

# POLICY: REGULATION OF EXTERNAL AND PRIVATELY OWNED CCTV (CLOSED CIRCUIT TELEVISION) CAMERAS ON COUNCIL- AND PRIVATE PROPERTY

**Approved by Council: 8 December 2020** 

**Resolution: 211/2020** 

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### **DEFINITION AND ABBREVIATIONS**

"Applicant" means a registered organization, body or person

Applying to Cape Agulhas Municipality Vetting Committee for authority to install a CCTV system, camera, equipment or merely registering a CCTV camera on Municipal property or viewing public land. "CCTV" means Closed-Circuit Television

and is the industry standard in surveillance cameras

"Municipal Property" means land, structures and infrastructure owned by Cape

Agulhas Municipality

"Cape Agulhas means Cape Agulhas Municipality, a municipality issued in terms of the Local Government: Municipal Structures Act, 1998,

terms of the Local Government: Municipal Structures Act, 1998, or any structure or employee of the Municipality acting in terms

of delegated authority

"Council" means the Municipal Council of Cape Agulhas

"Infrastructure" means any land, building or fixture attached to it, any pole,

fence, wall, bridge, sign, cabling, tree, tower, or fixture attached

to it and any other service delivery structures

"Person" includes a natural or juristic person

"Register" means a process whereby an applicant registers a CCTV system, camera or any related equipment on Municipal land or

infrastructure

"Structure/s" means an item or items made up of a number of parts that are

held or put together in a particular way

"Temporary Installation" means the installation of a CCTV camera or system on

Municipal land or infrastructure, not exceeding thirty days. This includes a trailer adapted to be a roving mobile CCTV camera

device.

"Vetting Committee" means a committee headed by the Director: Management

Services and affected members from the relevant Municipal line

departments.

Public Areas Any area which is free and open to the general public at all

times including roads and pavements

### 1. PRE-AMBLE

- 1.1 Cape Agulhas Municipality is experiencing an increase of privately owned CCTV cameras, installed on Council land and infrastructure, without authorization.
- 1.2 Some of these installations damage and clutter Cape Agulhas Municipality's structures, duplicating the purpose of existing cameras monitoring an area.
- 1.3 There is currently no application process in place for recognised organizations, a registered body, or a person to register their CCTV system with the Municipality.
- 1.4 There is currently no effective way to ascertain the ownership of a CCTV camera installed on Council land, which affects investigation processes by the South African Police Services and information gathering by Cape Agulhas Municipality Law Enforcement and Traffic Services.

### 2. DESIRED OUTCOME

- 2.1 The aim of this policy is to regulate all CCTV on Municipal and private property, while promoting the use of CCTV cameras, as a mechanism to deter crime and promote a safer town.
- 2.2 The policy establishes a uniform and comprehensive set of standards and assessment criteria to assist in the control, development and installation of CCTV infrastructure on Municipal structures, in the Greater Cape Agulhas area. A written agreement in this regard, between Cape Agulhas Municipality and the applicant, will be entered into, once the application is approved.
- 2.3 The policy will enable the registration of all CCTV cameras currently installed on Municipal structures, infrastructure and land by 30 June 2020.
- 2.4 The policy shall allow for improved security by providing for reasonable connecting mechanisms i.e. either by physical or via fixed or non-fixed line when required, to allow the SAPS and accredited Security Companies access into the applicant's CCTV system, to view public areas via CCTV.
- 2.5 If there is benefit of a private and external CCTV camera to Cape Agulhas Municipality, Council may subsidize the monthly electricity usage for each individual third-party camera.
- 2.6 The Council may, depending on the availability of funding, consider the possibility of paying, in full, or part thereof, the installation fees for Council approved special rating areas, community based Organizations, Neighbourhood Watches and Community Police Forums (registered with the Provincial Dept. of Community Safety), of the actual cost involved to install a pole for one or more cameras, including the electrical connection to such pole (or on any other existing Council owned infrastructure), as well as the monthly electrical tariff, upon considering a written submission made by such entity, which will include proof of funding limitations suffered by such

entity or any other relevant factor which Council could consider. Council may consider installing additional poles for the sole purpose of CCTV surveillance if there is no existing pole that can be used, as per 2.5

2.7 Cape Agulhas Municipality will welcome cross-subsidization of systems, from third party applicants, for impoverished areas. A written agreement will be entered into between the donor party and Cape Agulhas Municipality, or the receiving party.

### 3. STRATEGIC INTENT

The Policy seeks to align with several overarching strategy documents that inform the Municipality's work, namely:

- 3.1 To create an enabling environment for economic growth and development: To ensure institutional sustainability and promote economic growth through the establishment of a safe environment.
- 3.2 To create and maintain a safe and healthy environment: To create a safe and healthy environment for all citizens and visitors to the Cape Agulhas Municipality.

These IDP goals expresses in the overall purpose of the policy in regulating CCTV and ensuring that it can be used to promote economic growth and safety.

### 4 POLICY PARAMETERS

- 4.1 This policy applies to private and external CCTV cameras, installed on Municipal land and infrastructures as well as private CCTV cameras installed on private property, monitoring the town's public area and those CCTV cameras which forms part of a broader CCTV network.
- 4.2 This policy is intended to regulate and not restrict the erecting of CCTV infrastructure on Municipal structures.
- 4.3 This policy is applicable within the boundaries of the Cape Agulhas Municipality.
- 4.4 This policy has transversal implications, as it affects the various departments responsible for the infrastructure, where CCTV systems will be installed.
- 4.5 Cape Agulhas Municipal departments are not required to follow the application process, but merely register the locations of the CCTV cameras with the Director: Management Services, using <u>Annexure 10.10</u>

### 5 ROLE PLAYERS AND STAKEHOLDERS

### 5.1 Director: Management Services

5.1.1 The Director: Management Services or delegated officer from the department is responsible for the implementation and monitoring of this policy.

- 5.1.2 The Director: Management Services or delegated official from the department shall coordinate the vetting committee which shall review all applications monthly or as deemed suitable by the Director: Management Services.
- 5.1.3 All applications shall be submitted to the Municipal Manager, Cape Agulhas Municipality.

### **5.2Electricity Department**

5.2.1 The Electricity Department will be responsible for advising on the wayleave process for electrical supply issues and to verify that any pole used for the purposes of supply or lighting will meet the structural and durability tolerances within the necessary limits, to accommodate CCTV camera and related equipment.

### 5.3Technical Department

5.3.1 The Technical Department will be responsible for advising where installations may be erected so as not to damage Municipal infrastructure such as sewage or water reticulation systems.

### 5.4 Other Municipal departments

5.4.1 Any line departments required to facilitate the application process will have a representative on the vetting committee.

### 5.5 Stakeholders who could benefit from this policy.

- South African Police Services
- Community Police Forums
- Business & Business Forums
- Ratepayers Associations
- Neighbourhood Watch Organizations
- · Registered Community Organizations

### **6 REGULATORY CONTEXT**

- 6.1 The CCTV System that is envisaged for installation by the successful applicant may not infringe any stipulations as prescribed by the following legislation:
  - 6.1.1 The Constitution of the Republic of South Africa, 1996
  - 6.1.2 Telecommunications Act, 1996 (Act no 103 of 1996)
  - 6.1.3 Protection of Personal Information Act, 2013(Act no 4 of 2013)

### 6.2 This policy should also be read with the following by-laws:

- 6.2.1 Cape Agulhas Municipality, Town Electricity Supply bylaw
- 6.2.2 Cape Agulhas Municipality's Outdoor Advertising and Signage Bylaw

- 6.3 Reference to the applicable legislation must be made in the applicant's business plan. Applicants in contravention of any law whilst in operation will have to cease operations and remedial action will need to take place.
- The system specifications must be in line with the Consumer Goods Council, Recommended Industry Guidelines for CCTV.

### 7 POLICY DIRECTIVES

### 7.1 Mandatory criteria required in application – New Installations

- 7.1.1 The application for permission to install a new system on Municipal infrastructure must include a written motivation in the form of an application to Vetting Committee, via the Municipal Manager.
- 7.1.2 All the applicable annexures as listed in Section 10 must be duly completed and submitted with the application.

### 7.2 Submitting of Application

The following items will form the core of the application:

- 7.2.1 Applicant's Business Plan: A complete written motivation is required with reasons and crime statistics as to why the system or camera is required. A funding and operational cost sustainability strategy to be provided for at least 3 (three) consecutive years. The application form is attached in Annexure 10.1
- 7.2.2 Proof of consultation with External Groups and Bodies: proof of consultation with the relevant and interested authorities in a specific area is needed to process the application. These bodies might include the local South African Police Service, Community Police Forum, or registered Neighbourhood Watches.
- 7.2.3 System Specifications: Specifications must be submitted in the application, with relevant contact numbers of the intended service providers. The specifications must be in line with the Consumer Goods Council Recommended CCTV Industry Guidelines. The CCTV system must have the ability to be connected to the municipality's system at any time in order to view the imagery as and when required.
- 7.2.4 Third Party Infrastructure: The Geographical CCTV Camera layout and the Schematics of the following must be submitted with the application:
  - Wireless Network layout inclusive of antennae and transmission equipment.
  - Fixed line layout of fixed solid cable linked to two or more devices.
  - \* Backbone layout related to the main network carrier.
  - Typical camera installation layout (one or more if different).

- Control Room layout where CCTV images are monitored, recorded and stored.
- 7.2.5 **Monitoring Specifications:** The following information must be submitted with the relevant contact details:
  - Location of the control room or monitoring centre.
  - \* The Company contracted to conduct the monitoring, if applicable.

Any changes to the location or contracted company must be forwarded to the vetting Committee in writing, thirty days in advance of the change.

7.2.6 **Pre & Post on-site inspection and acceptance:** Prior and post installation inspections will be done by a person/s designated to do so, by the Vetting Committee.

### 7.3 The application Process

- 7.3.1 Once the applicant submits the application set out in 7.1, the application will be considered for recommendation of approval to the Vetting Committee and the vetting Committee must respond within a period of 30 days.
- 7.3.2 The Vetting Committee shall consider the application in the first instance.
- 7.3.3 If the application is accurate and complete, it shall be sent to the relevant department.
- 7.3.4 It shall be the responsibility of the relevant department, whose structure the applicant intends to utilise, to verify that the technical aspects of the application meet the structural and durability tolerances of the structure, within the necessary limits.
- 7.3.5 If the relevant department is satisfied with the load and tolerance tests, the Vetting Committee shall approve the application and report back to Council for noting. If the application is rejected by the Vetting Committee, the applicant can object to such decision to the Municipal Manager.
- 7.3.6 If municipal structure is not a viable option, the applicant must consider other placement options, such as applying for a wayleave to install a pole on Municipal property.
- 7.3.7 The successful applicant shall be required to adhere to any rules, regulations and limitations set out by the vetting Committee in the approval.
- 7.3.8 The applicant shall be bound to all written agreements relating to this policy.

### 7.4 Registration of Cape Agulhas-owned CCTV cameras

- 7.4.1 All existing CCTV cameras within the Cape Agulhas area are required to be registered with the Vetting Committee.
- 7.4.2 Cape Agulhas Municipal departments are to follow the registration process as per <u>Annexure 10.9</u> in this policy.

### 7.5 Areas requiring special approval for Third Party installations

- 7.5.1 The installation of CCTV cameras by private organizations on the following structures will require special approval from the owner
  - \* Signboards
  - \* Traffic Signals
  - \* Information Boards
  - \* Government Buildings
  - \* South African Police Community Service Centres
  - \* Schools

### 7.6 The Erection of Temporary Cameras

- 7.6.1 An applicant, who would like to install a temporary CCTV camera for a period not exceeding 30 days, needs to complete only <u>Annexures 10.2</u> and 10.4
- 7.6.2 This application must be submitted to and considered by the Vetting Committee for permission before any installation commences.

## 7.7 Existing Third-Party CCTV system or cameras in operation on Municipal property or structures

- 7.7.1 All third-party CCTV systems and cameras on Municipal property and Municipal structures need to be registered with Cape Agulhas Municipality within 90 (ninety) days after the policy has been approved by Council.
- 7.7.2 The registration process is the same as that set out in 7.3 and the relevant documentation as attached in <u>Annexure 10.1</u> and <u>10.2</u> must be completed.

7.7.3 If a system is identified as unregistered after the abovementioned timeline as per section 7.7.1, the unregistered CCTV equipment or systems shall be dealt with as stipulated in items 7.8.4 to 7.9.6

### 7.8 Unregistered CCTV Equipment and cameras

- 7.8.1 Should any camera, equipment, system or part thereof not be registered in accordance with this policy, a notice will be issued by attaching the notice to the CCTV structure, to register the CCTV camera. The first notice is attached as <u>Annexure 10.8</u>
- 7.8.2 If after fourteen days, no effort to register has been made in terms of the first notice, a second notice will be issued for the removal of the camera and equipment, after which it will be removed by the municipality for the cost of the owner in terms of 7.8.6. (Annexure 10.9)
- 7.8.3 If contact is made with the relevant municipal official, the applicant will be permitted to operate the system, on condition that an application for camera registration is made. The application to register the CCTV camera or equipment must be submitted to the vetting committee within one month from the date of the first notice... If the application is rejected by the vetting Committee, the applicant can object to such decision to the Municipal Manager within seven days.
- 7.8.4 If no objection is made by the applicant or the objection is unsuccessful, all the CCTV and related equipment must forthwith be removed from Municipal property in an appropriate manner.
- 7.8.5 If this notice is not adhered to the Municipality will remove the CCTV system completely and hand in at the nearest Police Station or be held in lockup for three months in a Municipal facility where after it shall be auctioned off or disposed of, as the Municipality sees fit.
- 7.8.6 If the removed CCTV system is retrieved by the owner within the three-month period, the cost for the de-installation, removal and storage of equipment must be settled immediately by the owner and released upon receipt of payment.

### 7.9 Third Party CCTV Inspections

- 7.9.1 All third-party applicants must ensure that proper records of their CCTV system are kept.
- 7.9.2 Inspections shall be carried out by a person designated by the Vetting Committee for compliance with this policy.

### 7.10 Acceptance of costs and liability

7.10.1 All costs to setup install and maintain the system will be borne by the applicant; subject to provision 2.6.

- 7.10.2 All liability will be borne by the applicant.
- 7.10.3 The municipality will be exempt from all liability arising from this application. This will also apply for the installation of the relevant system as well as during the operation thereof.
- 7.10.4 Any damages to the applicant's system is for their own expense and the Municipality will not be liable for the recovery of costs or repair, even should the damage arise from work done by the municipal departments on the infrastructure.
- 7.10.5 Any damage or unauthorised modification to the municipal infrastructure must be repaired or made good at the cost of the applicant within a mutually agreed upon time.
- 7.10.6 All equipment must be insured against personal liability and damage by the applicant and necessary documentation must be provided as proof.

### 7.11 Structures other than Cape Agulhas Municipal property

- 7.11.1 CCTV installations on private property, that monitor public urban area and that do not form part of a broader CCTV network i.e. transmitted and recorded on or off-site, do require the authorization of the Vetting Committee. The location of the cameras and reasons for the installation must however be submitted (Annexure 10.7) to the vetting Committee to ensure that all cameras, viewing public areas, including a road, are used for legitimate policing efforts, which are in the broader community's interest and not for any illegal activities or purpose.
- 7.11.2 A database of all third-party cameras monitoring municipal property and viewing public areas shall be kept by Manager: Protection Services.
- 7.11.3 The Municipality reserves the right to utilize the public space as the necessity dictates and takes precedent above the camera installations, existing or new.

### 7.12 Structure and Equipment Specifications

- 7.12.1 The structure specifications shall be set out by the municipal line departments and the Vetting Committee.
- 7.12.2 The applicant will ensure that the municipal structure is not damaged or modified in such a way that it does not serve its original purpose. Please see 7.10.5

# 7.13 Handling of evidence and recordings (Recorded and still imagery / footage)

7.13.1 Each camera should record and have footage available for a period not less than 20 days. (Optimal)

- 7.13.2 Systems that are unable to meet the optimal recording requirement, should have measures in place, in order for the relevant imagery to be removed and stored by the relevant CCTV control centre in a safe place, until such time that it can be utilized for investigation or court purposes by an investigating officer.
- 7.13.3 Any person downloading such evidence onto a movable media source will be required to provide a written statement to the court, when required, confirming that they have done such transfer, without altering or manipulating any data thereon.
- 7.13.4 All CCTV footage/imagery of recoded incidents, that require further investigation, must be stored in a safe place; preferably a locked steel safe with a removal register, tracking such removal.
- 7.13.5 All CCTV footage is to be treated as confidential and be handled in that manner. Footage should only be released to South African Police Service / Municipal Law Enforcement Department, with a receipt, to track such footage removal.
- 7.13.6 Access to the LPR component on a non-permanent basis may be granted to officials of the South African Police Services, subject to approval and written consent of the applicable Station Commander. These applications may be granted subject to final approval of the Municipal Manger of Cape Agulhas Municipality. Proper record keeping of approvals has to be done in line with all applicable legislation and Municipal Policies. This access needs to be reviewed bi-annually by the Manager: Protection Services

### 8 MONITORING, EVALUATION AND REVIEW OF POLICY

The Municipality will to be the custodian of the databases of all registered CCTV cameras.

The Vetting Committee will report monthly to the relevant portfolio committee on the number of applications received, including a list of those received and those rejected.

This policy will be reviewed every two years or when there is a change in any relevant legislation necessitates it.

### 9 ANNEXURES

- 9.1 Application form
- 9.2 Camera Registration form

- 9.3 Application checklist
- 9.4 Temporary application form
- 9.5 Structure specifications
- 9.6 Application for new or modified electricity services
- 9.7 CCTV cameras on private property, monitoring public area
- 10.8 Notice of impending removal of CCTV equipment on Cape Agulhas Municipal property
  - 10.9 Notice of removal of CCTV equipment on Cape Agulhas Municipal property
  - 10.10 CCTV cameras installed on public roads by Municipal departments

APPLICATION FORM TO INSTALL CCTV CAMERAS ON CAPE AGULHAS MUNICIPAL PROPERTY				
Name of organization				
Representative Name				
Address of Organization				
Tel of Organization				
Tel of Representative				
E-mail address of Org		*		
E-mail address of Rep				
Pleas	e submit the following details			
Reason for application	Full Motivation with factual info and complete understandings			
Approvals	Letter of acknowledge from the S.A. Police Area Station Commander, Community Police Forum, Central Improvement District or Neighbourhood Watch			
Business Plan	Business plan for CCTV			
CCTV Monitoring Centre				
CCTV Locations	Complete Annexure 10.2			
CCTV Cam GPS Coordinates				
Schematics and Diagrams	Separate page, preferably to scale, with all dimension given			
Envisaged Start Date				
Completion Date				
Date Application received				

# CAPE AGULHAS MUNICIPALITY CCTV CAMERA REGISTRATION FORM

### INFORMATION REQUIRED FOR CCTV DATABASE

No	Location	At intersection or between which roads	Purpose	PTZ or Static
1				
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		CCTV APPLICATION CHECKLIST BEFORE SUBM	ISSION
		ITEM	TICK
	a)	Application Form	
	b)	Full motivation with factual information & complete understandings	
	c)	Approval- letter from Area Station Commissioner	
	ď)	Approval- letter from Community Police Forum, Central Improvement District or Neighbourhood Watch	
	e)	Approval from all relevant bodies in the CCTV Project area	
	f)	Business Plan- Short, medium- and Long-Term Plan	
	g)	Geographical area for the CCTV Project	
	h)	CCTV Locations List	
	i)	CCTV Locations GPS Co-ordinates	
	j)	CCTV System Specifications	
	k)	CCTV Monitoring Specifications	
	l)	CCTV Monitoring Centre	
	m)	Schematics and diagrams	
	n)	References of Installers	
	0)	Acknowledgement and Acceptance of costs & liability	
, <del>.</del>	p)	Approval for Special Areas (if any)	

### APPLICATION PROCESS FLOW

1) R	eceive application
2. C	heck application for all necessary requirements
3. Та	able to vetting Committee
4. Ac	cceptance that application meets initial requirements
5. Di	stributed to respective line departments
6. C	omments from line department
7. A	pproval / rejection of application

### Annexure 10.4

APPLICATION TO INSTALL CCTV CAMERAS ON CAPE AGULHAS MUNICIPAL PROPERTY FOR 30 DAYS OR LESS		
Name of Organization		
Representative Name		
ID Number		
Address of Organization		
7110		
Tel of Organization		
Tel of Representative		
E-mail address of Org		
E-mail address of Rep		
Ple	ease submit the following details	
Reason for application		
CCTV Monitoring Location		
CCTV Locations	Annexure 10.2 to be attached to this application	
CCTV Cam GPS Co- ordinates	Optional	
Schematics and Diagrams	Installation	
Envisaged Start date		
Completion date		
Date Application received		
	W	

# CAPE AGULHAS MUNICIPALITY STRUCTURE SPECIFICATIONS

### **Electricity Services**

ln	frastructure	Cameras	and Con	naction Boy	ac will be s	حم المصيدمال	
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	Low Voltage Distribution Mains Pole only, i.e. only electricity poles that have mains wires on and that form part of the Low Voltage Overhead Line Network.
	No camera's or connection boxes for cameras are allowed on streetlight poles or standalone distribution poles.
	Only two cameras allowed on any such pole.
	Wireless antennas are not allowed to encroach on the minimum clearances as listed below and must be aesthetically pleasing.
_	
Ins	stallation allowed on LV Distribution Main's Poles
	The electrical connection from the mains wires will have to be done by the relevant Construction Section of the affected Distribution District. Cost to be determined by District System Development. It will be a fixed rate tariff, no meter.
	The camera installation is to be SANS 0142 compliant and a Certificate of Compliance to be issued by the Contractor installing the electrical connection box prior to switch on.
	The camera installation to be at least 1m below any streetlight luminaire, where there is no streetlight luminaire, the camera installation to be 1m below the overhead line conductors.
	All cable and wire used to be UV rated and properly terminated via a gland.
	If deemed necessary, there shall be earth leakage provided by the installer of the camera equipment.
Ins Po	tallation of Cameras and Connection Boxes other than on Distribution Mains les
	In areas where the Low Voltage Network is underground and only streetlight poles exist, no cameras or connection boxes will be allowed to be mounted on the streetlight poles.
	In this case the requestor will have to provide and install a suitable pole as per the industry standard and install the equipment on it. A maximum of two cameras allowed per pole.
	The cable should run internally in the pole and no cables to be visible on the outside.
	The requestor is to provide and install the supply cable up to the allocated mains kiosk and leave enough slack/spare for the cable to be terminated in the kiosk. No joints allowed.

	Connection fee and fixed rate tariff to be provided by District System Development. All work to be in accordance with Electricity By-laws and SANSD 0142. A Certificate of Compliance is to be provided prior to switching on.
	All way leaves and the necessary permits to be obtained by the contractor installing the cable and pole/s.
Rea	asons for not installing on streetlight poles
	It is not acceptable practice to have two separate supplies on one pole.
	The streetlight poles are not designed to carry boxes and cameras on them.
	The maximum bending ratings of streetlight poles are not the same.
	Streetlights are not designed to support ladders for maintenance purposes.
Oth	ner Comments
	Camera weights and dimensions to be provided.
	Connection boxes to be standard and the same colour as existing boxes on Electrical Services infrastructure.
	Electricity Services not responsible for cleaning and maintaining cameras.
	No Electricity Services Aerial Platform may be used by the contractor for installation, maintenance, or servicing of the camera.
	All requests to be treated as projects run by District System Development and Construction in the three Areas and twelve Districts.
	No cameras or other CCTV equipment to be installed on medium or High Voltage Overhead line networks.
<b>D</b>	Camera casing to include permanent display of contact details such as telephone number of the responsible person to be contacted with respect to the camera installation.
Ò	Electricity Services shall not be held responsible for any damage as a result of the pole getting damaged, the camera equipment being vandalized or the camera malfunctioning as a result as of any supply related problems.