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**CLOSING WRITTEN SUBMISSIONS ON BEHALF OF THE CITY OF CAPE TOWN**

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**Introduction**

1. The City of Cape Town's (the City's) stance remains as is at was set out in it's opening statement to the Commission on 23 January 2014 and in it's heads of argument filed in the Constitutional Court in the matter of *The Minister of Police & 7 others v The Premier of the Western Cape and 8 Others 2014 (1) SA (1) CC*. We reiterate that the City's stance is not only to support the Commission but the South African Police Services (SAPS) and the residents of Khayelitsha.
2. The City has filed extensive documentation and made Mr Richard Bosman (The City's Executive Director for Safety and Security), Messers Christopher Moller and Kevin Cole available to the Commission in an effort to fully support and assist the Commission. It is submitted that the evidence of Richard Bosman, including his responses to cross examination was transparent, open, and reasonable which is directly in line with the stance of the City.
3. The City accepts that the Commission is not seized with issues relating to liability or blame on the part of the City for any conduct or omission on its part. Despite this the Commission is empowered by paragraph 4(3) b of the terms of reference of the Commission, to make recommendations to the Premier of the Western Cape (the Premier), as to how any inefficiencies in the delivery of police services, or a breakdown in relations between the community of Khayelitsha and the South African Police Service, as may be found by the Commission to exist, may be alleviated or

remedied. Accordingly, recommendations will be made by the Commission to improve these issues.

4. The City accepts that a multi sphere and multi sectoral approach is required not necessarily to resolve the issues before the Commission, but to improve the safety of all of the residents in Khayelitsha.
5. In making recommendations to the Premier, the Commission may be assisted by the City's comments on certain aspects. The City has comprehensively responded in writing to all issues addressed to it by the Commission and has filed comprehensive responses with regard to the sustained investment towards services delivery of basic services (including water, sanitation services and refuse removal) for all and in particular those most in need., in addition to providing witnesses to give evidence at the Commission. This investment has led to a demonstrable improvement in services provided by the City to residents of Khayelitsha and other communities within the City's jurisdiction. We reiterate the contents of the comprehensive submission made to the Commission in this regard. The City representatives attended the hearings of the Commission and the City has noted aspects that were raised which fall within its mandate.
6. SAPS is primarily responsible for the safety and security of residents<sup>1</sup>. The City, Province (DOCS), and other national departments<sup>2</sup> also need to play a meaningful role within their mandates.
7. In this respect the City submits that the evidence tendered to the Commission is that it has in place mechanisms to deal with infrastructure fault complaints.<sup>3</sup> If this is not done by officials or the appointed contractors these issues are dealt with properly and with due regard to principles of transparency and accountability.

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<sup>1</sup> Section 205(6) of The Constitution of the Republic of South Africa.

<sup>2</sup> For example the Department of Public works is responsible for providing new police stations.

<sup>3</sup> These include a toll free call centre number where complaints can be made and each complaint is logged and forwarded to the relevant department within the City.

### **Cooperation and assistance**

8. The City has a well-developed and sophisticated fault tracking system whereby the City has proactively encouraged the Community to report any problems to the City by calling the City's call centre number, through a sms, by calling from a free call line at a City office in the area, by reporting the problem at the local City Office (Human Settlements, Utilities, Health, etc.) or informing the local Member and/or Chairman of the Sub-Council. This is done through community meetings and by distributing flyers, information sheets and publishing notices in the local newspapers. Examples of the notices can be provided.
9. Apart from the above the current City procedures require all City officials to report any malfunctioning of City facility or services they may identify during the course of their duties.
10. The City welcomes a community safety forum in which it can actively participate, it cannot however, given its mandate, head such a forum. We understand that SAPS has issued a green paper suggesting certain further restrictions on the powers of, inter alia, the Metro Police.

### **SPECIFIC ISSUES**

#### **CCTV cameras**

11. Amongst the tools at the disposal of the City which assist SAPS is the Close Circuit Television (CCTV) camera system<sup>4</sup>. The evidence of Richard Bosman, Christopher John Moller and Kevin Cole assisted the Commission in understanding how their operations work as well as the support that is available to SAPS. The Commission further inspected the Transport Management Centre in Goodwood to have a first-hand experience of how the centre operates and the supportive role the City plays.

12. To date thirteen of the sixteen CCTV cameras in Khayelitsha are functional, one of the dysfunctional cameras has been vandalised on numerous occasions as is currently completely vandalised and the City is in the process of finding an alternative cost effective energy source to solve the problem. The City is currently in the process of attending to the remaining dysfunctional cameras, this is however not a simple task as several factors beyond the control of the City must be dealt with. Currently the theft of cable lines last week has led to the 2 cameras not currently being operational. It is anticipated that they will be operational within 2 weeks. This is a new problem as the other cameras which were not operational were repaired.

However as Mr Moller stated in his evidence the City can install as many cameras as possible in Khayelitsha, at the end of the day what matters is “actual feet on the ground” to attend to whatever crimes are identified. This means that SAPS has to have sufficient people to react to situations that require Police intervention.

13. SAPS also need to effectively make use of the footage obtained.

#### **Applications to lease and purchase City property**

14. The Commission heard evidence of an application which SAPS had made to the City, to lease land belonging to the City situated adjacent to Lingeletu West Police station for the building of a new station. The application was processed and approved by the

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<sup>4</sup> The Evidence of General Lamoer was that there was no reason why SAPS could not install and utilize their own, CCTV but that it was convenient to use the City’s cameras. The City has no difficulty with that approach.

Council of the City. The application for the land was subsequently withdrawn by the Department of Public Works. The City's Department of Health has in the meantime put in an application for a clinic to be built on the site. The City Council can only deal with applications which are before it and the normal internal processes must be followed. An example would be the application which was made by SAPS for the building of a new police station in Maccasar. The City Council met on **29 April 2014** and the application for the building of a new police station was approved. A copy of an extract of the minutes of the meeting of the Council of the City is attached hereto.

### **Neighbour Safety Officers**

15. The City received a request from the Commission to explain the concept of a Neighbourhood Safety Officer. The City is pioneering a concept to bring policing to areas where there is a need to address crime and anti-social behaviour. In this regard a number of Neighbourhood Safety Officers were allocated to priority wards in poorer communities to address crime and anti-social behaviour through intimate knowledge of the area. A Neighbourhood Safety Officer refers to an officer who is specifically dedicated to a specific area, and would ideally have intimate knowledge of the area, and the people and organisations within the area. He would also become a nodal point and advice members of the public around City systems and processes in the event of problems and processes.

### **Liquor regulations**

16. The evidence of Mr Thys Giliomee of the Western Cape Liquor Authority dealt with the regulations dealing with the sale and distribution of liquor within Khayelitsha. He accepted that the City has a limited role to play when it comes to the policing of unlicensed alcohol establishments as this is wholly within the jurisdiction of SAPS.

The City however plays a supportive role and when called upon by SAPS are available for assistance in this regard.

17. The role of the City is limited to enforcing by-laws to ensure compliance with liquor regulations in legally registered establishments, such as enforcing trading hours, zoning and trading licences. The regulation of alcohol sales is vital to limit the abuse of alcohol which is a primary driver of criminal and anti-social behaviour.

### **Conclusion**

18. The City intends to continue to take whatsoever steps it lawfully may, within its mandate, to assist the residents of Khayelitsha, in regard to their rights to safety and security.
19. The City will co-operate within its mandate with the other spheres of government and all relevant agencies in their endeavours.
20. The City looks forward to enjoying a constructive relationship with both SAPS and DOCS and the residents of Khayelitsha.

**ANTON KATZ SC**

**COUNSEL FOR THE CITY OF CAPE TOWN**