

Police Intervention Strategies in the Enforcement of Liquor Policies in South Africa

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Abstract

In South Africa (SA), the criminal justice system is responsible for crime control and the administration of justice. The criminal justice system is composed of the police, courts, and correctional services. The South Africa Police Service (SAPS) is the entry point to the criminal justice system because crimes are reported to them for investigation and law enforcement. This article assesses the effectiveness of the SAPS strategies to enforce liquor policies. The assumption of this article is that most liquor traders do not abide by the rules; they aim to generate profit and they don't care about the wellbeing of the community. The state's failure to intervene at both policy and law-enforcement level makes things worse. From a qualitative research standpoint, purposive sampling was used to select police and non-police liquor inspectors from three provinces, namely the Free State, Gauteng, and Limpopo, to conduct a survey. Semi-structured interviews were conducted with 21 participants. The interviews were recorded and transcribed verbatim. South Africa consists of nine provinces and each province applies its own liquor policy. That makes it very difficult for the police to implement National Liquor Act policy. In conclusion, South Africa needs one liquor policy to enhance compliance to curb selling of alcohol abuse.

Keywords: alcohol, police, policing, strategy, liquor, policy, intervention

Introduction

Although alcohol manufacturers, such as South African Breweries (SAB), play a vital role in the South African (SA) economy, poorly managed alcohol sales result in excessive drinking, which has an adverse social effect. According to Mbandlwa and Dorasamy (2020), South Africa has the highest alcohol consumption and substance abuse in the world. In 2021, government launched the Economic Reconstruction and Recovery Plan (ERRP) to stimulate economic growth. Employment is included in the 2019 to 2024 Medium-Term Strategic Framework (MTSF). The ERRP requires the South African Police Service (SAPS)

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to implement an anti-corruption strategy as well as various initiatives to fight illicit economic activities, including illegal liquor sales and unlicensed mining operations. Other directives include the profiling of vehicles, containers, and cargo consignments at ports of entry and the curbing of illicit drug dealing. This plan was issued across government departments, but its execution has been hampered by uncertainty about the enforcement of provincial liquor policies; environmental design challenges; delays in the finalisation of the Community Policing Policy; and the need for a review of the South African Police Service Act 68 of 1995 as well as the national Liquor Act 59 of 2003.

The mandate of the SAPS is to prevent, investigate crimes and apprehend suspected criminals. The police and liquor Inspectors are commonly known as law enforcement agencies. Section 205(3) of the Constitution of the Republic of South Africa, 1996, mandates the police “to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law” (South Africa, 1996). Enforcing the law includes enforcing liquor laws. Hence, police and liquor inspectors must ensure that liquor policies are complied with, and illegal liquor outlets are shut down to improve socio-economic conditions. This can be achieved through the effective implementation of interventions related to liquor policies and strategies that will make South Africa a safer country and offer women and children, who are particularly vulnerable to crime, a sense of safety. A failure to intervene by means of policy and enforcement can make matters worse.

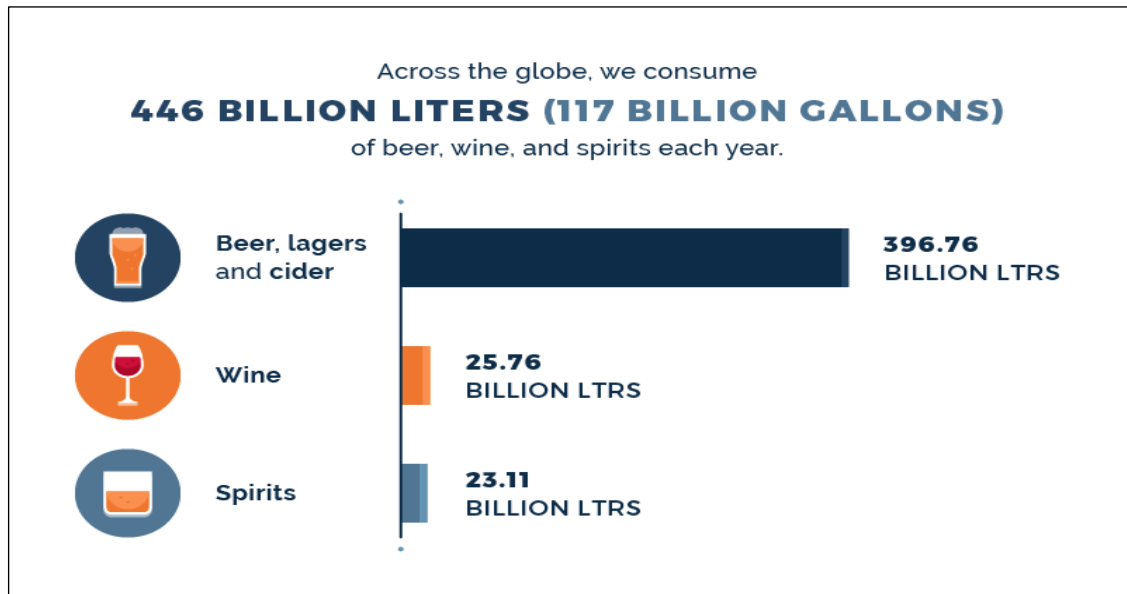
The impacts of alcohol abuse globally

The World Health Organization (WHO) recently launched **its Alcohol Action Plan 2022-2030. The alcohol action plan mentions that alcohol consumption contributes to 3 million deaths each year globally, as well as to the disability and poor health of millions of people** (World Health Organization, 2022). **Alcohol abuse is responsible for 5.1% of the global burden of disease.** Alcoholism is a serious problem and affects the lives of people globally. Sheehan (2004:55) maintains that alcohol is a legal, socially acceptable product that has medicinal benefits but also causes immense social, psychological, and physical harm.

In the World Health Organization’s 2022 Global Status Report, South Africans are termed binge drinkers. Around 59% of alcohol consumers drink more than 60 grams of pure alcohol on at least one occasion each month. That amounts to six alcoholic drinks, four drinks more than the daily recommended number of drinks for men. According to American Addiction Centres Guide (2023), 446 billion litres of beer, wine, and spirits are consumed every year around the world.

Beer, lager, and cider are consumed the most (396.76 billion litres). Wine is consumed second most (26.76 billion litres) and spirits third most (23.11 litres).

Figure 1: Liquor consumption across the globe



Source: American Addiction Centres Guide (2023)

In 2021, the World Health Organization (WHO) adopted a Global Alcohol Action Plan 2022-2030 to strengthen the implementation of the Global Strategy to Reduce the Harmful Use of Alcohol. This plan requires countries to develop liquor policies to enforce liquor compliance and address liquor abuse. It identifies ten policy options and interventions at national level. The ten areas of national action plan policy include:

- Leadership, awareness, and commitment
- Health services' response
- Community action
- Drink-driving policies and countermeasures
- Availability of alcohol
- Marketing of alcoholic beverages
- Pricing policies
- Reducing the negative consequences of drinking and alcohol intoxication
- Reducing the public health impact of illicit and informally produced alcohol

- Monitoring and surveillance

The mentioned **policy options** and **interventions** for a **national action plan** target **areas** and motivate effective action highlighting the risks and harmful effects of alcohol consumption, both among citizens and their elected representatives. According to Stockwell, Giesbrecht, Vallance and Wettlaufer, (2021:1), government policies expose the use of substances such as alcohol, to strengthen the adoption of the Global Alcohol Action Plan 2022 – 2030. However, government policies to address the scourge of alcohol abuse compete with powerful commercial industries pursuing profit at the expense of human life. As a result, law enforcement agencies find it difficult to enforce liquor laws. The rapid increase in the number of liquor outlets doesn't make things easier for the agencies. Since alcohol is could be a health risk, the apartheid (minority whites) regime in South Africa used to compensate the Africans (Blacks in particular) with liquor. That had adverse consequences for the majority of African labourers and their families (Mokwena & Maluleke, 2020). This tendency has resulted in social disorder amongst black families and the population at large. These practices were mostly implemented for farmworkers.

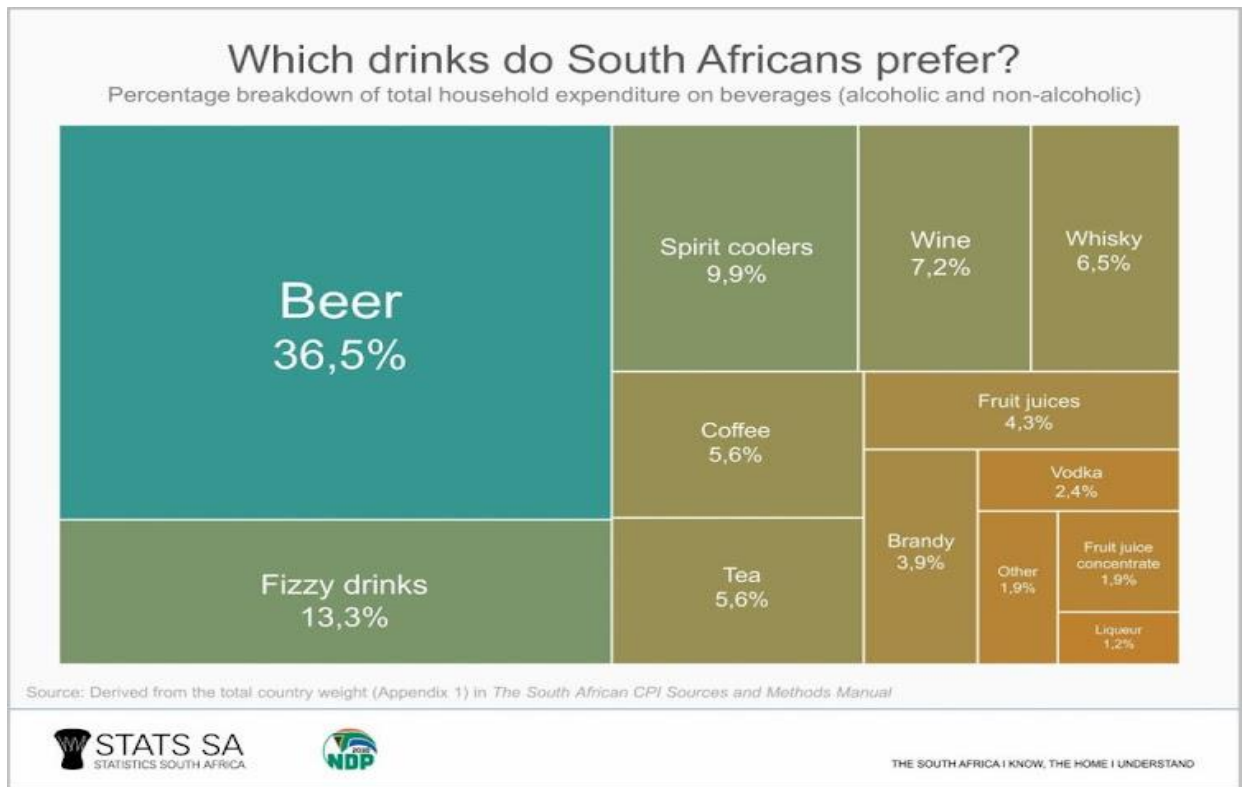
The Social Effect of Alcoholism in South Africa

The frequent misuse of alcohol often results in violence and affects drinkers' mental health. Whereas some alcohol users become emotional and vulnerable when they are drunk, others become aggressive. Alcohol causes far more harm than other drugs. According to a case study done in the Western Cape, most murders are recorded over weekends and are alcohol related. Community members of the KwaMashu township near Durban complained that they were assaulted in front of the Minister of Police by legal authorities and alleged that illegal liquor outlets operating until late at night contribute to the ongoing high crime, violence, and murder rate in the area (Mashigo, 2023). Residents of Schoemansville complained to the Hartbeespoortdam police that the noise made by clients of liquor outlets gave them sleepless nights and was in violation of municipal by-laws.

In his January–March 2021 First Quarter Report, Police Minister Beki Cele asserted that alcohol abuse is an albatross around the neck of the SAPS and that of the communities they serve (Koko, 2021). The minister further declared that communities can no longer stand by and do nothing about the harm caused by alcohol abuse. They should participate in crime prevention by saying no to alcohol abuse. The minister also remarked that “some communities have more taverns

compared to any other establishment in their area of residence, including churches and schools combined.”

Figure 2: South African Preferred drinks



Source: (Koko,2021)

A percentage breakdown of total household expenditure on alcoholic and non-alcoholic beverages shows that beer accounts for 36,5% of household expenditure, vodka 2,4%, spirit coolers 9,9%, wine 7,2%, whiskey 6,5%, and brandy 3,9%, all of which has a considerable effect on the population according to Statistics South Africa (STATS SA) (Koko, 2021).

Figure 2 above includes the percentages of non-alcoholic drinks that are used in the consumption of alcoholic drinks. This identifies the domination alcohol drinks evidence of direct effectiveness harm of liquor consumption and indicates the strength of this evidence and the likely scope of impacts to the population. Such evidence supports liquor law enforcement (e.g., targeting high-risk premises and enforcing laws prohibiting service to intoxicated persons) and the minimum legal drinking age. Alcohol is the most harmful drug at a population

level. According to data released by the WHO in 2019, South Africa is home to some of the heaviest drinkers in the world.

South African Trading Hours and the Meaning of Liquor

A bottle store sells take-away alcohol, that is, alcohol consumed elsewhere. It is also known as a liquor store, an off-licenced premise, a package store, or an office.

Trading days and hours for the consumption of liquor on off-licensed premises are as follows:

Mondays–Thursdays and Saturdays:

09:00 to 18:00

Fridays:

09:00 to 20:00

A tavern is an establishment that not only sells alcoholic beverages consumed at the premises, but also serves food.

Trading days and consumption hours are as follows:

Mondays–Saturdays:

10:00 to 02:00

Sundays:

10:00 to 18:00

A bottle store and liquor store are essentially the same thing, only the names by which they are designated differ (Kim, & Park, 2021). Some people use the term “bottle store” to refer to a store that sells wine and beer, and the term “liquor store” for a store that sells hard liquor. But, in essence, both sell alcoholic beverages.

A distinction is made between the terms “alcohol” and “liquor” in a legal and regulatory context. In some countries, law and regulations refer to “alcohol” as a broad category that includes both beer and wine, and to “liquor” as distilled spirits such as whiskey or vodka. It’s possible that the finance minister made a distinction between the two terms in his budget speech on 20 March 2024. “Alcohol” is a broad term that can refer to any substance containing ethanol such as liquor and medication. The term “liquor”, on the other hand, refers to distilled spirits such as whiskey, gin, vodka, rum, and beer.

Certain types of medication do contain alcohol, which can show up in a breathalyser test. Law enforcement officers are trained to tell the difference between alcohol in alcoholic drinks and alcohol in medication. Therefore, it’s unlikely that people taking medication would be arrested. But it’s advisable to speak to your doctor before you drive if you take medication containing alcohol.

The small amount of alcohol that some types of medication contain can be addictive if taken regularly over an extended period. Known as “medication-assisted addiction”, it can be difficult to overcome.

Alcohol abuse affects millions of people around the world and can have devastating consequences.

Although most people think that Allergex contains alcohol, it's not true. Allergex is the brand name for an antihistamine called cetirizine and does not contain any alcohol. Other medications do contain a small amount of alcohol, for example, cough syrup and other liquid medication for children. It's always best to check the list of ingredients or to ask your doctor or pharmacist if you're in doubt about the alcohol content of medication. The small amount of alcohol in medicine does not have the effect of several glasses of brandy on the body.

Police Intervention Strategies in the Enforcement of Liquor Policies

The Liquor Act 59 of 2003 (LA) applies to the whole of South Africa and regulates the manufacture and wholesale of liquor products. Provincial Liquor Acts apply to only the provinces and seek to control the distribution and retail sale of liquor. Across the world, the enforcement of alcohol legislation is entrusted to liquor enforcement agencies. McInaine and Moser-Caroline (2004:55) maintain that although the consumption of alcohol is legal, it is associated with crime and other social problems. Most South Africans perceive alcohol consumption to be a part of social life. This contributes significantly to poverty and family disorder (Mokwena, Motsepe, Maluleke & Shandu. 2020) The connection between excessive alcohol consumption and criminal offences is complex in nature and extent. Even though excessive drinking does not always lead to a criminal offence, it increases the chance of involvement in criminal activities. Although the social consumption of alcohol is acceptable in most professions, excessive use can impair an individual's ability to function properly at work and home. According to Sinkamba (2015), Botswana has a very clear liquor policy which regulates the sale and consumption of liquor very effectively and efficiently. As such, South Africa should benchmark with Botswana.

The SAPS plays a pivotal role in enforcing compliance to liquor laws at national and provincial level. The Department of Trade, Industry and Competition, the National Liquor Authority, and the SAPS collaborate to enforce compliance with the Liquor Act. SAPS members' appointment as liquor inspectors greatly enhanced the enforcement of compliance to the Act. In South Africa, mostly women and children are the victims of alcohol abuse and the violence that accompanies it. Alcohol abuse has deep historical roots. Problems are made worse by the state's failure to intervene at both policy and law-enforcement level.

Enforcement strategies consist of randomised and targeted interventions (Graham & Homel, 2008). Whereas randomised enforcement strategies include all or most licensed premises within a certain geographic area (e.g., an entertainment precinct), targeted enforcement draws on police intelligence of particularly problematic venues. Enforcement activities include 'walk-throughs' of venues to collect information on licensees and their staff and allow police to monitor a venue's compliance with liquor licensing legislation. Yet the effectiveness of enforcement strategies is doubtful and relies on a number of factors, including the frequency of enforcement, the likelihood of detection, the severity of the penalty, and awareness of an intended enforcement activity (Graham & Homel, 2008). Enforcement activities may also lead to changes in the physical and the social features of licensed drinking environments such as better management and an improvement in the behaviour of servers and patrons (Doherty & Roche, 2003), which act as a barrier to a reoccurrence of violence and discourages transgressions.

In South Africa, the Department of Police (DoP), the Department of Trade and Industry (DTI), the Road Transport Management Corporation (RTMC), and Municipal Police workers cooperate with government to address the causes and effects of alcohol-related disorders in their various manifestations. In 2010, a baseline study called "The social aspects of alcohol misuse and abuse in South Africa" was conducted. It suggests that the economic and social costs associated with alcohol consumption in South Africa are far higher than was previously thought (Setlalentoa, Pisa, Thekisho, Ryke & Loots, 2010). In some provinces, the economic burden of alcohol abuse may even outstrip the liquor sector's economic contribution, making alcohol the most harmful drug at a population level. What makes it worse is that existing interventions, including law enforcement and legislation, are not effective in solving the problem.

The Objective of the Article

The purpose of this article is to assess the effectiveness of police intervention strategies in the enforcement of liquor policies in South Africa.

Methodology

A qualitative study was done to establish how liquor legislation was applied in practice. The research concentrated on police and non-police liquor inspectors under the authority of the DTI and DoP in three provinces, namely Gauteng, the Free State and Limpopo. The provinces were selected because of their different dynamics in terms of geographical area and population size, and because they have to deal with liquor-related matters daily. The selected provinces together have approximately 168 police and non-police liquor inspectors who are

responsible for the enforcement of liquor policies. At work, they are called designated liquor officers (DLOs) and liquor trade inspectors (LTIs). DLOs are members of the South African Police Service (SAPS) and LTIs are non-police officials working for the NLA and the PLB.

From the identified population, 21 participants were purposively sampled. The researcher developed a semi-structured interview guide to ensure that all participants were asked the same questions. The semi-structured interview schedule contained open-ended questions to determine:

- (1) Why inspectors and police members conduct inspections at liquor outlets?
- (2) What is their perception of the social impact of alcohol?
- (3) Who are various agencies responsible for implementing liquor laws?
- (4) how effective the liquor strategy communication is in their respective departments?
- (5) What are challenges they face in enforcing liquor strategies?

The questions were formulated to comprehend participants' experience of their departmental strategies in the enforcement of liquor legislation. Before data collection started, the interview schedule was revised after two pilot interviews with DLOs and LTIs to ensure that the relevant information was gathered.

Findings and Discussion

The major theme of the article is to understand how departments use their strategic model to analyse liquor legislation for the enforcement liquor laws. In addition to this theme, five sub-themes were identified: (1) the meaning of the police intervention strategy, (2) police members' and non-police liquor inspectors' perception of the liquor strategy direction, (3) various agencies responsible for implementing liquor laws, (4) the communication of liquor strategies to personnel, and (5) challenges in the enforcement of liquor strategies. The major theme and sub-themes, as well as the verbatim evidence, will be discussed below.

Major theme: Liquor legislation as a strategy adopted by police and non-police liquor inspectors to reduce the harmful effects of alcohol

Sub-theme 1: Meaning of the concept "police intervention strategy"

Tovstiga (2015:4) asserts that the concept "police intervention strategy" means police action consisting of the long-term goals and objectives of private or public organizations, which include a course of action as well as the allocation of resources to achieve them. Similarly, Nickols (2016) maintains that public and private organizations use police intervention strategies as bridges to span the obstacles experienced by personnel during the implementation of legislative

measures to address the harmful use of alcohol. All participants viewed a strategy as a plan adopted by an organisation to achieve certain results within a specific period. Not all participants regarded the national Liquor Act 59 of 2003 as a departmental strategy to regulate the liquor industry and prevent the legal and illegal consumption of liquor.

“... concept strategy is the document that is drafted by the station management containing goals and objectives that the station has to achieve on yearly basis” (DPO3).

It is significant that most participants knew what the concept “police intervention strategy” means. This suggests that they knew that the national Liquor Act 59 of 2003 is a government strategy to address alcohol-related problems in the country.

Sub-theme 2: Police and non-police liquor inspectors’ perception of the police intervention strategy in the enforcement of liquor laws

Law enforcement agencies are tasked to enforce liquor laws to prevent the harm alcohol causes in society (Thamarangsi, 2008:161). In this regard, a distinct difference is noticeable in the quality and depth of responses of supervisors and non-supervisors owing to their work responsibilities. The supervisors’ and trainers’ responses were richer and more detailed.

... the strategy gives [the] direction to set vision, goals, values, expectations, stakeholders and resources to regulate and control in respective departments. It can exist at a number of levels: national office, provincial office and station level”(SLTI1).

The views of operational-level participants differed from their supervisors’ views.

... the department’s strategy direction lacks consistency because responsibility to enforce liquor polices are spread amongst too many departments and some of the enforcement end up not being implemented (DPO3).

Without proper enforcement of liquor laws, communities may view liquor strategies as meaningless and, after some time, also start to violate liquor legislation. It shows a poor understanding of the actual strategy analysis model and its broader aspects such as a vision, stakeholders’ input and resources enabling liquor laws to be implemented at the three levels of government.

Sub-theme 3: Various agencies responsible for implementing liquor laws

Policy coordination is one of the oldest challenges for government departments, but with the introduction of the new public management (NPM) it became a real problem for the public sector (London, 1999). Overall, the participants believed that the police intervention strategy to enforce liquor laws are implemented

differently in government departments, including the NLA, PLB and SAPS, integrated at national, provincial, and local level without mentioning others.

“... the power were given to NLA and Provincial Liquor Board because they are responsible to issue liquor license to liquor owners. They also give guidelines on how to address liquor challenges experienced by provinces” (LTI3).

They also indicated that strategies and interventions were enforced at different levels of government. However, few participants believed that interdepartmental collaboration would improve the implementation of Provincial Liquor Acts.

‘... the collaboration need [has] to be entered into by signing a Memorandum of Understanding (MoU) in order to bind and strengthen [the] working relationship among departments (SDPO1).

It is important to note that, according to the national Liquor Act 59 of 2003, various departments are responsible for enforcing liquor policies to promote safe drinking. Therefore, government must ensure that every department responsible for law enforcement enter into an agreement compelling them to implement the policy.

Sub-theme 4: The communication of liquor strategies to personnel

Wood (2004:56) believes that effective communication is the foundation of functional operations in organizations. Brinkschröde (2014) adds that an organisation must communicate its goals and objectives to its personnel. The participants’ responses support the notion of an effective flow of communication among all people in the organisation.

“... although I understand that communication plays a role in the implementation of strategies within the organisation. The police intervention in policing liquor and other substance abuse was not communicated properly to the station. The Act was passed by parliament and we waited for five years before the policy was implemented. We didn't receive any formal communication and guidelines from the National Office, only instructions from [our] immediate supervisors. This lack of communication creates a lot of confusion and among the personnel” (SDPO1).

The departments must identify barriers to communication regarding liquor strategies. Information about the implementation of the national Liquor Act 59 of 2003 should be communicated timeously to avoid misunderstandings among liquor inspectors.

Sub-theme 5: Challenges faced in enforcing liquor strategies

The Department of Trade and Industry (2016:12) announced that the implementation of liquor legislation was hampered by too many conflicting priorities; insufficient top-team monitoring systems; a top-down management style; inter-functional conflict; poor vertical communication; and inadequate management development. It was evident from the participants' responses that various challenges prevented the designated liquor inspectors from achieving the objectives of the Liquor Act.

"... in my station we receive little support from the management because they regard our section as small, rather than other sections in the station. The office currently having two members who are handling the processing of the application[s] and conducting inspection at applicant residence. There are no proper guidelines that were formulated for us as police officers" (DLO2).

The departments must adopt various interventions to address the identified gaps in the implementation, communication, and the resource allocation to achieve the purpose of the national Liquor Act. The primary role of the DTI and DoP is to analyse all laws regulating the liquor industry, minimise alcohol-related problems, implement best practices, and prevent anti-social behaviour associated with alcohol consumption. The study found that it is critical to understand the various law enforcement interventions to bridge the gap in the implementation of liquor policies. Nickols (2016:3-5) gives definitions by various authors of the concept "strategy". In his article, Nickols observes that the concept of strategy "entered the management literature as a way of referring to what one did to counter a competitor's actual or predicted moves". He argues that the private and public sectors disagree about the meaning of the concept "strategy". Nevertheless, the authors agree that the concept includes the following:

- A police intervention strategy that the top management of each police department must decide on.
- A police intervention strategy refers to basic directional decisions, that is, the purpose and mission of liquor law enforcement.
- A police intervention strategy consists of the important actions to carry out directions.

The DTI and DoP must ensure that liquor inspectors adopt strategies to enforce compliance and promote safe drinking. The evidence shows that departments must put forward effective strategies to implement liquor legislation. Pedersen (2008:20) argues that for the implementation of liquor legislation to be effective, adequate strategies and interventions should help departments allocate their resources and use their finances wisely to achieve the purpose of Provincial Liquor Acts. The findings of this study confirm that the implementation of these

liquor acts is the responsibility of various government departments, including the NLA, PLB and SAPS, integrated at national, provincial, and local level.

It is evident that the liquor acts are not needed. The DTI and DoP must simply develop a long-term liquor strategy that will guide the liquor inspectors in regulating the liquor industry. It has been mentioned in this article that the enforcement of Provincial Liquor Acts is far from perfect and requires the DTI and DoP managements' assistance to resolve the problems. A standard operating procedure (SOP) must be developed to enable police and non-police liquor inspectors to perform their operational duties. An institutional agreement should be signed by the departments responsible for the implementation of the national Liquor Act 59 of 2003. A memorandum of agreement (MoA) will improve working relationships. Proper communication channels should be developed to improve communication concerning the implementation of liquor laws. Barriers such as inconsistent training and poor communication must be addressed to avoid similar challenges in future. The article proposes that the DTI and DoP adapt the actual strategy analysis model as an intervention to resolve challenges.

Recommendation

The researchers come with the following recommendations:

- A single clear National Liquor Act should be developed in South Africa as Standard Operational Procedure (SOP) to enforce liquor compliance.
- South Africa should do away with different Provincial Liquor Acts.
- There should be regular liquor outlet (trader) inspections to avoid non-compliance.
- Strict enforcement of municipality by-laws to avoid noise and disorder caused by shebeens, taverns and night clubs in local communities.

CONCLUSION

Law enforcement agencies have become important in the enforcement of government policies. Both the literature and the participants' responses, as discussed in the five sub-themes above, have shown that police and non-police liquor inspectors enforce compliance without a strategic analysis model. This means that the DTI and DoP must adopt the recommended strategic analysis model for the enforcement of liquor compliance. As to liquor inspectors, further research is needed to formulate a standard operating procedure (SOP) to enforce liquor compliance operationally. These guidelines must be adopted as police intervention in enforcing liquor and substance abuse to address the challenges that are currently experienced in the implementation of the liquor laws.

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