tavern operators that allow persons to strip their clothing on their licensed premises in Mankweng?	1	2	3	5

PENALTIES AND PUNISHMENTS

Compliance indicators	Very often	often	seldom	Never
28. How often were you fined or arrested in connection with the sale of liquor?	1	2	3	4
29. Are you aware of the penalties for contravening the conditions of your licenses?	1	2	3	4
30. Do those penalties deter you from contravening the licensing conditions?	1	2	3	4
31. Are those conditions sufficient enough to prevent you from contravening the licensing conditions?	1	2	3	4
32. Do you think that the punishment scares the potential offender?	1	2	3	4

Thank you!!!!

ADDENDUM B: SEPEDI QUESTIONNAIRE

DINYAKIŠIŠO BAKENG SA HLOKEGO YA BOEPALAETŠO GO YA KA MEKGWA YEO E KGETHWEGO YA LAESENTSE YA DIPARA: TEKOLO YA MMEGI-NOŠI GARE GA BADIRIŠI BA DIPARA MO MANKWENG, LIMPOPO.

Ka kgopelo hle araba dipotšišo tše tša ka gare ga tokomane ye ya dipotšišo goya ka tsebo ya gago yeo e tletšego le potego mo go kgonagalago.

A gona dikarabo tša maleba; dikakanyo tša gago di bohlokwa mme di lokile bakeng sa dinyakišišo.

Tshedimušo yeo e tlogo go tšwelela goya ka tokomane ye ya dipotšišo etla šomišwa bakeng sa morero wa dinyakišišo fela gomme di tla bewa sephiring gomme e ka se abelwe motho yoo a hlokago tumelelo.

A go hlokege gore o tšweletše leina la gago, atere se goba tshedimušo efe byalo ka mofetudi.

Ke a leboga e sale gona byalo ka maikemišetšo, tšhomišano le thušo ya gago bakeng sa dinyakišišo tše tša thuto e bohlokwa.

KAROLO YA PELE (A)

TSHEDIMUŠO YA BADIRIŠI BA DIPARA

Ka kgopelo hle bega leswao le [$\sqrt{\quad}$] ka gare ga lepokisi la maleba leo le emetšego karabo ya gago

1. Bong bya gago ke eng?

Monna	1
Mosadi	2

2. Naa mengwaga ya gago e wela legorong lefe?

Ka fase ga mengwaga ye masome-pedi-tee (21)	1
Mengwaga ye masome pedi- tee (21) go fihla ka masome tharo (30)	2
Mengwaga ye masome-tharo-tee (31) go fihla goye masome -nne (40)	3
Mengwaga ye masome-nne-tee (41) go fihla go ye masome-hlano(50)	4
Mengwaga ye masome-hlano-tee(51) go fihla go ye masome- tshela (60)	5
Mengwaga ye masome- tshela- tee(61) go fihla go ye masome-šupa(70)	6
Masome-šupa- tee(71) go ya godimo	7

3. Naa seemo sa tša thuto ya gago se wela legorong lefe?

Thuto ya pele	1
Thuto ya bobedi (sekontari)	2
Thuto ya godimo	3

4. Naa morafe wa gago o wela legorong lefe?

Motho moso	1
Motho mošweu	2
Moindia	3
Motho wa mmala	4

KAROLO YA BOBEDI (B)

KOTULLO YA BADIRIŠI BA DIPARA GO YA KA MEKGWA YA LAESENTSHE

Ka kgopelo hle bega leswao le [√] ka gare ga lepokisi la maleba leo le emetšego karabo ya gago

5. O na le laesentshe ya madila?

Ee	1
Aowa	2

6. ke lebaka le le kaakang o dira ka yona?

Ka tlase ga mengwaga ye mehlano (5)	1
Mengwaga ye tshela go ya goye senyane (6-9)	2
Mengwaga ye lesome go ya goye lesome nne 10-14)	3
Ka godimo ga ye lesome hlano (15)	4

KAROLO YA BORARO (C)

DITIRO TŠA HLOKEGO YA BOIPELATŠO

Ka kgopelo hle bega leswao le [√] ka gare ga lepokisi la maleba leo le emetšego karabo ya gago.

DIPHETOGO LE KOKETŠO YA MEAGO YEO E LEGO KA TLASE GA LAESENTSHE

7. O ile wa fetola sebopego sa para ya gago?	Ee	1	Aowa	2
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Ge karabo ya gago ele Ee, Hle araba dipotšišo tšeo di latelago

Dišupetšo tša boipelaetšo	Kgafetša kgafetša	Kgafetša	Ka sewelo	Ga sank
8. O thomile go fetola sebopego sa para ya gago ka morago ga go hwetša tumelelo go ba lekgotla la tša madila?	1	2	3	4
9. Goya ka tshebo ya gago, e kaba badiriši ba bangwe ba dipara mo tikologong ya Mankweng ba fetotše meago ya bona ntle le tumelelo?	1	2	3	4

BANA BA BANNYANE

Dišupetšo tša boipelaetšo	Kgafetša kgafetša	Kgafetša	Ka sewelo	Ga sank
10. O dumelela bana ba ba nnyane mo pareng ya gago?	1	2	3	4
11. O kile wa rekišetša ngwana o monnyane madila?	1	2	3	4
12. Goya ka tshebo ya gago, e kaba badiriši ba bangwe ba dipara mo tikologong ya Mankweng ba rekišetša bana ba bannyane madila?	1	2	3	4

LEFELO LA GO REKIŠA LE GONWA MADILA

Dišupetšo tša boipelaetšo	Kgafetša kgafetša	Kgafetša	Ka sewelo	Ga sank
13. O dumella bareki go nwela madila kantle ga para ya gago?	1	2	3	4
14. Goya ka tsebo ya gago, o kile wa bona batho ba nwela madila kantle ga meago ya goba le laesentshe mono tikologong ya Mankweng?	1	2	3	4

GO ABA MADILA GO BATHO BAO BA TAGILWEGO

Dišupetšo tša boipelaetšo	Kgafetša kgafetša	Kgafetša	Ka sewelo	Ga sankha
15. O kile, goba bašomi ba gago ba kile ba rekišetša batho bao ba tagilwego madila mo pareng ya gago?	1	2	3	4
16. Goya ka tsebo ya gago, O kile wa bona motho yo a tagilwego a fiwa madila mo dipareng tše dingwe mo tikolong ya Mankweng?	1	2	3	4

POLOKEGO YA MADILA

Dišupetšo tša boipelaetšo	Kgafetša kgafetša	Kgafetša	Ka sewelo	Ga sankha
17. O kile wa boloka madila moagong o mongwe kantle le meago yeo e lego ka tlase ga laesentshe ?	1	2	3	4
18. O tseba ka ga dipara tše dingwe tšeo di bolokelago madila meagong ye mengwe kantle le meago yeo e lego ka tlase ga laesentshe?	1	2	3	4

TŠA KGWEBO

Dišupetšo tša boipelaetšo	Kgafetša kgafetša	Kgafetša	Ka sewelo	Ga sank
19. O latela melao yeo e tšwelelago mo laesentsheng ya gago mabapi le dinako tša go rekiša?	1	2	3	4
20. O kile wa rekiša madila pele ga iri ya lesome mesong?	1	2	3	4
21. O kile wa rekiša madila ka morago ga iri ya bobedi mo mesong?	1	2	3	4
22. O tseba badiriši ba bangwe ba dipara bao ba rekišago madila pele ga iri ya lesome mme le ka morago ga iri ya bobedi mesong?	1	2	3	4

MELATO YA BASWARI BA DI LAESENTSHE TŠEO DI DIRIŠWAGO GAMPE

Dišupetšotša boipelaetšo	Kgafetša kgafetša	Kgafetša	Ka sewelo	Ga sank
23. O dumella batho ba go se apare ga botse Pareng ya gago?	1	2	3	4
24. O dumelela Para ya gago go šomišwa byalo ka lefelo la bagweba ka mmele?	1	2	3	4
25. O tseba ka ga Dipara tše dingwe tšeo di dirišwago byalo ka lefelo la go gweba ka mmele?	1	2	3	4
26. O kile wa dumelela batho ba hlobola diaparo tša bona ka gare ga meago ya gago yeo e lego ka tlase ga laesentshe?	1	2	3	4
27. O tseba kaga o mongwe wa badiriši ba dipara bao ba dumelelago batho ba hlobola diaparo tša bona ka meagong yeo e lego ka tlase ga laesentshe mono Mankweng?	1	2	3	4

DIKOTLO

Dišupetšo tša boipelaetšo	Kgafetša kgafetša	Kgafetša	Ka sewelo	Ga sankana
28. Naa o kile wa kgolegwa goba go otlwa malebana le dithekišo tša madila?	1	2	3	4
29. O tseba kaga dikotlo tšage osa latele mekgwa goba melao ya laesentshe?	1	2	3	4
30. Dikotlo tšeo di thibela gore o seke waba kgahlanong le melao goba mekgwa ya laesentshe?	1	2	3	4
31. Mekgwa goba melao yeo e lekanetše ga botse go thibela ditiro tšago se latele melao ya laesentshe?	1	2	3	4
32. O nagana gore dikotlo di tšhabiša bao basa naganago go dira ditiro tshenya?	1	2	3	4

Ke a leboga!!!!!!