



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

POLICY

PLACEMENT OF SECURITY HUTS ON CITY-OWNED LAND (POLICY NUMBER 17957)

**APPROVED BY COUNCIL: 29 MAY 2014
C 39/05/14**

Placement of security huts on city owned land

Policy number 17957



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The City of Cape Town's Transport Authority

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1. Definitions

Proclaimed Road: a road proclaimed as such in terms of section 3 of the Roads Ordinance, No 19 of 1976.

Main Road: a proclaimed road which has, in terms of section 4 of the Roads Ordinance, been classified as a main road.

Road of Metropolitan Significance: a road generally classified as a class 1, 2 or 3 road and shown as such on the plan incorporated into the approved Integrated Transport Plan. These roads can usually be identified as those routes which display metropolitan route numbers “M, R and N” on various maps and sign boards.

Designated Scenic Drive and Routes: a road designated as such and listed in the Scenic Drive Network Management Plan adopted by Council in June 2003.

Road Authority: the powers, duties and functions delegated to the Commissioner: Transport for Cape Town to manage regulate and administer all matters affecting or impacting on the road/ street and associated infrastructure, including the verge area within the statutory/ established road/street reserve.

2. Problem Statement

In terms of the Bill of Rights, every person has the right to a safe environment. The use of private security services by companies to support this right is not challenged.

The occupation on City-owned land by the unlawful erection is wide-spread and includes, but is not necessarily limited to encroachment by informal settlements, informal and formal trading, containers, sidewalk encroachments and security huts. The risks to the City include public safety, obstruction to municipal infrastructure and utility/ bulk service infrastructure.

Driven by crime levels and frustrated by the limited resources of public law enforcement agencies, the focus of the general public has fallen upon the security industry to ensure that measures are developed and implemented to augment and enhance the safety of the community within those areas where they have been engaged. Included in the measures developed by the security companies is the placing of “wendy house” type security huts at certain selected points, the large majority of which are located within the reserves of municipal roads, streets, parks and open spaces. In addition to the security hut, large sign boards, displaying the company's name and logo were also erected to inform people that they are entering a security controlled area and to advertise their services.

The security companies maintain that these huts provide the necessary focal point for their security operations and protection for their personnel, access monitoring and as a visible warning of security activity. Initially only a few security huts were erected, but as a result of changing and rising crime patterns, the number of security huts continue to rise. It has thus become necessary to provide guidelines for the management and placement of these security huts within municipal roads, streets, parks and open spaces.

3. Desired Outcomes

To address and accommodate private security needs of neighbourhoods within the City of Cape Town without conflict with city infrastructure and in compliance with legislation.

It is therefore desirable for the City to put a policy in place to administer and manage all encroachments on City-owned land. At present, however, the need to address the issue of the proliferation of the placement of security huts within municipal roads, street reserves, parks and open spaces is the most pressing.

4. Strategic Intent

To achieve the purpose of a Safe, Caring and Well Run City

5. Role players and Stakeholders

- 5.1 The lead role player is the Director: Asset Management and Maintenance (TCT) as the delegated roads authority.
- 5.2 The primary stakeholders are communities
- 5.3 Other stakeholders are:
 - City Parks
 - Department of Sports and Recreation
 - Private security providers
 - Neighbourhood watches
 - Users of municipal roads, streets, parks and open spaces
 - All entities including City departments that utilize municipal roads, streets, parks and open spaces for the installation of their infrastructure e.g. electricity cables.
 - The Mayoral Committee Member and the Portfolio Committee of Transport for Cape Town.

6. Regulatory Framework

Cognizance needs to be taken of:

The Constitution Act 108 of 1996 and in particular Section 12, the right of freedom of security, Section 33, the right to just administrative action, Section 36, limitation of rights, Section 152(1)(d), local government to encourage the involvement of the community and community organizations in the matters of local government, of which safety and security form an integral part and Section 156 read together with Schedules 4B and 5B, the municipality having the executive authority and the right to administer building regulations and municipal roads (and streets).

Chapter 1 of the National Environment Management Act (107 of 1998) sets out the national environmental principles that apply to actions of all organs of state, including municipalities and must be taken into account in all decision making.

The Land Use Planning Ordinance (15 of 1985) governs any land use and zoning requirements.

Management and Administration of Immovable Property By-Law (February 2003) governs the right to acquire, lease, manage, let and alienate immovable property and rights in immovable property.

City's Outdoor Advertising By-Law (December 2001). The signs attached to the security hut as well as the area boards which clearly display the security company's name logo is in contravention of the Outdoor Advertising and Signage By-Law.

Municipal Asset Transfer Regulations issued in terms of Section 168 of the Municipal Finance Management Act (No. 56 of 2003) Chapter 4 which chapter regulates the granting of municipalities of rights to use, control or manage capital assets (including municipal owned land) i.e. when rights are granted by leasing, letting or hiring out arrangement.

Promotion of Administrative Justice Act (No. 3 of 2000) Section 3 and 4 which relate to procedurally fair administrative action affecting any person and in cases where administrative action affects the public.

Gated Development Policy sets out guidelines for the planning and assessment of development proposals involving any form of gating, enclosing or road/lane closures.

Roads Ordinance (19 of 1976) Section 17(1) states that no person shall erect any structure, the whole or portion of which falls within the statutory width of any public (proclaimed) road except with the permission of and in accordance with the plans, standards and specifications approved by the road authority.

Municipal Ordinance (20 of 1974) Section 141 states that no person shall, except with the consent of the council, construct, erect or lay any building over or in such a position or in such a manner as to interfere with or endanger any municipal service.

National Building Regulations and Standards Act (103 of 1977) Section 4 provides for the approval by local authorities of applications in respect of the erection of buildings.

By-law relating to Street, Public Places and Prevention and Nuisances (September 2007) Section 7(b) prohibits the obstruction of pedestrian traffic on a sidewalk by bringing or allowing to be brought thereupon any object that obstructs such pedestrian movement in any manner whatsoever.

Local Government Municipal Systems Act (No. 32 of 2000), Section 62 deals with the rights of appeal against decisions taken

And legislation conferring powers related to policy implementation.

7. Policy Directive Details

7.1 Procedural Requirements, Process and Fees

The application process will be administered and managed through the offices of the relevant Sub-Council Manager who will be required to ensure that the relevant submission requirements as listed below have been met.

7.2 Submission Requirements

The security company, its agent or neighbourhood watch registered with the Community Police Forum hereinafter referred to as the applicant, intending to place a security hut on council owned land will be required to submit an application as set out in Section 7.3:

- 7.2.1 A security company who has already placed a security hut on council owned land prior to the commencement of this policy will be required to follow the process as if it were a new application as required in section 7.2
- 7.2.2 Should there be an existing security hut that is not compliant with the criteria of his policy, the security company would need to apply for a departure from the conditions of this policy in terms of Clause 7.6.3

7.3 An application form as per Annexure A:

- 7.3.1 A locality plan showing the extent of the area for which the security service is being provided and the proposed locations of where the security huts are to be placed (scale 1:2000 to 1:5000);
- 7.3.2 A site plan(s) of sufficient detail (scale 1:500 to 1:1000) showing the specific proposed location of the security hut(s) and existing underground services in relation to the surrounding properties.

7.4 Process

- 7.4.1 On receipt of the completed application form with all supporting documentation, the Sub-Council Manager verifies that all the requirements have been met (Annexure C) and forwards the application to the relevant District Managers Office of the Department of Asset Management and Maintenance (TCT) for processing.
- 7.4.2 Further information or documentation may be called if required.
- 7.4.3 The District Manager checks and verifies compliance and makes a recommendation to the Director: Asset Management and Maintenance (TCT).
- 7.4.4 The Director: Asset Management and Maintenance (TCT) to compile a report and make a recommendation to the relevant Sub-Council.
- 7.4.5 The Sub-council Manager to table report to the next Sub-Council Meeting.
- 7.4.6 The Resolution of the Sub-Council meeting to be forwarded to the Director: Asset Management and Maintenance (TCT).
- 7.4.7 The Director: Asset Management and Maintenance will inform the applicant of the outcome of the decision within seven working days.

7.5 Fees and Charges

- 7.5.1 A site rental fee will be levied per security hut in accordance with city tariff schedule payable in advance,

- 7.5.2 The security hut may not be erected until all fees and charges have been paid in full.

7.6 Appeals

- 7.6.1 Any person whose rights are affected by a decision taken by the City in the implementation of this policy may appeal against that decision by giving written notice of the appeal and reasons to the City Manager within 21 days of the date of notification of the decision.
- 7.6.2 Limitations
It is to be noted that the approval granted to the applicant shall be taken to deal only with the application to erect a security hut, as submitted and shall not be construed as authority to depart from any other legal provision.
- 7.6.3 Any applicant may apply for departure from any conditions as contained in sections (8.2.7, 8.2.8, 8.2.11 and 8.1.12) in this policy.
- 7.6.4 Waiver – Any NPO or Neighbourhood watch may apply for the waiver of rental fees.

8. Policy Parameters

This policy refers only to the Placement of Security Huts on city owned land and it does not relate to any other types of structures.

8.1 Policy Statements

Locations where applications for security huts will not be considered.

- 8.1.1 Within the reserve of any proclaimed road, main road or any road of metropolitan significance.
- 8.1.2 Within the reserve of any designated scenic drive or route;
- 8.1.3 Within 50m of proclaimed national heritage sites and nature sensitive areas and
- 8.1.4 Where the security hut serves an individual private property, in such instances security huts must be placed within the boundary of the property itself.

8.2 Locations where applications for security huts may be considered.

- 8.2.1 On City-owned land but subject to the conditions listed hereunder

Condition of Approval

- 8.2.2 The security service provider must be registered with the Private Security Industry Regulating Authority (PSIRA) or a body recognized in terms of the relevant government policy.

- 8.2.3 The only security huts permitted to be placed in the reserves of Municipal roads/streets will be those used and managed by a registered security company that has been engaged by the local community to service a defined area or a neighborhood watch registered with the local police station.
- 8.2.4 The security hut may not obstruct pedestrian movement or vehicle sight lines.
- 8.2.5 The security hut may not obstruct or prevent access to any municipal or other utility or telecommunications services infrastructure.
- 8.2.6 Applicant will be responsible for the repair and/or reinstatement of any damage caused to council property, including all costs, arising from this authority.
- 8.2.7 The size of the security hut may not exceed 2.4m by 2.4m including any veranda attachment and may not have any permanent foundation. No projections from material, front, back or top aspects of the structure.
- 8.2.8 The security hut shall be of wooden construction and/or constructed of panels commonly known as "Newtech" which shall be painted a mahogany brown colour.
- 8.2.9 No advertising/signage other than that of the service provider and contact details will be permitted to a maximum size of 600mm by 400mm which sign will be fixed to the structure and not illuminated.
- 8.2.10 A maximum of three security huts per contracted area will be permitted.
- 8.2.11 A chemical toilet may be permitted provided it is affixed to the rear of the Security hut, clad in the same material as the hut and so positioned that sufficient space for servicing is available and provided further that the abutting owners have no objections thereto.
- 8.2.12 The provision of electricity for lighting and video cameras will be permitted subject to the installation of all electric wiring and fittings being undertaken in accordance with national specifications and standards. Separate applications for the provision of an electricity supply as well as a way leave permission for the installation of a cable to the security hut will be necessary.
- 8.2.13 The applicant must provide letters of comment from the ward councillor.
- 8.2.14 The applicant must provide letters of comment from the residents and/or property owners abutting either side and across the street of the proposed location of the security hut.
- 8.2.15 The applicant must indemnify the City of Cape Town against all claims, incidental otherwise, arising out of the placement of such security hut.
- 8.2.16 Maximum period of authority will be 24 months or for the duration of the contract with the community, whichever period is the shorter, subject to the following conditions:
- 8.2.17 Application for the renewal of authority must be made not later than 4 months prior to the expiry date thereof.

- 8.2.18 The authority is not transferable.
- 8.2.19 Failing the renewal of the authority, the structure must be removed within 5 working days of the expiry date thereof, failing which the City of Cape Town will remove it at the applicant's cost and the City will not be held responsible for any damages incurred.
- 8.2.20 The security hut and immediate surroundings must be well maintained at all times.
- 8.2.21 The security hut must be operational on a daily basis.
- 8.2.22 The applicant must comply with the Streets, Public Places and Prevention of Nuisances By-Laws of the City of Cape Town.
- 8.2.23 Should the applicant fail to comply with the conditions herein such action will be regarded as non-compliance and the authority will be rendered null and void with immediate effect.
- 8.2.24 A copy of the letter of approval/permit must be laminated and clearly displayed inside the security hut.

9. Implementation Programme

On approval by Council or at a date determined, this policy will be implemented.

10. Monitoring, Evaluation and Review

The policy working group will undertake a review of the policy after 24 months or as directed by the Portfolio Committee.

11. Annexures

- 11.1 Annexure A - Application Form
- 11.2 Annexure B - Standard Security Hut Nominal Dimensions
- 11.3 Annexure C - Checklist and Flow Chart

Annexure "A"
 City of Cape Town
 Application to place security hut(s) on city-owned land

Full name of Applicant:	
Identity Number:	
Postal Address:	
Telephone Number:	
Fax Number:	
Cellular Phone Number:	
Name of Security Company: (if different from the applicant)	
Company Registration Number:	
PSIRA Registration Number: (proof to be attached)	
Company Trading Address:	
Contact Person:	
Telephone Number:	
Fax Number:	
Cellular Phone Number:	
Locations of Proposed placement of Security Huts:	
Suburb:	
Sub-Council:	
Ward Number(s) if project straddles more than one ward: Name of Councillor:	
<u>Location 1</u>	

Street Name:	
Property / Erf Number adjacent to which the hut is to be placed:	
<u>Location 2</u>	
Street Name:	
Property / Erf Number adjacent to which the hut is to be placed:	
<u>Location 3</u>	
Street Name:	
Property / Erf Number adjacent to which the hut is to be placed:	
<u>Locality Plan</u> , showing the extent of the area for which the security service is being provided in the particular suburb and proposed locations of where the security hut is to be placed (scale 1:2000 to 1:5000). Attached?	YES / NO
<u>Site Plan</u> , showing the specific location of where each security hut is to be placed and clearly indicating all identifiable physical features e.g. roadway, kerb line, paved sidewalks, manholes, all utility poles, road traffic signs, trees and other landscaping features, driveways, drainage channels etc. as well as showing what underground services exist in the immediate proximity to the proposed location of the hut (scale 1:5000 to 1:1000). Plan attached	YES / NO
<u>Service authorities contacted</u>	
Electricity / Eskom	YES / NO
Water Services	YES / NO
Sanitation Services	YES / NO
Telecommunications	YES / NO
District Roads Office (Roads and Stormwater)	YES / NO
Letter of support from Ward Councillor(s). Copt attached?	YES / NO

Consent form completed by residents / property owners adjacent to, abutting and opposite the proposed location of the security hut.	YES / NO
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Signed at _____ on this _____ day of _____ 2015

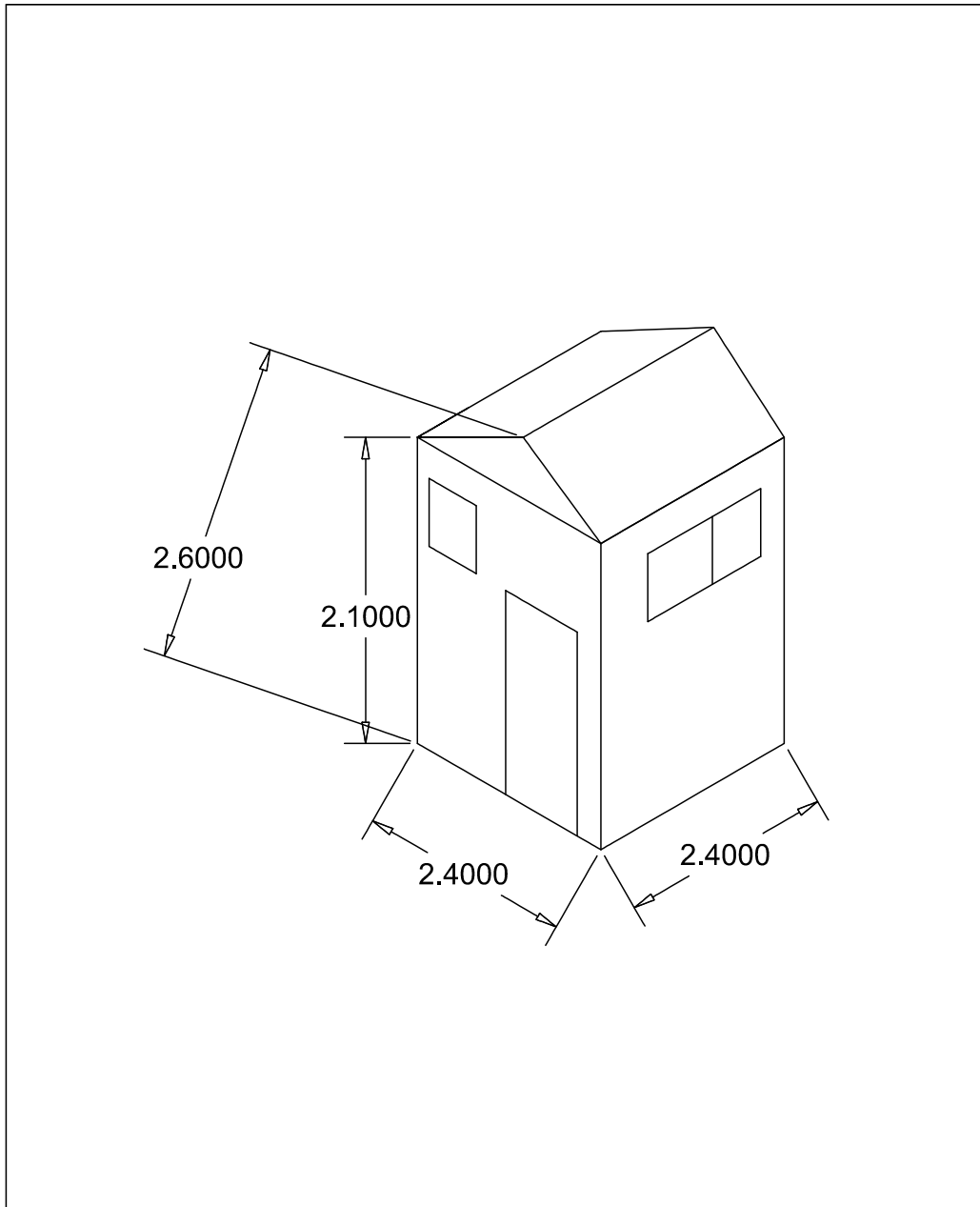
Name: _____

Capacity: _____

Signature: _____

Witness: _____

Annexure B - Standard Security Hut Nominal Dimensions



SURVEYED	CITY OF CAPE TOWN		
DESIGNED NAME			
DRAWN	STANDARD SECURITY HUT NOMINAL DIMENSIONS		
CAD NAME			
EXAMINED			
APPROVED			
CORR. FILE			
P. BOOTH HEAD: ROADS AND STORMWATER DESIGN	M. WHITEHEAD EXECUTIVE DIRECTOR	SCALE 1 : 5	DRAWING N° R4 -???? L:\ROADS\PROJECTS\MINROADS

Annexure C - Checklist and Flow Chart

City of Cape Town - Department Of Asset Management & Maintenance

Placement Of Security Huts On City Owned Land

Checklist For Sub-Council Manager

Are the applicant's details correct and have they been verified / confirmed?	YES / NO
Is the applicant or his / her agent (the security company) registered with PSIRA?	YES / NO
Is the registration certificate attached to the application (certified copy)?	YES / NO
Is a locality plan attached?	YES / NO
Does the locality plan clearly show on which roads / streets and locations where the huts are to be placed?	YES / NO
<p>Are any of the proposed positions:</p> <ul style="list-style-type: none"> - Within the reserve of any proclaimed road, main road or any road of metropolitan significance - Within the reserve of any designated scenic drive or routs - Within 50m of proclaimed national heritage sites and nature sensitive areas - <p>If YES, applicant to be informed that the specific location is rejected and he / she must amend the application accordingly</p>	YES / NO
<p>Is the placement of the security hut for the servicing of an individual property?</p> <p>If YES, applicant to be informed that the specific location is rejected and he / she must amend the application accordingly.</p>	YES / NO
Is a detailed site plan attached?	YES / NO
Does the site plan(s) clearly show the specific location of where each security hut is to be placed including all identifiable physical features such as the road / street, the respective kerb lines, any manholes, utility poles (electricity, telecommunications), road traffic signs, trees and other landscaping features, driveways, drainage channels?	YES / NO
Are all underground services shown?	YES / NO
<p>Are letters from the following utility and telecommunication service providers verifying the positions of their services attached?</p> <p>Electricity / Eskom</p> <p>Water Services</p>	<p>YES / NO</p> <p>YES / NO</p>

Sanitation Services (Sewers)	YES / NO
Stormwater Services	YES / NO
Telkom	YES / NO
Other (name)	YES / NO
Has a letter of support from the Ward Councillor been received / attached?	YES / NO
Has the consent form been completed by residents / property owners affected by the intended location of the security hut and attached to the application.	YES / NO