

**COMMISSION OF INQUIRY INTO ALLEGATIONS OF POLICE
INEFFICIENCY IN KHAYELITSHA AND A BREAKDOWN IN
RELATIONS BETWEEN THE COMMUNITY AND THE POLICE IN
KHAYELITSHA**

FILING SHEET

Documents presented for filing: Statement of Richard Gavin Bosman.

DATED AT CAPE TOWN this 5th DAY of DECEMBER 2013

FAIRBRIDGES ATTORNEYS

Attorneys for City of Cape Town

Per:


Deirdre Olivier

16th Floor, Main Tower
Standard Bank Centre
Heerengracht
CAPE TOWN

(Ref: DO/aa/CIT14/0316)

To: **The Honourable Members of the Commission of Inquiry
c/o Adv Nazreen Bawa
6th Floor Keerom Street Chambers
Keerom Street
CAPE TOWN**

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STATEMENT

I, the undersigned

RICHARD GAVIN BOSMAN

do hereby state under oath that:

1. I am the Executive Director in the Directorate of Safety and Security of the City of Cape Town ("*the City*"). This Directorate is made up of the following Departments: Traffic, Law enforcement, Metro Police, Fire and Rescue, Disaster Management and the 107 Call Centre.
2. I am duly authorized by the City to depose to this affidavit on its behalf.
3. Some of the information set out in this affidavit I obtained either from documentation which falls under the City's control or from officials within my and other directorates of the City who deal with aspects outside of my




Directorate's mandate. Where I rely on information provided to me by others I truly believe such information to be true and correct.

4. I have been briefed by the evidence leaders of the Commission of Inquiry into allegations of police inefficiency in Khayelitsha, and of the breakdown in relations between the community and the police in Khayelitsha (*"the Commission"*) as to the Commission's mandate. I am aware of and understand the following facts in connection with the Commission:
 - 4.1. any statement I give on behalf of the City will form part of the evidence considered by the Commission;
 - 4.2. all evidence will be made available to the general public and all interested parties to the Commission;
 - 4.3. I may be called upon to give oral evidence before the Commission at a public hearing. In such event I may be cross examined, and the questions to be asked in cross-examination will be provided to the Commission beforehand and to the extent that any evidence contained in this affidavit is based on information from others, it may be necessary for those persons to give evidence on those issues;
 - 4.4. should I implicate any person in this affidavit, such information will be furnished to the person implicated for his/her response; and



- 4.5. the Commission has no enforcement powers. It is not going to solve any crimes or determine whether a crime has been committed.
5. Before turning to my personal history, the City's attitude and stance to policing in Khayelitsha and the Commission in general needs to be mentioned. In the High Court and Constitutional Court, in matters involving the Commission, the City filed affidavits, and written submissions. The *gravamen* is that the City will assist the Commission, if at all possible, in its work, and also that it will work as closely as possible with the South African Police Service ("SAPS") in an attempt to provide safety and security to the residents of Khayelitsha.
6. It should also be mentioned that the City has previously provided the Commission with responses to various requests for information. This statement consists of further and updated material in response to the Commission's requests for same. To the extent that the Commission intends to request further information, the City reiterates its position that, within the Commission's terms of reference, it will assist where it can.
7. I have been employed in local government and in the City in various capacities since 1985.
- 7.1. I was employed initially as a beach constable and was promoted through several ranks to the level of sergeant. I completed a B.Juris degree in 1995. In the period 1996 to 1997 I was



employed in the City's legal department engaged in municipal prosecutions. I was also responsible for overseeing the police peace officer training within the City.

7.2. In August 1997 I was appointed as the Director of Protection Services to the then South Peninsula Municipality which position I held until February 2002. I then left the City's employ. I was employed at Overstrand Municipality as the Director: Corporate Services from 1 March 2002 until November 2005, whereafter I was re-employed by the City.

7.3. I then took up employment in the provincial Department of Local Government and Housing as Deputy Director: Policy and Legislation until March 2007.

7.4. I moved to Stellenbosch Municipality in the capacity as Director: Community Safety from 1 April 2007 until 30 June 2008, whereafter I re-joined the City. I was employed by the City from 1 July 2008 as Chief of Law Enforcement Services.

7.5. I was appointed as the Executive Director in the Directorate of Safety and Security for the City as of 1 April 2009 and have since occupied this position.

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8. I have extensive knowledge of the various departments in the City. The Commission has enquired about a number of issues relating to Khayelitsha:

- 8.1. the layout and upkeep of public open spaces;
- 8.2. the provision and accessibility of municipal services in particular water, lighting, electricity, taps and toilets;
- 8.3. the layout of informal settlements with particular reference to the availability, accessibility and upkeep of roads to enable SAPS to gain access to crime scenes in informal settlements in Khayelitsha;
- 8.4. the numbering of houses,
- 8.5. the maintenance of signage on streets and lanes; and
- 8.6. the provision and maintenance of closed circuit televisions (CCTV) in Khayelitsha.

9. I will try to deal with these issues in as much detail as I can below. In the event that specific questions or interrogatories are raised it may well become necessary that persons employed in the specific directorate dealing directly with those issues respond to such questions.


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DEVELOPMENT OF KHAYELITSHA

10. There are more people living in Khayelitsha that can realistically be accommodated in formal settlements over the same acreage according to the Directorate of Human Settlements. The design of Khayelitsha was never intended to cater for the number of residents that currently exist.
11. The evidence leaders sent the City an e-mail at 9.14 p.m. on 27 November 2013 requesting eight items of information regarding issues surrounding, *inter alia*, the geography and future development of Khayelitsha. In the time provided by the Commission there has not been nearly enough time to respond to the request, properly or at all. The City intends to consider the request and file, if appropriate, a proper response in the next month. It should be noted that the request came in after the Commission had set 4 December 2013 as the deadline.

THE CITY'S POLICE SERVICE

12. The Commission has made it clear that the City's Metro Police service is not being investigated by the Commission. The information being provided is so that the role and powers of the City's Metro Police service are clearly understood, especially when such is compared with the role and powers of SAPS.

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13. Section 206(7) of the Constitution, 1996 (*"the Constitution"*) provides that *"National legislation must provide for a framework for the establishment, powers, function and control of a municipal police service"*.
14. On 28 October 1998, the President assented to an amendment to the South African Police Service Act 68 of 1995 (*"SAPS Act"*) in order to provide a framework for the establishment, functions and control of a Municipal Police Service, and to provide for matters connected thereto.
15. Chapter 12 of the SAPS Act provides the foundation for the establishment of municipal and metropolitan police services. The function of the municipal and metropolitan police is traffic policing, the policing of municipal by laws and regulations and the **prevention of crime**.
16. Given the importance of the rights' involved concerned, a municipal police service as contemplated in Chapter 12 of the SAPS Act No 68 of 1995 was established in 2001 for Cape Town. See *South African Municipal Workers Union v City of Cape Town* 2004 (1) SA 548 (SCA), and Western Cape Provincial Gazette number 5786, dated 2 November 2001, Provincial Notice 347/2001.
17. A municipal police force was not new to South Africa. The Durban City Police was created in 1854 to police the City of Durban. The Durban City Police was headed by a Chief Constable and was modelled on British

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police force.¹ Also in the 1980's, municipal police forces were established in some cities deployed in the townships as guards and 'policemen'. The control of these institutions fell under the command of the then South African Police.

18. The origins of the current municipal police can be traced back to the traffic departments established at local government level in the 1930's and the unique 159 year old Durban City Police.²
19. Full submissions will be made by the City at a later stage concerning the legal framework of the Metro Police. For present purposes, the City explains briefly.
20. In terms of Section 64A(1) of the SAPS Act any municipality may, in the prescribed manner, apply to the member of the Executive Council for the establishment of a municipal police service for its area of jurisdiction.
21. Section 64A(2) states that the member of the Executive Council may, subject to subsection (3) and such conditions as he or she may determine, approve an application for the establishment of a municipal police service if the prescribed requirements are complied with, the municipality has the resources at its disposal to provide for a municipal police service which complies with national standards on a 24- hour basis; traffic policing services by the municipality will not be prejudicially

¹ Municipal Policing in South Africa: Development and Challenges, www.iss.co.za/pubs/Monographs/No67/Chap1.htm1#Anchor-The-61661.



affected by the establishment of a municipal police service and proper provision has been made by the municipality to ensure civilian supervision of the municipal police service.

22. The municipal police service is thus accountable to the community it serves. It is directly accountable to the Council of the City and there is community oversight. There is also a civilian oversight committee established in terms of the SAPS Act.

23. Section 64A(5) states that the establishment of a municipal police service shall not derogate from the functions of SAPS or the powers and duties of a member in terms of any law.

24. In terms of Section 64D I, being the executive director of the department of safety and security in the City and the person to whom the police chief must report. The Metro Police chief shall:

24.1. be responsible for maintaining an impartial, accountable, transparent and efficient municipal police service;

24.2. subject to the applicable laws, be responsible for the recruitment, appointment, promotion and transfer of members of the municipal police service;

² Janine Rauch, Mark Shaw & Antoinette Louw, Municipal Policing in South Africa: Development and Challenges, Institute for Security Studies.



- 24.3. ensure that traffic policing services by the municipality are not prejudicially affected by the establishment of the municipal police service;
- 24.4. be responsible for the discipline of the municipal police service;
- 24.5. either personally or through a member or members of the municipal police service designated by him or her for that purpose, represent the municipal police service on every local policing coordinating committee established in terms of section 64K within the area of jurisdiction of the municipality;
- 24.6. either personally or through a member or members of the municipal police service designated by him or her for that purpose, represent the municipal police service on every community police forum or subforum established in terms of section 19 within the area of jurisdiction of the municipality;
- 24.7. before the end of each financial year, develop a plan which sets out the priorities and objectives of the municipal police service for the following financial year: Provided that such plan in so far as it relates to the prevention of crime, shall be developed in co-operation with the Service; and
- 24.8. perform such duties as may from time to time be imposed upon him or her by the chief executive officer of the municipality.

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25. My duties further involve running the municipal police service with the directives of the Chief Executive Officer, and the SAPS Amendment Act (No. 83 of 1998) and its standards as set by the Commissioner and to develop an annual police **plan** in consultation with the SAPS, and other affected parties.
26. As provided for in Section 64E the functions of a municipal police service include:
- 26.1. traffic policing, subject to any legislation relating to road traffic;
 - 26.2. the policing of municipal by- laws and regulations which are the responsibility of the municipality in question; and
 - 26.3. the prevention of crime in terms of the powers vested in Metro Police by the SAPS Act and include the powers conferred upon a peace officer **The provisions applicable to the municipal service provide a wide variety of functions that the municipal police member may exercise to prevent crime.** However, Metro Police do NOT investigate crime or deal with the reporting of crimes. Annexure 6 of the SAPS Act sets out the legislative provisions applicable to the metro police.
27. A municipal police officer may exercise the powers conferred upon him or her as a peace officer by law within the area of jurisdiction of the municipality he or she is working for.

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28. The member may exercise his or her power outside the jurisdiction if it is done in pursuit of a person whom the member reasonably suspects of having committed an offence, and if the pursuit commenced within the area of jurisdiction of the municipality, or in terms of an agreement between the municipal council and another municipal council in terms of section 10C (7) of the Local Government Transition Act 1993, No 209 of 1993.
29. Section 64H governs the procedure after an arrest is made by a member of the municipal police service.
30. A person arrested with or without warrant by a member of a municipal police service shall as soon as possible be brought to a police station under the control of SAPS or, in the case of an arrest by warrant, to any other place which is expressly mentioned in the warrant, to be dealt with in terms of section 50 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
31. A person arrested by the municipal police service shall be delivered to a police station under the control of the SAPS. I point out that that from that moment the person falls under the control of SAPS. The Metro Police exercise no further jurisdiction over such arrested person.
32. The Metro Police office is not a charge office and people attempt to report crimes there are referred to SAPS.

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33. The Metro Police do not investigate crimes and do not issue SAPS numbers or open dockets. Very few complaints are made of crimes to the Metro Police office.
34. Section 64K provides that the Provincial Commissioner shall establish at least one committee to co- ordinate policing in the Province and the municipal police service must be represented on the committee established.
35. To this end there is a City representative on the operational intelligence committee attends those meetings on a monthly basis. He or she has regular interaction with the office of the Provincial Commissioner via the Deputy Commissioner: Operations.
36. The required qualifications for a municipal police service member are set out in the relevant regulations.
37. The City's Metro Police are properly trained enforcement officers who work closely with the various City Improvement Districts (CIDs) as well as the South African Police Service (SAPS), the Provincial and City Traffic and Law Enforcement departments to prevent crime and combat lawlessness, disorder and anti-social behavior.
38. The City's aim is to make Cape Town as safe as possible so as, *inter alia*, to boost economic development. The City does this by:

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- 38.1. organising targeted foot and vehicle patrols;
- 38.2. participating in targeted joint operations with SAPS (e.g. search and seizures) and other law enforcement agencies in high risk areas;
- 38.3. maintaining high levels of visibility in crime and disorder 'hot spots' (where there are muggings, drugs, prostitutes. These areas include environments around bottle stores and shebeens);
- 38.4. stamping out drug abuse. The City's officers conduct regular "stop & searches" of suspected "clients" and "dealers" and joint operations targeting known and/or suspected drug houses and routes leading to them;
- 38.5. the City also enforces the City's bylaws – including those regulating public drinking and drunkenness, riotous behaviour, urinating in public, gambling, excessive noise, graffiti, drunken driving and abusive language – but the bulk of this work falls under Law Enforcement;
- 38.6. the department uses sophisticated technology; including CCTV footage and portable finger print scanners, as well as a real time in-house computer system, which integrates with Emergency Medical Services, Provincial Traffic, the Road Traffic

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Management Corporation (RTMC) and 107 Emergency calls. It enables officers to profile offenders, and monitor statistics.

38.7. the City also supports the RTMC, which is responsible for co-ordinating national, provincial and local government planning, regulation, facilitation and law enforcement in respect of road traffic matters.

39. There are a number of units that operate:

40. The canine unit - police dogs assist in the search for suspects, locate objects that are dropped or concealed during criminal incidents, follow tracks and chase criminals. The dog handlers are highly trained. Each one has extensive training in fitness, firearm skills, and special weapons and techniques. They use their police dog partners to help disarm violent armed suspects where necessary, and in appropriate cases to sniff out narcotics. At present the canine units consists of 20 dogs

41. The Equestrian unit- like many other metros in the world, the City's Metro Police uses horses to patrol the CBD, Cape Town's suburbs, open fields, beaches and parks. The equestrian unit polices crowds such as those found at sporting events and provides a presence at the opening of parliament when required. It also performs displays at schools and other events. The unit's primary focus however, is on arresting suspects and recovering stolen goods, and it has achieved numerous successes in both these areas. The unit is based in Green Point, where four horses

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are permanently stabled at a facility that is capable of housing eight horses.

42. The gang task team A group of Metro Police officers have been handpicked to form the gang task team unit, which solely focuses on combating drug dealing and gangsterism on the Cape Flats. The gang task team started with its operations on 1 December 2011. By forming a focused and dedicated task team for what is an endemic problem in the City, it assists that intelligence could be gathered that would lead to the apprehension of known gang leaders in communities.
43. The tactical response unit. This unit is trained, equipped and armed to deal with most situations they may encounter while about their routine duties. But when the unexpected erupts, or when the planning of an operation indicates the need, Metro's Polices Tactical Response Unit (TRU) is called on to provide support. The Tactical Response Unit is a specialised team that responds to violent crime and focusses on so-called 'red zones' and crime hot spots. By reason of their protective equipment, heavier armament and specialised training, the TRU provides a back-up to their colleagues engaged in work in a potentially volatile environments. The TRU carries the same authority as any other metro police officers but their focus is on emergency situations – in progress or anticipated. They also perform specialised functions at major events such as the opening of parliament and large events such as those hosted at the Cape Town Stadium.



44. The Metro Police introduced a Video Camera Unit late in 2011. This two man team operates throughout Cape Town at hot spots where traffic transgressions are more liable to be committed or where there are too many errant motorists to pull off at the same time. The unit films transgressions at such intersections as it is often too dangerous to pull off motorists, and also aims to catch those who only obey the traffic laws when a policeman is visible. Video footage enables the department to record the offence, vehicle (make, colour, registration number), date and time so as to identify the driver.

CCTV Cameras, Khayelitsha cameras

45. There are 16 cameras spread out throughout Khayelitsha.
- 45.1. They were put in locations which were at that stage identified by SAPS as being major hotspots. .
- 45.2. The CCTV cameras in Khayelitsha were put in by way of funding which had been provided by presidential decree. It was money passed on to the provincial government who passed it on to the City for that purpose. The cameras were put in over a period of a year and came operational at different stages.
- 45.3. No further money has been currently allocated for the rollout of the bringing of new cameras into the area of Khayelitsha .



45.4. Currently there is a 10 year camera plan on rolling out CCTV cameras to greater areas and to spread it out to the whole city, subject to available resources.

45.5. The new train stations in Khayelitsha as yet do not have CCTV cameras, but the stations at Site B and Site C and at Nonqubela do have cameras.

46. There are 16 CCTV cameras in Khayelitsha which were installed in August 2003 by Sensormatic SA. Infrastructure had to be built to accommodate these cameras. The number and locations of these cameras are as follows:

1	Khayelitsha Station W Platform	Khayelitsha
2	Pama Rd at Sports-field	Khayelitsha
3	Nolungile Station E Platform	Khayelitsha
4	Idada / Soloman Rd	Khayelitsha
5	Soloman / Kiewait Taxi Rank	Khayelitsha
6	Mew Way / Rail Way	Khayelitsha
7	Bangilso Rd / Andile Msizi Comm. Hall	Khayelitsha
8	Mew Way / Pama Rd	Khayelitsha
9	Khayelitsha Station E Platform	Khayelitsha
10	Nongoubela Station	Khayelitsha
11	Pama Rd & Railway Brdg	Khayelitsha
12	Lansdowne / Pama Rd	Khayelitsha
13	Bonga / BP Garage	Khayelitsha
14	Bonga / Khayelitsha SAPS	Khayelitsha
15	Bonga / Sulani Rd	Khayelitsha
16	Biida Road	Khayelitsha

47. By way of comparison there are 14 in Mitchell's Plain and 14 in Sea Point. In some areas such as Nyanga there are no CCTV cameras and those areas are being prioritised for future funding.
48. There are 330 cameras within the area of the City's jurisdiction which the Metro Police monitor and this does not include those on the IRT or BRT routes or which are part of the freeway management system.
49. There are approximately 80 cameras in the CBD and there is a measure of lighting available in the CBD after dark. It is an approximately 4½km².
50. The City has a CCTV Master Plan which has a 10 year rollout plan of further CCTV cameras. This plan is subject to annual review. The current plan was provided to the Commission. The master plan was devised to deal with hot spots in terms of the crime statistics.
51. The City's service provider, CSS & I, were awarded a tender to do the work, service the cameras every two weeks and check they are clean and if there are minor repairs they can deal with these immediately. They also do preventative maintenance.
52. If faults are noticed (by the technicians or operators) or reported these are responded to on the same day or if reported at night the following day. Minor repairs are dealt with immediately by the service provider who has technicians on the road every day. If the fault is a major one the

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camera may need to be removed but is repaired within 1-3 days unless there is an obstacle to reinstalling same. By way of example if the fibre optic cables are stolen these need to be replaced by Eskom before a camera can be reactivated. It will be noticed that that the turn-around time for repairs where the camera is removed is no longer than a few days unless the problem relates to an Eskom line.

53. If the camera itself is faulty it is replaced immediately.
54. Faults are usually as a result of theft of cabling or fibre optic cables, tapping of power from CCTV camera power sources, power failures or maintenance by Metrorail or other agencies.
55. Each camera is monitored from one of the two operation centres. Each camera has an operator monitoring it and they have two hours on one hour off. The cameras are monitored 24 hours a day 7 days a week. There is also a supervisor in each operation centre and observers who also watch 4/5 screens. There is always a representative of SAPS, Metro Police and law enforcement at each operating centre.
56. If there is an incident it is reported to the correct agency (fires to the fire department, crimes to SAPS, City by-law infringement to law enforcement or Metro Police etc). The person who noticed the incident records this on a sheet which is recorded manually and electronically and the incident report number is also recorded by the supervisors.

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57. Monthly reports are submitted to the portfolio committee and the Civilian Oversight Committee.
58. The public can report faults 24 hours a day to 021 596 1999.

SUMMARY

59. The Metro Services comprise approximately 650 members of which 550 are operational, the balance are administrative, training and support staff.
60. The members of the specialised units referred to above rotate and are deployed in different areas according to the requirements at the time.
61. The Metro Police offices are open 24 hours a day.
62. There exists what I regard as a good working relationship between the City's Directorate of Safety and Security and the Provincial Commissioner's office. The Metro Police liaise with SAPS and assist SAPS with various operational matters. The co-operation works well and as far as I am aware there are no significant operational difficulties encountered when joint operations take place. Often Metro Police assist SAPS in joint operations, i.e. drug raids, liquor raids, etc.

Law Enforcement

63. Quite apart from Metro Police that exists within my directorate a law enforcement component. There are approximately 800 members employed by the law enforcement of my directorate. They are primarily

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responsible for the enforcement of bylaws and regulation as well as certain part of the national legislation. The Law enforcement department contains a number of specialised units; the metal theft unit, the displaced persons unit, the anti-land invasion unit, the liquor enforcement unit, the informal trading unit. and general bylaw enforcement unit.

64. During my interview with the evidence leaders I was asked specifically about the anti-land invasion unit within my directorate.

Anti-land invasion unit

65. The Commission requested that I clarify the role of the anti-land invasion unit which forms part of the law enforcement department of my directorate.
66. The role of the anti-land invasion unit is to provide security on site while contractors are busy with demolition activities.

107 NUMBER

67. Another service to the public to try and promote safety and react to crimes and emergencies is the call centre. All individuals can call 107 for any emergency from a landline or 107 from a land line or from cell phone 021 480 7700. The operator on line will then despatch you to the relevant service provider, i.e. you could call 107 and they will then transfer you to the ambulance service, metro police or SAPS or fire and rescue, etc.
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Fire Department

68. The main objective of the department is the protection of the property and lives and safety of the members of the community, primarily from fires or fire hazards.

69. There are two fire stations in Khayelitsha. They are in Site C on the corner of Lansdowne Road and Mew Way and Mandela Park respectively. Both are well equipped and staffed to deal with fires in the area. .

70. A key difficulty the City faces is protecting the fire fighters and equipment when a situation is threatening or volatile and also securing free passage for the vehicles and the fire fighters in order for them to do their jobs.

71. The fire station on the corner of Lansdowne Road and Mew Way is very exposed and vulnerable due to its location to vandalism and riotous activity in general. During periods of unrests and/or protests, the station cannot respond to any calls because the road in front of it is closed blocking access and egress to the fire station and for the fire vehicles. This results in the effective closing of the fire station.

72. The City is called out on a regular basis to extinguish fires.

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73. On fire call outs the City officials might be exposed to a hostile, threatening or even violent environment. SAPS and Metro Police are then called for assistance. SAPS and Metro Police are supposed to provide protection to the members of the team and to stabilise the area so that the firemen can proceed to do their job. It is not possible to properly render a fire service during these occasions without SAPS and/or Metro Police providing the necessary protection, as our fire fighters are not armed and do not have policing powers.

74. The fire fighters are constantly under attack from the community both verbally and physically. Sometimes an immediate response is not possible which could delay the protection needed for the fire fighters.

75. The fire department does not respond to an unrest situation unless it is protected by SAPS and/or Metro Police and escorted into the area.

76. There is on-going engagement with SAPS to ensure that assistance is rendered.

77. Although my directorate has a good working relationship with SAPS, SAPS relationship with the fire department, in particular, needed to be developed.

78. The major challenges are:

78.1.1. Access to and from the fire station and scene of the fire;

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78.1.2. Water supply – is compromised due to theft, vandalism and erection of unlawful structures;

78.1.3. safety of the fire fighters.

79. A further challenge is the illegal tapping of electricity and the hundreds of illegal wires that run over the road. The others literally have to stop and lift these wires when we respond to a call out.

80. Experience has demonstrated that there is increasing violence in situations in which the fire department is called upon to protect the community.

81. At the end of the month in particular, the fire station receives a number of call outs for domestic violence or the victims of domestic violence or assault seek refuge at the fire station.

82. The fire department will respond when called to a vigilante killing, but will follow SAPS crime scene protocol. When there is a fatality, SAPS will be informed and the scene will be handed over to SAPS and the forensics department.

83. In my experience residents' frustration is based on the perception of a delay in responding to the emergency call outs. However, that perception may well be based on the misconception that the number to call was 10111 when it should have been one of the City number, 107.



VPUU

84. The "*Violence Prevention Through Urban Upgrade*" ("VPUU") project was launched in approximately 2005. It is a City project aimed at reducing violent crime and improving social conditions in Cape Town communities, of which the Khayelitsha community is the first. It attempts to increase the safety and security of the people in Harare, Khayelitsha and to expand into other parts of Khayelitsha and generally to improve the living conditions of the residents.
85. The project is based on a model made up of three "*pillars*" of development namely: situational crime prevention, social crime prevention and institutional crime prevention.
86. The City spearheaded this project under a special project management unit headed by Alistair Graham. It was done in co-operation with the German Central Ministry for Economic Co-Operation and Development (PMZ) and the German Development Bank (KfW) and with the aid of several other stakeholders aiming at social, situation and institutional crime prevention while linking urban upgrading with the broad spectrum of social intervention.
87. Principal stakeholders are the residents of selected areas in Khayelitsha, local NGO's including the Khayelitsha Development Forum and many other local groups and institutions, the City, the Province, the neighbourhood development program of the South African National



Treasury, UWC, UCT. The AHT Group AG was appointed as consultants to assist the City with implementation.

88. The VPUU is a holistic approach to urban upgrading that is unique in the Cape Town context in the way that it has integrated all forms of development and not only the physical upgrading of urban spaces. In a community that has been characterised by violent crime, poverty, unemployment, a harsh natural environment and undignified public space this type of development has a goal, which is the transformation of the township of Khayelitsha into a vibrant, safe, and attractive place for its residents, but most importantly, into a community that is environmentally, economically and socially sustainable.
89. VPUU aims not only to reduce crime and increase safety levels but to also upgrade neighbourhoods, improve social standards and introduce sustainable community projects to empower local residents.
90. The project has so far focused on the improvement of areas in the Khayelitsha "suburbs" of Harare, Kuyasa, Site C/TR section and Site B to create safe areas for thousands of people.
91. VPUU has a set of safety principles which are used as guidelines in the upgrading/development process, and are in line with those of Crime Prevention through Environmental Design. I am advised that those directly involved in the VPUU project will give evidence before the Commission and elaborate in relation hereto.

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92. Suffice it to say that:

- 92.1. the VPUU uses specific design "*tools*" to implement the safety principles and these include the introduction of a clear signage and way finding system, creating visual connections along walking routes, ensuring movement routes are as clear and short as possible, the clustering and integration of public activities and ensuring that the site layout has active edges to increase passive surveillance;
- 92.2. these principles and design tools are used in all areas of the upgrading process to ensure that the main challenge – crime prevention – is addressed in the new interventions;
- 92.3. the elements of the project to improve the safety and security on the streets are the creation of high quality spaces which are well lit in the evening alongside the main pedestrian routes which people use to travel to work and school. At the intersections of these pedestrian walkways "*active boxes*" were provided, i.e. small 3-storey buildings which contain offices for an organisation, a caretaker flat and a room for patrollers to enhance passive surveillance. The "*active box*" at Harare metro station also included a small commercial centre with shops rented out to informal traders. On Harare Square a large new library has been established offering a number of services, including computer




courses. The "*active box*" at Khayelitsha metro station includes a small commercial centre at the access points to the platforms;

92.4. besides the social development fund (SDF) which finances numerous small projects by CPO's and resident groups, they also include a social crime prevention activity. In this regard there is a neighbourhood watch project in relation to which hundreds of volunteers have received some training in conflict management and between 250 and 300 men and women take part in unarmed patrols in hotspots in the evening and on weekends as part of this initiative;

92.5. there is also the anti-rape and gender violence projects which involve around 2 dozen NGO's which work together to provide support for victims as quickly as possible and a legal aid project which advises families on legal problems as well as an early childhood development and school safety project which supports crèches among other things;

92.6. the urban planning, design and infrastructural measures have made significant and visible improvements to safety and security to the locality. The open spaces are relatively well lit at night and far more vibrant than before. The presence of patrols unarmed and carried out in groups of at least 20 persons is intended to reduce the crime rate in the neighbourhood.

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93. The Harare area was considered to be extremely dangerous, with people constantly being assaulted and robbed with numbers of persons ending up dead in the ward on weekends. Harare also experienced house breaking on a massive scale and in a survey undertaken in 2007 of approximately 3 500 households, at least two-thirds described the security conditions as being absolutely unbearable. Alongside murder and robbery, domestic violence within families especially against women and girls was one of the three most frequently mentioned problems in this part of Khayelitsha. It was for this reason that the VPUU project was embarked upon in Harare.
94. Numerous training courses take place in the "active box" and the building is the starting point for a large group of neighbourhood patrols. All this takes place on a formerly derelict site in the midst of Harare, a neighbourhood which used to have the highest crime rate in the entire township.
95. The City has implemented the VPUU since 2005 in cooperation and with the aid of several stakeholders. The aim of this project is social, situational and institutional crime prevention while linking urban upgrading with a broad spectrum of social intervention. The three main pillars of the project are (i) situational crime prevention (i.e. the idea that positive changes in the physical environment ultimately lead to safer communities) by means of construction of facilities, and "active boxes" (positive occupation of perceived danger spaces by the residents of a neighbourhood); (ii) social crime prevention by anti-gender –based
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violence, legal aid, patrolling, library and schools; and (iii) institutional crime prevention through project replication, skills development, local economic development, and safety principles. A copy of a document explaining VPUU, their goals and achievements is attached marked "...".

96. The project assists the City to identify the needs of the community and devise an action plan.
97. For example in Monwabesi Park and Harare the Mayor and leadership of those communities signed action plans. In Harare these included the upgrading of footways, a station forecourt, a rape crisis and legal information centre, and identified an area for public facilities. In Monwabesi, the plan dealt with for e.g. electricity, job creation, children's safety etc.
98. In some areas movement routes were formalised and public services provided there with some people having to be moved.
99. Some plans include informal settlement upgrading.
100. Business hubs were created. Schools have been upgraded or sports facilities made available to them.
101. Public parks have been used for the greater benefit and community buildings and meeting places created.

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102. A community building has e.g. a neighbourhood patrol, City staff, businesses, shops and some vegetable gardens around it.
103. Social crime prevention initiatives include an early childhood development, school safety project, a youth centre with a community hall, rape crisis and legal advice offices, anti-gender based violence prevention, neighbourhood watch, conflict management etc.
104. A community library was also established.
105. Informal traders were set up at the station and given training.
106. Open spaces' lighting was upgraded and they are now well lit.
107. There was also bulk rezoning and EIA's done to allow work and residential units in buildings at crime hotspots to reduce crime in these areas and allow people to have places in which to operate businesses. This is part of the situational crime prevention and maximises the functionality of public spaces and ownership thereof by the community.
108. As already stated, small safe community facilities known as "Activity boxes" are created at intervals along public walkways. These may consist of, *inter alia*, trading facilities, in front of the station to promote economic development or urban parks where recreational, social and youth development are promoted. Facility safety is monitored by the community, the persons using the facilities and the City. Locally recruited



general workers help maintain and manage the facilities. Schools are transformed into centres for community regeneration.

109. The project also trains persons and deals with job creation for services provided by for e.g. operation and management of community facilities in the area and access to education.

110. For economic development community action plans are developed with the community and local businesses.

111. Community members volunteer and are given equipment and training in various areas.

112. An integrated approach to provision of services and facilities is strived for and his project has had great success in improving lives and the safety of the community and creating economic development.

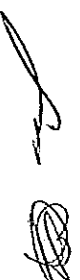
113. More information on the project is available on the City's website.

Water and Sanitation

114. According to a National Department of Water Affairs 2012 report, 100% of households within informal settlements in the City of Cape Town have access to adequate sanitation.

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115. Despite providing the best level of access to sanitation in the country, the City has again imposed our own target ratio and committed to the provision of sanitation on a 1: 5 ratio, in order to further enhance levels of service provision.
116. Based on the latest census results, only 19 000 households are currently serviced outside of this ratio. To reduce this further, the City will continue to provide full flush facilities where physically possible, and other sanitation types such as Portable Flush Toilets (PFTs) where conditions preclude the provision of full flush toilets.
117. Since April this year, the City has provided residents with over 7 400 PFTs. This is over and above the more than 10 000 PFTs previously provided. This service is entirely voluntary and has been extremely well received by the vast majority of those who have chosen to make use of it.
118. The toilets are cleaned free of charge three times per week by a City contractor and are NOT bucket toilets, as has been incorrectly reported. PFTs are a sealed, water-based alternative that is fully FLUSHABLE providing access to dignified, safe sanitation.
119. There has been a particular emphasis on providing the PFTs to the approximately 700 people in the city who are still using the 'bucket system'. This number has been reduced from the 958 that were still in the system when this campaign started. The figure remains at 700 due to

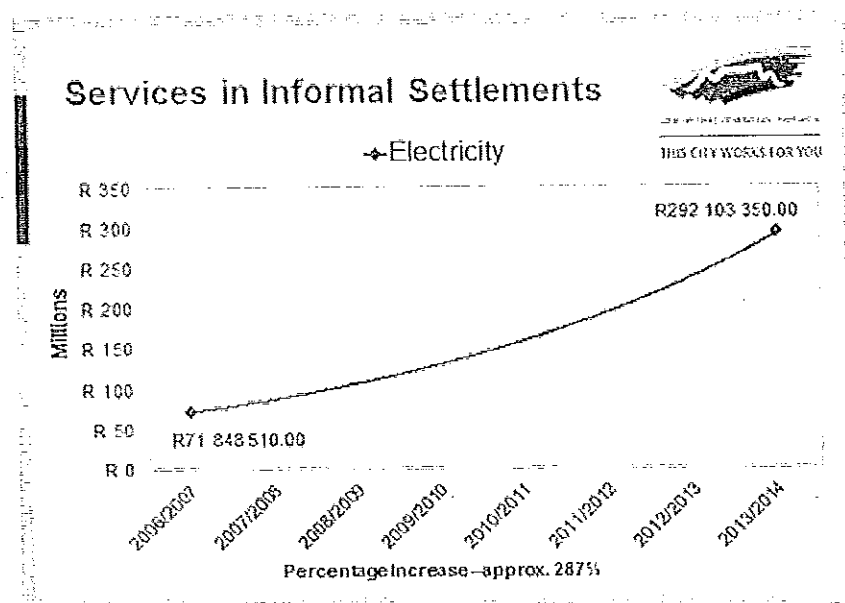
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continued political resistance in areas where the 'bucket system' is still in circulation, primarily in Boystown and KTC informal settlements.

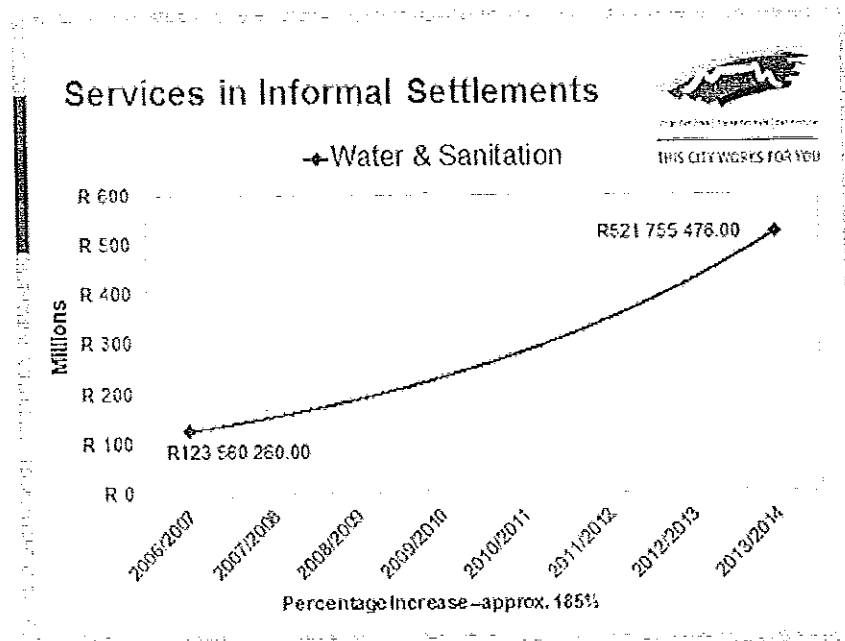
120. As part of the City's commitment to redress, and to creating a Caring and Inclusive City, the City of Cape Town has prioritised a massive allocation of resources to improve living conditions in informal settlements, specifically in the provision of refuse removal and area cleaning, water, sanitation and electricity.

121. This commitment to service provision is demonstrated in our budget breakdowns over the past six financial years.

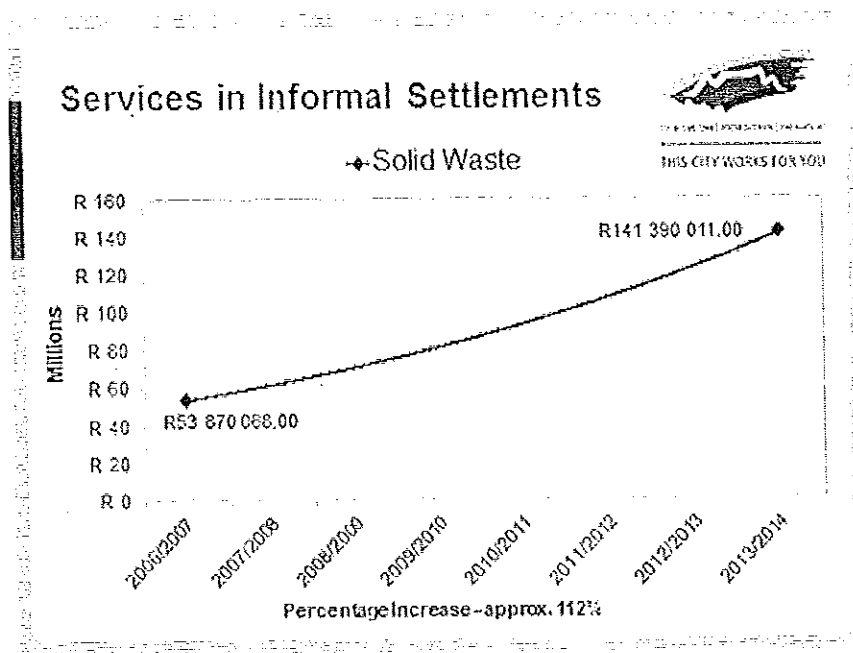
122. In terms of electricity provision, since 2006/07 the City has increased its budget by approximately 287%. This year, an estimated budget of R292 million has been budgeted for electricity provision to informal settlements.



123. In terms of water and sanitation provision, since 2006/07 the City has increased its budget by approximately 185%. This year, an estimated budget of R521 million has been budgeted for water and sanitation provision to informal settlements.




In terms of solid waste management, since 2006/07 the City has increased its budget by approximately 112%. This year, an estimated budget of R141 million has been budgeted for the provision of solid waste management services to informal settlements. This provides for a weekly door-to-door service, provision of refuse bags, collection and area cleaning as well as litter picking between informal dwellings.



124. The number of toilets provided in informal settlements has increased from 14 591 to around 40 700 since 2006 – an increase of over 176%. The total number of standpipes installed in this period is approximately 3 500.
125. This has led to the City to well exceeding its target of one standpipe per 25 dwellings. This is a City-imposed target ratio and demonstrates our commitment to a higher level of service than elsewhere. This is not compelled in law, but is an expression of the City's efforts to improve service levels.
126. In the City's electricity supply areas there have been approximately 21 305 new subsidised electricity connections between 2006/2007 and 2012/13. This is in addition to the City-funded Eskom supply provision

that covers the bulk of the metro, which have added approximately 8 812 in this same period.

127. Despite this large-scale investment, there are certain informal settlements in the City where it cannot provide certain service types due to prevailing local conditions. For instance, full flush toilets cannot be installed on privately-owned property, in areas of extremely high density, under power lines, on landfill sites, in a road or railway buffer, in flood plains, within servitudes, outside the Urban Edge, in areas where there is no bulk infrastructure, in water bodies/retention ponds and floodplains, and in high-noise zones. In the above instances, full flush toilets requiring permanent infrastructure cannot be installed as to do so would be in contravention of the Municipal Finance Management Act and would be considered wasteful expenditure by the Auditor General.
128. If the City was to install infrastructure in a flood plain, for example, there would be an increased risk of pump station malfunction and electrical damage due to flooding. This would result in increased environmental health hazards such as sewage spills. The pipelines are also likely to sag, which would increase the blockage rate. In the dry season, due to inherent poor drainage conditions, spillages would not drain away, contaminating the ground and ground water.
129. 82% of informal settlements are either fully or partially affected by one or more of the above-mentioned constraints. For example, in:



- Joe Slovo North (Milnerton), 194 dwellings. This informal settlement is on private land, under power lines and on a road buffer;
- Vukezenzele/ Europe/Kanana/Barcelona, 15 000 dwellings. This informal settlement is on an old landfill site.
- Graveyard Pond, 327 dwellings. This informal settlement is on a pond/old graveyard site and a portion of it is under power lines and within road buffer.
- RR section, 3 154 dwellings. This informal settlement is partly on road reserve and under power lines
- Block 6 Philippi, 800 dwellings. This informal settlement is on a portion in road reserve and wetland.

130. It must be emphasised that despite these legal and physical constraints, the City still provides the highest level of service possible through alternative sanitation types, including PFTs, chemical and container toilets.

131. The Utility Services Directorate has a number of key projects planned for the next year which is intended to improve the lives of many residents living in informal areas. For example:

- Electricity Services has planned 7 715 connections in City of Cape Town supply areas in this financial year. With approximately 1 200 in Sweet Homes informal settlement, 2 000



in Monwood and 450 additional connections in KTC Sections 4, 5, 6, and 7.

- Additionally Electricity Services has budgeted to connect more than 8 000 Eskom supply area households this year in areas including Enkanina Phase 3 and in BM section, Khayelitsha.
- The Solid Waste Management Department will continue to improve and build on their informal settlement cleaning services that have been at 100% since 2008/2009 when services were fully integrated and delivered to all informal areas. The City will further enhance this service, by ensuring that drop points are open on weekends.
- The Water and Sanitation Department's Informal Settlements Unit plans to build around 1 300 full flush toilets in this financial year. This will cost around R14,3 million and will be in areas across the city including Imizamo Yethu, Overcome Heights, Masiphumelele, Freedom Park, Burundi, Garden City, Polile, Beverley Hills, Rasta Kamp, SST Section, Enkanina, France, Monwood and Lansdowne Road.
- The Water and Sanitation Department's Informal Settlements Unit will continue to roll out alternative technologies such as chemical and portable flush toilets across the city in order to ensure the provision of sanitation to the best standards possible within mentioned constraints.
- The Water and Sanitation Department will also continue to provide standpipes where possible and needed.



- Provision of janitorial services to full-flush toilets in Khayelitsha was introduced in 2012 to ensure that the infrastructure available was in proper working order. Expanded Public Works Programme workers are employed to provide the service of monitoring, cleaning and reporting faults at communal toilets. Janitorial services will in future increasingly be used to monitor sanitation services provided by contractors.

132. The SAPS will have details of the any crimes committed at or on the way to and from toilets or standpipes, the City is not aware of any save for those relating to vandalism and theft.

133. The number to call in order to report non-functioning toilets and standpipes is 0860 103089 or SMS 31373.

LIGHTING AND ELECTRIFICATION IN KHAYELITSHA

134. Either high mast lighting or street lighting is provided. An area is provided with high mast lighting (there are 6 floodlights per mast) where there are no roads or infrastructure to install street lighting. The high mast lights have a range of 175m to 200m radius. Street lights are installed in formal developments and where there are roads and infrastructure to install same.

135. No lighting is provided on private properties or schools etc.



136. The City responds to the requests from various sources for lighting. It then investigates whether lighting is required (it may turn out merely to be a maintenance problem) and if it can be installed and where it should be located. If it is possible to install lighting in the area proposed, the City plans for it and accesses funding and then appoints contractors to install same and simultaneously applies to Eskom. The City requires an area of 4-5 m for the lighting to be installed.

137. Lighting is installed as a matter of course in new housing developments.

138. Projects are also identified proactively by the relevant department.

139. All street and area lighting in the metropolitan area is designed in accordance with ARP 035 (Guidelines for the installation and maintenance of street lighting) and SANS 10098 (Public lighting – Part 1: The lighting of public thoroughfares & Part 2: The lighting of certain specific areas of streets and highways) which stipulate the lighting levels required according to road classification and the nature of the area to be lit.

140. High mast lighting and street lighting is installed by a contractor under the relevant term tender. Street lighting is installed by property developers as part of the relevant development project.

141. In, for example, the area from Spine Road to Bongo Drive, street lights cannot be installed due to the high voltage overhead lines belonging to



Eskom in that area. Consequently high mast lighting was installed in that area.



142. The City strives to achieve a distance of 135 to 175m radius between lights in informal settlements depending on the type of mast used. The distances can be exceeded when the positioning is done at the request of the community and/or Councillors as and when the separate areas are developed.

143. In some areas in Khayelitsha these distances can be exceeded when the positioning is done at the request for the community and/or Councillors as and when the separate areas are developed. .

144. Consequently the City pro-actively planned for further lighting in Khayelitsha in the 2010/2011, 2011/2012, 2012/2013 and 2013/2014 financial years, and plans to do so in the coming years.

145. The City is constrained by its available resources as to the number of projects that it can undertake throughout its jurisdiction. It has however, over and above the projects planned, to deal with requests for lighting, pro-actively dealt with lighting in the Khayelitsha area and will continue to budget for same in the coming financial years.

146. Some of the biggest concerns in relation to lighting are vandalism and theft. Stones get thrown at the lights, cables are removed, parts of the lights are stolen. Sometimes it takes a long time to get replacement



parts, especially in respect of masts that are installed at huge cost. Usually the scale of vandalism/theft is greater than the delivery to the City.

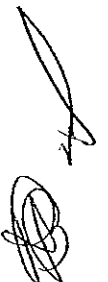
147. In addition, the City has a dedicated unit which deals with maintenance of such public lighting. This is a huge problem, given that there is a large amount of vandalism and theft. It also, when it took over the maintenance from Eskom, it inherited quite a poorly maintained system. The City employs contractors to do the maintenance and then the City inspects same. It took over from Eskom during 2005 (Roads branch) and 2008 (Electricity Services).

148. In particular, in Lansdowne Road, there is a huge problem with theft and vandalism and infringement on the network and illegal electrical connections. Eskom is busy electrifying the area and very often these illegal connections infringe on the high voltage lines. The City and Eskom have been unable to go and remove the illegal cabling because of violent resistance from the communities. This sometimes affects the provision of lighting if Eskom closes off a section of the electrical circuitry.

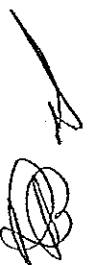
149. There is currently a 90% burning rate on high mast lighting and 75% on street lighting in sub-council 9 in Khayelitsha. Burning rate refers to the % of number of lights burning divided by the number of lights installed in a particular street.



150. Sometimes the City cannot do maintenance of the lighting due to community interference. This is particularly so on Lansdowne Road and at the station.
151. The City was prevented by the Development Forum in sub-council 9 from carrying out maintenance as it was concerned about the safety of the contractor due to community resistance to the City maintaining the lighting. The community want the City to supply housing and other services. The City is in the process of negotiating via the councillors and community representatives to continue work in that area. In that area there is a 90% burn rate for street lighting and 80 to 85% for high mast lighting.
152. Furthermore, the encroachment of informal dwellings onto sidewalks (where lighting networks are) is a factor. Electricity services usually have to involve the Department Human Settlements to negotiate with community so that maintenance can be done.
153. SAPS always indicate that they cannot assist and the City should get private security or Law Enforcement Officers or Metro to assist. The nature of the interference takes many forms. Blocking of sites so workers cannot enter depots, disruption and threatening of staff while working, invading sites and attempting to assault workers and threatening security guards. In most cases the issues concerns use of local labour on projects, the assertion is that no outsiders must be used; only people in the immediate vicinity.

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154. In sub-council 24 which is from Steve Biko Road onwards, there is outstanding work on street lights and high mast lights due to a high level of vandalism and theft. The contractor cannot keep up and the suppliers are running out of stock, especially cabling. In some areas 100's of meters of cabling are stolen and must be replaced.
155. In planned informal settlements, street lighting is installed but in unplanned informal settlements, such as those in Khayelitsha, no lighting would have been planned and therefore high mast lighting is used. In some areas where informal settlements are being upgraded the community still want the high mast lighting as the street lighting does not provide lighting all the way to the back of their homes. In other areas they want them removed so negotiations have to be entered into with the community affected.
156. There is a 24 hours fault reporting centre and they can be contacted on 0800 220440 or on SMS line on 31220 or email to power@capetown.co.za.
157. Reactions to routine maintenance queries, provided there are not any hindrances to fixing same, is approximately 14 days. It takes between 30 to 60 days to deal with vandalism and theft, provided there is sufficient supply of the materials required.

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158. The electrification of Khayelitsha is done by Eskom and thus the City is not involved in the day to day running of the network or electrical installations.

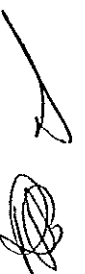
159. If resident however want electricity, they can approach the City or Eskom.

160. If it is in the area that can be electrified, the City will apply to Eskom for a quotation and use funds raised, where possible, to electrify the area and Eskom then does the project as the bulk and MV networks belong to Eskom. Eskom is in charge of all the high and medium voltage overhead lines. The City merely identifies and in some instances finances the electrification projects.

161. A number of areas were electrified before January 2011. Since then in the area along Baden Powell (Nkanine) there were over 1500 electrical connections in phase 1 and over 800 in phase 2 at a cost of over R54 million. Quotations have also been requested from Eskom by the City for 1500 households to be electrified in BM section and 2900 in Monwabisi Park.

162. The queries about electricity services should be directed to Eskom and the City suggests that Joe Van Der Westhuizen on 021 9151134 or vdwestj@eskom.co.za be contacted for this purpose. Eskom delivers electricity services directly to consumers in this area.

LAYOUT OF INFORMAL SETTLEMENTS

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163. Because of the development of Khayelitsha, which has been haphazard at best numerous problems have arisen from a planning perspective not in particular in regard to the accessibility of many of areas which often need immediate access. The City to alleviate these problems the City has and continues to embark on programs, not only through the housing code such as the Upgrade of Informal Settlements ("UISP"), re-blocking of area etc and tries to service the informal settlements and to where possible, alleviate the densities and allow for access for emergency vehicles. All Informal Settlements are serviced on higher and minimum levels as requested by the National Government.
164. It must be recognised that due urbanisation and the continuous flow of new residents into the area, this makes planning for the City challenging as this leads to increased densities in areas.
165. The structures are numbered from time to time but as the occupation is extremely fluid some resident may vacate and demolish their structures and others erect new structures. The numbering then does not remain the same or there may be unnumbered structures. This forms part of the Reblocking and Upgrading of Informal Settlements programs and the VPUU programs where the City interacts with the community and engages facilitators to get the community involved in this initiative and to participate in these programs to upgrade and reblock to allow for better services.





THE MAINTENANCE OF ROADS AND THE SIGNAGE ON STREETS AND LANES

166. The Roads and Stormwater Department is responsible for the maintenance of formal roads and street name signage. This activity forms part of the department's mandate. The cost for repairs to the road infrastructure and signage is covered under the annual budget for the department. Complaints are dealt with via the call centre by means of the C3 notification and normally effected within 7 working days.
167. Within the informal settlement areas, only the roads constructed to a gravel standard, or better, are maintained. These normally are for the purpose of providing access to service vehicles. The majority of access tracks within informal settlements, due to the haphazard layout, are narrow, un-constructed and lacking in drainage. These tracks are therefore not assets that can be maintained. The quality of the asphalt of highways surrounding Khayelitsha stands up to comparison with much smarter residential areas.

Bush clearing

168. The bush-clearing project (the Urban Renewal Program) implemented and monitored by the City's Urban Renewal Program Department funded by the national program is one of the crime prevention interventions in Mitchell's Plain and Khayelitsha to provide a safe and secure environment by fighting crime in the nodes.
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169. The objective of the bush-clearing project is to clear bushes in crime hotspots to create visibility and to allow passive and active surveillance by the community and the law enforcement agencies in the nodes. The project is implemented in partnership with SAPS, Environmental Resource Management Department, City Parks, CPF's and sub-councils. They identify all the bushes that are causing a safety threat to the community and clear them.
170. A service provider Golden Rewards was appointed on an annual tender to clear the bushes in Khayelitsha.
171. The stated purpose of the urban renewal project bush-clearing project was, *inter alia*, clearing the bushes in identified crime hotspots to create visibility and to allow passive and active surveillance by the community and the law enforcement agencies in Khayelitsha.
172. The City, through its Urban Renewal Program (URP), has over the past three years cleared all the overgrown bushes at crime hot spots in Khayelitsha. The bush clearing project started in 2011 and it was completed in June 2013.
173. Going forward, the City has made funding available to continue with the implementation of the project in the 2013/14 financial year. The project is implemented under the auspices of the Extended Public Works Program (EPWP). The objectives of the project is to clear all the overgrown bushes at crime hot spots to create visibility and surveillance
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(active and passive) for the law enforcement agencies and for community of Khayelitsha.

174. The City will employ 66 people from Khayelitsha to work in the project. Besides employment, the City will provide the workers with on the job training and life skills.
175. The project is implemented in partnership with the South African Police (SAPS), COCT law enforcement, Community Police forums (CPF's), Ward Councillors and other line departments within the City of Cape Town.
176. URP in consultation with the stakeholders monitors the crime hot spots so that if there are overgrown bushes these are cut down.

Public open spaces

177. Only areas zoned as Public Open Spaces are maintained and developed by the City.
178. Undeveloped Public Open Spaces are cleared as part of the Clean and Green departmental project. The last alien clearing initiative on Undeveloped Public Open Space was done in June 2012 in Khayelitsha. The Clearing was done by the Urban Renewal Department. Indigenous fynbos plants are cleared where they pose a danger to the community; however they do not grow as tall and aggressive as alien vegetation. In dune areas indigenous fynbos plants are not cleared as they stabilise the dune.



179. Regular dumping removal initiatives and mowing of Undeveloped Public Open Spaces are undertaken by the City.
180. Private erven and property belonging to other organs of state do not get cleared by the City.
181. The Urban Renewal programme has an alien vegetation clearing tender which specifically targets overgrown sites in Khayelitsha including the zoned Public Open Spaces. The Urban Renewal Strategy is implemented and monitored by the City's Urban Renewal Programme Department funded by the National programme."
182. Without details as to the specific areas referred to, the City cannot comment on whether or not it is a zoned Public Open Space and under City control..
183. All developed Public Open Spaces are enclosed by metal palisade fencing, wooden ranch style fencing, bollards, etc.
184. All undeveloped Public Open Spaces are open, and not enclosed. Fencing is costly and is frequently vandalized at great financial expense to the City.
185. In relation to safety at City public opens spaces the areas get patrolled by staff on a daily basis and they also react to complaints when received. Complaints about public open spaces in Khayelitsha are very rare.

Conclusion

186. In this affidavit the City has attempted to provide the Commission with as many of the answers that it requires, as the City possibly can. I pointed out



that the City has not had had sufficient time to deal with the request regarding the history and social development of Khayelitsha.

187. The City will respond to any further requests for information, within the Commission's terms of reference, provided that timeous requests are made.



RICHARD BOSMAN

Thus signed and sworn to before me at Cape Town this 4th day of **DECEMBER 2013**, the deponent having acknowledged that he knows and understands the contents of this affidavit, that same are all true and correct, that he has no objection to taking the prescribed oath, and that he considers the prescribed oath to be binding on his conscience.


COMMISSIONER OF OATHS

DAVID BORGSTRÖM
ADVOCATE OF THE HIGH COURT
MEMBER OF THE CAPE BAR
6TH FLOOR, KEEROM STREET CHAMBERS
56 KEEROM STREET, C.T.