**Report of the Portfolio Committee on Women, Youth and Persons with Disabilities on an Oversight visit to the Eastern Cape Province from 03 -06 July 2022, dated 6 September 2022**

The Portfolio Committee on Women, Youth and Persons with Disabilities (hereinafter referred to as the Committee) having undertaken an oversight visit to Eastern Cape Province from 03 – 06 July 2022, reports as follows:

1. **INTRODUCTION**

The oversight activities of the Committee take cue from section 55(2) of the Constitution which provides that “The National Assembly must provide for mechanism - (a) to ensure that all executive organs of the state in the national sphere of government are accountable to it; and (b) to maintain oversight of - (i) the exercise of national executive authority, including the implementation of legislation; and (ii) any organ of state”. From these provisions, it is quite clear that the Executive is obliged to account on its actions. Oversight visits, therefore, constitute a myriad of mechanisms available to the Committee for exercising its constitutional mandate as discussed above.

* 1. **Background**

The Portfolio Committee on Women, Youth and Persons with Disabilities conducted an oversight visit to the families of 21 teenagers who died on 26 June 2022 in a tavern in East London, Eastern Cape Province. Given the number of youth that have been affected by this tragedy, the Committee deemed it important that the National Youth Development Agency accompanies Members on the visit as youth is a key aspect of the Committee’s oversight mandate. To this end, the Committee engaged with the families of the 21 young people who died in the tavern in East London in Eastern Cape Province. Moreover, the Committee also engaged with the MEC for Transport and Safety Liaison, the Justice Crime Prevention and Security Cluster, the Eastern Cape Liquor Board and councillors from the Buffalo City Metropolitan Municipality. The Committee also attended the mass memorial service on Wednesday, 6 July 2022 of the 21 teenagers who died.

**1.2 Objectives of the oversight visit**

The overall aim of the oversight visit:

* To meet with the families of the bereaved teenagers.
* To engage with key stakeholders related to the tragic incident. These stakeholders would include the South Africa Police Service (SAPS), the Eastern Cape Liquor Board and the National Youth Development Agency and the Buffalo City Metropolitan Municipality.

The specific objectives for the respective meetings have been outlined below:

1. **Meeting with SAPS**
* To engage with Station Commander and Designated Police Officer (DPO) for liquor regarding the Enyobeni Tavern tragedy.
* To gain insight into the process of acquiring a liquor licence for liquor outlets and more specifically that of the Enyobeni Tavern.
* To establish what mechanisms are in place to deal with complaints by the public about taverns/shebeens.
1. **Meeting with Eastern Cape Liquor Board**
* To engage with EC Liquor Board and understand its process for issuing and rescinding liquor licences
* To establish how and why Enyobeni Tavern received its liquor licence and why it was subsequently revoked.
* To determine what programmes the Board has in place to focus on youth, alcohol abuse and prevention of under-age drinking.
1. **Mass memorial service**

To attend the mass service and represent Parliament of Republic of South Africa.

**1.3 The delegation and attendance by the Executive**

The delegation consisted of Members of the Portfolio Committee on Women, Youth and Persons with Disabilities, Members of the Provincial Legislature, Buffalo City Municipal Councillors and the National Youth Development Agency.

Members of the Portfolio Committee on Women, Youth and Persons with Disabilities

|  |  |
| --- | --- |
| **Name of Member** | **Political Party** |
| Ms CN Ndaba | African National Congress (ANC) (Chairperson and leader of the delegation) |
| Ms FN Masiko | African National Congress (ANC) |
| Ms T Masondo | African National Congress (ANC) |
| Ms A Hlongo | African National Congress (ANC) |
| Ms C Phiri | African National Congress (ANC) |
|  |  |
| Mr L Mphithi | Democratic Alliance (DA) |
| Mr S Ngcobo\* | Democratic Alliance (DA) |
|  |  |
| Ms P Sonti\* | Economic Freedom Fighter (EFF) |

The Committee was accompanied by the support staff as follows:

Ms N Nobatana, Committee Secretary

Ms K Abrahams, Content Adviser

Ms T Matthews, Researcher (Youth)

Ms N Twala, Committee Assistant

1. SUMMARY OF PROCEEDINGS OF ENGAGEMENTS WITH THE FAMILIES OF THE BEAREVED YOUTH

This section summarises the engagements that the Committee held with the families of the 21 young people who died in the tavern in Scenery Park, East London on 4 July 2022.

The Committee engaged with some of the family members of the 21 young people who died in the tragedy, conveyed messages of condolences and paid their respects to the families of the deceased. The Chairperson of the Committee also informed the families about the purpose of the visit of the Committee as outlined above.

Each Member of the Portfolio Committee, the Members of the Provincial Legislature, Local Councillors and the National Youth Development Agency were afforded an opportunity to convey a message of condolences to families.

All Members of the Committee and Members of the Provincial Legislature offered the message of condolences and indicated the following:

* Emphasis should be placed on accountability and to hold those persons responsible
* The Municipality must ensure that feedback is given back to the community on the outcome of the investigation and ensure that such a tragedy is averted in future. The Municipality must enforce by-laws with regards to operations of the tavern/shebeens in Scenery Park.
* Delegation was also concern with 1000 taverns in Buffalo City which is very high.
* There is an urgent need to focus on programmes that focus on youth so that there are sporting initiatives and not just clubbing and alcohol for youth to turn to. There is a need for societal approach not only government to fight substance abuse.
* There appeared to be a lack of social programmes and therefore the councillor has a role to play given that there’s no sporting activities in the area. It was imperative to work with different stakeholders. The Department of Social Development has a lot more to do to uplift the Scenery Park community.
* The delegation reiterated the importance of Ubuntu and that it takes a village to raise a child with the whole community and various stakeholders collaborating.
* The Office of the Premier and municipality must deal with funeral arrangements for those young people who do not reside in Scenery Park.
* The implementation of Batho Pele principles for public servants to implement services was reiterated as well.

**3. VISIT TO ENYOBENI TAVERN, EAST LONDON**

The Committee visited the Enyobeni tavern where the tragedy took place on 5 July 2022. The Committee could not enter the premises as the owner was not there and the place was locked. The Chairperson addressed the media who were outside the venue and proceeded to meeting with the Justice Crime Prevention Security Cluster on the same day.

**4. ENGAGEMENTS WITH THE JUSTICE CRIME PREVENTION AND SECURITY CLUSTER**

The Committee engaged with the Member of Executive Committee (MEC) for Transport, Safety & Liaison and also with the Justice Crime Prevention and Security Cluster on 5 July 2022. The Committee then explained the purpose of the oversight visit as follows:

* Firstly, to meet with the families of the bereaved teenagers.
* Secondly; to engage with key stakeholders related to the tragic incident. These stakeholders would include South Africa Police Service (SAPS), the Eastern Cape Liquor Board and the National Youth Development Agency.
* Finally, to receive a progress update on logistics and arrangements for the mass memorial service in light of concerns raised by family members on 4 July 2022 in Scenery Park Hall.

The Member of Executive (MEC) then introduced the Heads of Departments and Entities of the Justice Crime Prevention and Security Cluster namely:

* Department of Transport, Safety & Liaison
* Department of Cooperate Governance and Traditional Affairs
* Department of Labour
* Department of Home Affairs
* Department of Constitutional Development and Correctional Services
* Department of Basic Education
* Office of the Premier
* IPID
* NPA
* DSRAC
* PSIRA
* South African Police Services
* South African National Defence Force
* Buffalo City Metropolitan Council
* Nelson Mandela Metropolitan Council
* Eastern Cape Liquor Board

Furthermore, the MEC provided an update on the Province’s response to the tragedy and assistance provided to the bereaved families. The MEC noted the following key challenges:

* Within the community of Scenery park, there appeared to be a lack of parenting of children and youth as the average age of parents ranges were from 23 -30 years. These parents were youth themselves who do not have the time and or skills to parent their own children.
* Substance abuse by youth in the area.
* The overarching national legislation dealing with liquor licencing was still in process of being reviewed and that currently liquor laws differed per province. She was also concerned that the by-laws of the municipalities enabled changes to the closing for a liquor outlet/tavern in the municipality to from 2am to 4am in the Eastern Cape Province. To this end, she urged Parliament to examine the laws dealing with liquor at a national level and amend accordingly.

A key concern noted was not only by the number of liquor licences being as the number of liquor outlets in the municipality outnumbered the amount of schools in the area but its veracity. In addition, the growing number of unlicensed shebeens/taverns operating illegally was also noted as a concern.

* Municipalities do not have liquor outlets profiles and that Ward Councillors should approve licences for tavern or liquor outlets to operate in their areas.
* The owner of Enyobeni tavern initially submitted a plan to the Eastern Cape Liquor Board indicating that the house/tavern will have two doors and this was approved. The owner then changed the plan of the house/tavern to one door and operated on it without approval of the Eastern Cape Liquor Board.
* There are only 17 Eastern Cape Liquor Board inspectors who are trained to inspect the premises before licences to operate are approved for East London. This number was exceptionally low based on the demand and actual number of taverns in operation.
* SAPS/police officials do not have powers to close that taverns/shebeens as they are not trained as inspectors and the current legislation for the Eastern Cape does not mandate them to do that. She proposed that police officials should be trained to be inspectors and to have powers to closed taverns/shebeens that are operating illegally.
* The fronting of tavern owners/shebeens in the area.
* Most taverns/shebeens in the area are owned by South Africans but managed by foreign nationals.

The Department of Transport, Safety and Liaison, Home Affairs and South African Police Services were conducting campaigns to deal with fronting of businesses. The MEC indicated that she would be engaging with the Department of Home Affairs to strength laws on fronting of businesses.

Furthermore, the MEC indicated that investigation into the cause of death of the 21 youth that died was under way and that SAPs was still waiting for the results from the forensic laboratory. With respect to the memorial service arrangements for the 18 young people who fall within the Buffalo City Municipality (BCM) it was coordinated by the Inter-Ministerial Committee established by the Premier of the Province. The Committee was informed that the other 3 young people would be buried outside BCM and that these families would also be assisted with the transport of the bodies of their young ones.

In terms of preparation for the mass memorial service, the MEC indicated that the following departments had made the following donations:

* SABS – contributed R5000 per household
* Eastern Cape Liquor Board – contributed R2000 per household
* AVBOB – contributed coffins to each family members
* Buffalo City Municipalities – contributed graveyard
* Office of the Premier and the Department of Basic Education – contributed towards catering for 3000 people
* Department of Transport- contribute to transport families to bury their children who are residing outside Buffalo City Municipality in their respective areas.

**4**.  **ENGAGEMENTS WITH THE JUSTICE CRIME PREVENTION AND SECURITY CLUSTER**

**4.1 Presentation by the South African Police Services (SAPS)**

The presenter indicated that 21 persons died on account of what transpired at Enyobeni tavern, Scenery Park at 02:15 on 25 June 2022 all of which was captured on the tavern’s CCTV cameras. The footage was recorded on two Digital Video Recorders, for the ground floor and one for the top floor. Based on the time and date stamps on the recorded footage, it appeared the first person passed away approximately 02:15 AM on Sunday. Subsequently people (patrons) can be seen bringing persons from the ground floor to the top floor. The persons appeared to be incapacitated and were probably already deceased by then. Some people were shaking and slapping these incapacitated / dead persons in apparent attempt to revive them, but in vain. It would appear that the tavern was clearly overcrowded.

The presenter also indicated that an ambulance arrived at the crime scene at approximately 04:15, about two hours had elapsed since the first person collapsed. An Inquest Docket vide Scenery Park CAS 121/06/2020 was opened since the cause of death was unknown. An Investigation Team was appointed to investigate this case and is guided by District Commander of BCM Detectives, Brigadier Mqotyana. The crime scene was processed by Provincial and National Forensic experts. The post mortems on all the victims were finalised on that same day and biological samples were sent and delivered to the forensic laboratory for toxicological analysis. A request for the determination of the alcohol content was also requested.

The presenter indicated that the briefing from one of the pathologists indicated that the stomach contents indicated the victims ate different foods so the food consumed was not a common factor and the pathologist did not want to be drawn into a specific cause of death, but he was of the opinion that a stampede as a cause could be ruled out as the trauma sustained by the victims did not support such a conclusion. The pathologist stated that the victims only had superficial injuries to their faces and heads, most likely because they fell on their faces and heads when they passed out. The abrasions noted could also have been as a result of the slapping and shaking attempts to revive the deceased. According to the presenter, the pathologist indicated that there were signs that the victims suffered asphyxiation as some had foam coming from their mouths and noses. Some of the deceased had signs of petechial haemorrhage. Nevertheless, the Committee was cautioned that they should wait for the toxicology report.

The presenter also indicated the following cases were also registered in relation to the Enyobeni Tavern:

* Scenery Park CAS 129/06/2022 where Liquor Board opened a case for the Contravention of the Eastern Liquor Board Act against the registered owner for selling liquor to underage persons
* The tavern owner was also issued with a fine for operating outside of their operating times.

The Private Security Industry Regulatory Authority (PSIRA) opened the following cases:

* Scenery Park CAS 140/06/2022 against the registered owner for the Deployment of Security (bouncers) not registered with PSIRA
* Scenery Park CAS 139/06/2022, CAS 141/06/2022 and CAS 142/06/2022 against the Bouncers for rendering security services without being registered under PSIRA.

Furthermore, the presenter indicated that there were allegations that the bounces sprayed pepper spray into the patrons, but the bouncers denied having done so and indicated they sprayed water. The Investigative Officer suggested that the vessel from which the water was sprayed must be produced to confirm their story. A search warrant was obtained and pepper spray was found and confiscated at one of the homes of the bouncers.

The presenter indicated that the victims were identified by their families and that the youngest victims were between 13 and 14 years. The Inquest docket, the forensic reports, report of the fire department the report of the SA Bureau of Standards (in terms of the generator used carbon monoxide emission were all still outstanding. The case dockets with the additional charges had been perused by a panel of three prosecutors and returned on 2022/07/04 with issues that needed to be dealt by SAPS.

**4.2 Presentation by the Eastern Cape Liquor Board**

The Chief Executive Officer (CEO) presented on behalf of the Eastern Cape Liquor Board (ECLB). The presentation covered the following:

* Introduction
* License application process
* Application process: Enyobeni tavern
* On & Off trading conditions
* Application of Section 55 notice
* Liquor By-laws
* Number of licenses in Buffalo City Metropolitan Municipality

The CEO indicated that the Eastern Cape Liquor Board’s (ECLB) processes to issue a liquor licence are set out in the Eastern Cape Liquor Act 10 of 2003 and associated Regulations (Act). The ECLB is considered a “creature of statute” and is required to act within the confines of its enabling legislation. The processes inherent in a new liquor licence application are set out in section 22 of the Act. Furthermore, the CEO outlined the process of licence application and the application process of Enyobeni Tavern and the on & off trading conditions.

According to the CEO, the applicant (Enyobeni tavern owner) lodged an application with the ECLB on the 2nd of December 2011 to trade in the retail sale of liquor for “on and off consumption” (tavern) under the trading name of Enyobeni situated at 37300 Phase 1, Scenery Park, East London. On the 12th of December 2011, in accordance with Regulation 4 of the Act, the ECLB gazetted the notice of the application to the public. The notice included the category of registration applied for and the address of the proposed outlet in the Eastern Cape Provincial Gazette. The CEO noted that this public advertisement is twofold, firstly to inform the public including government entities of the pending application and secondly to solicit any objections to the liquor licence application. She indicated that no objections were received from the community.

The CEO also indicated that the Eastern Cape Liquor Act requires the applicant to serve a form 2 notice to the Ward Committee of the Ward in which the proposed outlet is intended to operate. Section 22 (2) (d) (i) of the Act mandates the Ward Committee to:

*(d) proof of service of the notice contemplated in the prescribed manner on the-*

 *(i) ward committee which must on receipt of the notice consult the community of the area where the premises are situated and simultaneously submit a report to the board and the relevant municipal council; and*

To this end, the form 2 notice was received by the then Ward Councillor, the Chairperson of the Ward Committee and Receipt of the Form 2 Notice legally mandates the Ward Committee to convene a community consultation and to submit a report to the ECLB and the relevant Municipal Council. The CEO indicated that there was a submission of two community consultation reports to the ECLB, one from the then Ward Councillor and one from the then Ward Committee confirming that the community was consulted and there were no objections hence the application was supported.

With respect to the community consultations, the CEO indicated that this mechanism was also designed to ensure that the Local Authority is notified about the liquor licence application. The CEO emphasized that the aspect of zoning, land use and approved building plans was not raised as an objection in the aforementioned reports. The ECLB conducted pre-registration inspection to verify the authenticity of the information provided to the Board and a report in this regard was submitted for Board consideration and the license was approved with trading conditions.

The CEO also indicated that the Act confines the ECLB to issue a liquor licence when all the legislative requirements as detailed in section 22 of the Act are met. There is no expressed requirement for proof of zoning, land use or building plans to be submitted by the Applicant to the ECLB. Hence, the legislative mechanisms of gazetting the public notice and the legislative duty placed on the Ward Committee is designed to allow the relevant persons and local authority to lodge its objections with the ECLB. The CEO noted that there were no objections received from the Local Municipal Authority, community members or any other person. In the absence of any objections and having met all the requirements of the Act, the license was granted.

The CEO indicated that after a license is granted, it is followed up by the post-registration inspections. The purpose of these inspections is to check if the trader is still in compliance with the trading terms and condition. The post registration inspections were conducted throughout the period and the last was conducted in 2020. SAPS conducted the inspection on the outlet in 2021 and provided ECLB with the report.

The CEO also explained the application of Section 55 Notice and indicated that the ECLB holds minimal legislative avenues to cancel or suspend a liquor licence. One such provision is section 55 which reads: -

***“Closing******of******registered******and******other******premises.****-(1) An inspector or the chairperson of the board may, if he or she is of the opinion that a public disturbance, disorder, riot or public violence is occurring or threatening at or near any registered premises or any premises on or place in which liquor may be sold without a registration, in such manner as may appear to him or her in the circumstances of the case to be the most effective, order the registered person or the person concerned, as the case may be, or the manager or agent of the person, to close the premises or place concerned during the times or for the periods that the inspector or member may deem fit.”*

To this end, the CEO indicated that the duration of the suspension remains at the discretion of the ECLB. She also indicated that the ECLB is pursuing the route to cancel the licence by means of Sections 28 and 29 of the Act. Furthermore, the ECLB had laid criminal charges against the Registrant in terms of Section 38 read with Section 61 of the EC Liquor Act.

In addition, the CEO also explained the liquor By-laws and indicated that he Buffalo City Metro Municipality (BCCM) holds a liquor trading hours’ by-laws as published in December 2013. Thus Section 42 of Eastern Cape Liquor Act mandates the Board to comply with the by-laws of the municipality concerned where the outlet is located. In the case of BCMM, there are by-laws as stated above but the ECLB had concerns in respect of the departure applications which are specified in schedule 1 of the BCMM by-laws. These departure applications extend trading hours beyond the time set in the by-laws. In the case of BCMM, there are 102 such applications.

In conclusion, the CEO indicated that the number of licenses approved in the BCMM were as follows:

* BCMM active outlets is 1 120
* Scenery Park outlets is 20 as follows:

- 19 is on and off consumption

- 1 is off consumption.

**4.3 Provincial Department of Social Development**

The Head of Department (HOD) indicated that the Department through its district office became involved soon after the news of the tragedy emerged. According to the HOD, Social Workers visited families individually and in groups. He also indicated that the Department developed a plan in response to the tragedy of what had to be done to deal with the issue such as the development of Drug Master Plan to deal with substance abuse by young people. The Department also conducted an assessment of the families and identified that families required psycho-social support and social relief of stress needs all of which would be provided by the Department. The Department committed that it would coordinate activities of the Drug Master Plan after the funeral of 21 youth. In addition, the HOD also indicated that the Department allocated R8 million for 8 Districts towards social distress relief. Procurement processes were underway after the court case on social relief had clarified the matter

**4.4 Provincial Department of Basic Education**

The Head of Department (HOD) indicated that the Department assigned district officials to ascertain whether the youth involved were scholars even though the tragedy happened outside school premises. The Department contributed towards catering for 1000 people for the mass memorial service with the support received from donors. Furthermore, the Department emphasized the importance of focusing on the causal factors that led to the tragedy and the family as a nuclear unit. To this end, the Department reiterated that more should be done to restoring the family culture in order to deal with societal issues. In addition, the HOD emphasized the need to have profiles of various household and ensure children are receiving suitable education without detaching them from their families e.g. by ensuring that children stay in hostels during school terms The Department also committed to looking into implementing winter schools that will focus beyond Grade 12 learners.

**4.5 Department of Transport, Community Safety & Liaison**

The Head of Department (HOD) indicated that the Department developed the Provincial Safety Strategy which took into account existing strategies, policies imperatives and the State of the Provincial Address**.** The Strategy has 6 pillars as follows:

* **Pillar 1: An Effective Criminal Justice System:** To eensure an efficient, responsive and professional criminal justice sector that improve public confidence in the Criminal Justice System as it is a necessary and important step in preventing crime and increasing levels of safety.
* **Pillar 2:** **Early** Intervention Programmes to Prevent Crime and Violence and Promote Safety: Comprehensive and Integrated Delivery of Early Interventions Programmes to Prevent Crime and Violence.
* **Pillar 3**: Victim support: Provide comprehensive integrated services to victims of crime and violence and redress of barriers faced by vulnerable groups through active participation by communities in victim support interventions
* **Pillar 4**: Effective and integrated service delivery for community and the prevention of crime and violence (Provincial Government Service Delivery Improvement Plans): Access to Comprehensive Crime and Violence Prevention and Safety and Security Services
* **Pillar 5**: Safety Through Environmental Design: Integrates Crime Prevention through Environmental Design approaches and methodologies
* **Pillar 6**: Active Public and Community Participation: Sustainable Forums for Co-ordinated and Collaborative Action on Community Safety

**5. Observations**

Having engaged with the families of the bereaved, the MEC for Transport, Safety & Liaison and the Justice, Crime Prevention and Security Cluster, the Committee made the following observations:

**5.1 General Observations**

* The Committee remained resolute that the Enyobeni tragedy should be avoided in future from ever having to reoccur.
* The Committee was concerned that there was insufficient enforcement of by-laws in relation to tavern operations.
* The Committee noted with concern a media report that indicated there were over a 1000 licenced taverns in Buffalo City which is very high with only 17 liquor inspectors.
* The Committee indicated that there was an urgent need for programmes that focus on youth so that there are sporting and other recreational initiatives to divert from merely clubbing and alcohol consumption.
* The Committee noted that Scenery Park appeared to be an impoverished community with high unemployment. To this end, the Committee was concerned that there appeared to be a lack of social programmes being implemented by the Buffalo City Municipality (BCM). Therefor the local Councillor had a crucial role to play in this regard given that there appeared to be no sporting activities.
* The Committee reiterated the importance of intersectoral collaboration with various stakeholders’ key of which was the Department of Social Development.
* The Committee reiterated the importance of Ubuntu and that its takes a village to raise a child and as such the whole community plays an integral part in the stakeholder collaboration.
* Having engaged with the some of the family members of the deceased, the Committee indicated that the Office of the Premier (OTP) and municipality should deal with funeral arrangements of those children that died who do not reside in Scenery Park. The Committee emphasized the importance of ensuring that all families were treated equally.
* The Committee reiterated the importance of implementing Batho Pele principles for public servants to implement services having heard from family members how they were treated and felt that it was a disservice.
* The Committee maintained that there is a need for societal approach to fight substance abuse and not only Government.

**5.2 ENGAGEMENTS WITH THE JUSTICE CRIME PREVENTION AND SECURITY CLUSTER**

* The Committee enquired whether the delegation from the Buffalo City Municipality was part of the meeting of 5 July 2022.
* The Committee noted that only 18 families will be assisted with funeral arrangements and enquired as to who will assist the other 3 family members with funeral arrangements.
* The Committee also noted with disappointment the conduct of the Deputy Mayor of the Buffalo City Municipality in the meeting that was held between the Committee and families of the bereaved. The Committee was also concerned about the behaviour of local councillors in the meeting with the families. The Committee was concerned that the Deputy Mayor questioned the presence of the Portfolio Committee on Women, Youth and Persons with Disabilities at the meeting.
* The Committee was also concerned that there was lack of coordination and proper communication with members of the families regarding the funeral arrangements undertaken by the municipality.
* The Committee was concerned that there was no proper coordination in terms of providing letters from police stations on the cause of death of the deceased.

**5.3 South African Police Services (SAPS)**

* The Committee welcomed the report of the SAPS.
* The Committee queried what the precise time was of the 1st call that was recorded and questioned at what time the police eventually arrived at the crime scene. The Committee was concerned that the response time was inadequate and too slow.
* The Committee asked how many bouncers were on site when the police arrived at the tavern on the night of the tragedy.
* The Committee queried whether there is a ratio of bouncers that must be on site and whether the police investigated such issues.
* The Committee questioned who investigates crowd control in taverns and whether there is a role played by the Community Police Forums in the tragedy.
* The Committee asked what is the regulation in terms of checking the age of young people drinking in taverns as the concern was that the majority of patrons were under-age and that this was not policed.
* The Committee enquired whether SAPS was ware of community complaint/reports with regards to Enyobeni taverns and why were these complains were not submitted to the ECLB. The Committee noted with concern that community members had raised numerous concerns about the tavern with the local police station but that these were not addressed.
* The Committee questioned whether there is a designated police official to deal with taverns in service police stations and in Scenery Park specifically.
* The Committee noted that the families of the bereaved indicated that the police took too long to intervene in the Enyobeni tragedy and sought clarity in this regard.
* The Committee noted with concern that have visited the Enyobeni tavern earlier that day, the neighbourhood was deserted which was unusual. This brought into question whether the community was being intimidated.

**5.4 Eastern Cape Liquor Board (ECLB)**

* The Committee welcomed the report of the ECLB.
* The Committee was concerned about the community consultation process and questioned how the ECLB verified processes to check whether the community agreed to the establishment of a liquor outlet/tavern.
* The Committee asked what the report conducted in 2021 by SAPS entailed.
* The Committee questioned whether there was any form of training provided for managers at tavern/liquor outlet to manage the taverns. The concern was the person applying for the liquor license would not always be managing it.
* The Committee asked what links have been established between the ECLB and the BCMM to deal with taverns given the concern noted about the Enyobeni’s physical structure.
* The Committee was concern that the tavern has only one door and that it is located on a small erf which brought into question the legality of the physical structure that was erected.
* The Committee was also concerned that there is also a one-way road leading to the premises/tavern and enquired whether the ECLB checked the premises before approving the license to operate.
* The Committee queried how the Board monitors activities and conditions of the tavern/liquor outlets.
* The Committee was concerned that the Board approved the license for Enyobeni tavern without inspecting the premises and questioned whether all processes were followed to acquire the license.
* The Committee was also concerned that the Board relied on a Ward Councilor to receive the information from the community without having verified the information. As such, the Committee questioned how the Board reached its decision if they relied on other persons to provide information without adequate verification.
* The Committee questioned how frequently the inspectors ensured what was submitted in the application was a true reflection of what has been submitted to the Board and whether the tavern/liquor outlet complied with the requirements to establish the tavern.
* The Committee was concerned about the excessive number of liquor outlets/taverns operating in Scenery Park.
* The Committee noted that the Board has only 17 inspectors across the Province and enquired whether there were any plans to employ more inspectors to conduct more stringent inspections given that there were 1120 liquor outlets in the area.
* The Committee questioned whether the Board conducted its own inspection when considering and approving renewal of license for the tavern.
* The Committee questioned whether the tavern/liquor outlets were selling legitimate liquor to consumers/customers.
* The Committee enquired about the cost of the fine issued to the tavern owner by ECLB.

**5.5 Provincial Department of Social Development**

* The Committee noted an article in a newspaper indicating that the Provincial Department of Social Department returned money to National Treasury which was allocated to 121 families for food parcels and requested more information on the matter.
* The Committee noted with concern that the families in fact did not receive any counselling or psycho-social support and this was only to be provided after the funerals.
* The Committee noted with concern that the psycho-social support should not only be limited to the families of the deceased but to all the patrons who attended Enyobeni the night of the tragedy.

**5.6 Provincial Department of Basic Education**

* The Committee asked what plans does the Department had to assist survivors of the tragedy as the role of education was key.
* The Committee also questioned what the plans of the Department to develop sports & recreation for learners as this appeared to be lacking in the area which was concerning.

**6. CONCLUSION**

The Chairperson thanked the MEC for Transport, Safety & Liaison for engaging with the Committee and for assisting in coordination and organising the Committee’s visit to Enyobeni tavern as well as the engagement with the Justice, Crime Prevention and Security Cluster. The Chairperson also thanked all stakeholders who attended the meeting with the Committee to achieve the objectives of the visit.

**7. RECOMMENDATIONS**

Having engaged with the families of the bereaved, the MEC for Transport, Safety & Liaison and the Justice, Crime Prevention and Security Cluster, councilors from the BCMM, the Committee made the following recommendations:

**7.1 General recommendations**

* The Committee would write to the Premier and the MEC for COGTA in the Eastern Cape province to raise concerns experienced regarding the conduct and behavior of the Deputy Mayor and the Councilors during the meeting with the families of the deceased.
* The Committee would hold a joint meeting with the Portfolio Committee on Trade & Industry and Competition to engage on progress with regards to the Liquor Amendment Bill with regard to the change to the minimum legal age for drinking.
* The Eastern Cape Government should support the initiative by the Department of Social Development to build the family culture by providing financial and human resources for this initiative.
* The Provincial Department of Social Development and Provincial Basic Education should respond in writing to the Committee to the questions/comments that were not responded to.
* The Committee would send in writing questions to other departments and stakeholders especially to those departments dealing with youth issues.

**7.2 Engagements with the Justice Crime Prevention and Security Cluster**

* The MEC should assist with the families who would bury their children outside Buffalo City Municipalities.

**7.2.1 Provincial Department of Basic Education**

* The Department should include activities in their curriculum during school holidays for youth.
* The Department should work with other Departments such as the Department of Social Development to develop recreational activities for children during school holidays.
* The Department should ensure that sports facilities for children are established in schools.

**7.2.2 South African Police Services**

* The role of SAPS in responding to contraventions of the Eastern Cape Liquor License Act must be reassessed.
* SAPS must respond in writing to concerns raised about the slow response to complaints by the community regarding the Enyobeni tavern on the night of the tragedy.

**7.2.3 Eastern Cape Liquor Board (ECLB)**

* The ECLB should develop a monitoring tool to assess the reliability and effectiveness of community consultations undertaken in the liquor application process.
* The ECLB should implement stringent processes to ensure adequate community consultations take place during the liquor application process.
* The ECLB should submit inspections report conducted for Enyobeni tavern to the Committee.
* The ECLB should also send/forward the amended Eastern Cape Liquor Act to assist the Committee to engage with the Department of Trade, Industry and Competition.
* The ECLB should review its process for approving licenses to taverns.

**7.2.4 Department of Social Development**

* Psycho-social support should be provided to the families of the deceased and all youth affected by the Enyobeni tragedy.

**Report to be considered.**