

CONSTITUTION

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1. Definitions:

"Area"

The area includes all erven, roads and public spaces approximately bounded to PLATTEKLOOF, WELGELEGEN (INCLUDING KLEINBOSCH) AND PANORAMA and all estates branching off PLATTEKLOOF and any other roads or areas which the Executive Committee agree shall be incorporated in the area from time to time.

"Community":

The residence, businesses and other institutions in the area.

"Dangerous Weapons":

As defined by The Dangerous Weapon Act No 71 of 1968, shall mean... "any object, other than a firearm, which is likely to cause serious bodily injury if it were used to commit an assault."

"Executive Committee" or "Exco":

The elected office bearers comprising ONE Chairperson and ONE Vice Chairperson, ONE Treasurer and ONE Secretariat and any other co-opted office bearer(s) deemed necessary by the Executive Committee for the effective functioning of the Executive Committee.

"Local Community Police Forum":

The Community Police Forums of the South African Police Service districts in which the area falls.

"Management Committee" or "Manco":

The elected Executive Committee plus co-opted office bearers including Zone Captains for each Zone and any other position deemed necessary by the Executive Committee for the effective functioning of PLATTEKLOOF, WELGELEGEN AND PANORAMA NEIGHBOURHOOD WATCH.

"Member":

A registered member of PWP NEIGHBOURHOOD WATCH NPC as more fully detailed in Article 4.

"Neighbourhood Watch":

A group of individuals resident or businesses conducted in an area where in a neighbourhood watch activity is being conducted.

"Non-political":

This implies that PWP NEIGHBOURHOOD WATCH NPC shall not be affiliated to any political organization, and also must not do any work or give the perception in regards to being politically aligned with a, or any political organization.

"Non-discriminatory":

This implies that PWP NEIGHBOURHOOD WATCH NPC shall not discriminate on the grounds of sex, gender or sexual orientation.

"NPC":

This means a registered Non-Profit Company.

"WCPC & CoC":

The Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch

2. Structures:

Aims

- (a) To nurture a sense of unity, dedication and good neighbourly relations among the community in the area.
- (b) To serve as a watchdog (eyes and ears) for the community, the security service providers and the local police services, thereby assisting the local police services and security service providers to safeguard the community against criminal activities and strive for a safe and secure environment.
- (c) To provide a channel through which the community can play a meaningful role in crime prevention.

3. Objectives:

- (a) To create community awareness with regard to safety, crime prevention and protection of the community and their property.
- (b) To encourage the community to work in close cooperation with the South African Police Service, the security service providers and other structures such as local authorities who are involved in law enforcement.
- (c) To seek to unite the community in the area in creating a stable and crime free environment.

4. Membership:

- (a) Membership of PWP NEIGHBOURHOOD WATCH NPC shall be open to all who own property or who reside in the area or have a direct business in the area or at the discretion of the PWP Executive Committee, subject to the criteria as set out in this constitution.



- (b) A person who believes they qualify for membership may apply to join PWP NEIGHBOURHOOD WATCH NPC by completing an online membership application form as the Executive Committee has approved to be used at the time of such application and shall be subject to a police clearance.
- (c) Membership shall be open to all irrespective of race, colour, religion, disability, age or sexual orientations who meet the other criteria for membership as set out in this constitution.
- (d) The Executive Committee may determine at any time whether to charge a membership fee and, if so, the amount and other terms and conditions of such fee. In the event where such a fee is applicable, the payment thereof shall not be enforced in any which way, neither shall the membership of PWP NEIGHBOURHOOD WATCH NPC depend on payment of such fee. The payment of such a fee (if applicable) shall remain voluntary at all times.
- (e) A member may resign by giving written notice (which may be given electronically) to the Committee.
- (f) The Executive Committee may in their absolute discretion terminate membership of any member provided that five (5) days' notice is given to such member of the Executive Committee's intentions and that such notice contains full reasons for the Executive Committee's intended action. Any written reply shall be considered by the Executive Committee.
- (g) Members will have the choice of two (2) categories of membership viz Patroller Membership for those who choose to participate in patrols or Non-Patroller Membership for those who choose not to participate in patrols. Members will have the opportunity to choose category of membership when they first apply for membership, but are free to change category at any time by informing any member of the Management Committee.
- (h) A membership register will be maintained by the Secretariat and updated regularly. The register must contain the name, address and phone contact details for both categories of members and in addition the identity number for Patroller members, together with the Indemnity Forms (referred to in Articles 7 and 8) completed and signed by Patroller members.

5. Meetings of Members:

- (a) Members must be given not less than seven days (7) days written notice (which may be given electronically) of any meeting of members.
- (b) An Annual General Meeting should be held during the first quarter of each calendar year.
- (c) The quorum for an Annual or Special General meeting of the members shall be ten percent (10%) of the registered members. If no quorum is attained the meeting will be postponed for thirty (30) minutes. If no quorum is attained at the start of the postponed meeting, the number of registered members present for the postponed meeting will constitute a quorum.

- (d) Each member at a meeting shall be entitled to one vote. All questions arising at any meeting of members shall be decided by a simple majority of those present and entitled to vote at the meeting. No person shall exercise more than one vote but in the case of any equality of votes the chairperson of the meeting shall have a second or casting vote.
- (e) Future proposed amendments to this constitution may be decided by a simple majority vote of the members at any duly constituted meeting of members for which the required notice has been given.
- (f) Executive Committee members' term of office shall be for the period between Annual General Meetings and Executive Committee members are permitted to be nominated for multiple subsequent terms of office.
- (g) Candidates nominated for Executive Committee Member positions must be duly proposed and seconded at an Annual or Special General meeting of members and if there is only one nomination for a position the nominee will be deemed elected. If there is more than one nomination for a position an election will be conducted via method determined by the Electoral Officer.
- (h) Minutes shall be kept of all Annual or Special General Meetings of members and should contain a record of all attendees, proceedings and resolutions.

6. Code of Conduct:

- (a) Members of PWP NEIGHBOURHOOD WATCH NPC shall be bound by the Code of Conduct set out in the Annexure 2 hereto.

7. Indemnity:

- (a) PWP NEIGHBOURHOOD WATCH NPC is a registered non-profit organization and shall function within the guidelines as provided and set out in the WCPC & COFC.
- (b) Membership of PWP NEIGHBOURHOOD WATCH NPC and the participation in patrolling activities are both actions voluntary undertaken by a member.
- (c) An acknowledgement to the above effect in the form of an Indemnity Form, example of which is attached hereto as Annexure 2, shall be signed by all patrolling members clearly indemnifying PWP NEIGHBOURHOOD WATCH NPC and its members in respect of any criminal or civil liability, against any costs, claims, suits or damages howsoever arising directly or indirectly from any intentional act or omission or any negligence on his/her part.
- (d) Each member authorizes the Executive Committee to enter into any acknowledgement on behalf of PWP NEIGHBOURHOOD WATCH NPC required under the WCPC & COFC.



8. Liability:

- (a) PWP NEIGHBOURHOOD WATCH NPC is not a legal person and as such does not have any power in law whatsoever the nature might be to act or to be acted upon.
- (b) Each member and any neighbourhood watch patroller affiliated to PWP NEIGHBOURHOOD WATCH NPC acts in its own capacity and liability shall be in that capacity.
- (c) PWP NEIGHBOURHOOD WATCH NPC shall not be responsible for civil and or criminal actions or omissions that are perpetrated by any member, nor responsible for civil and or criminal actions or omissions against any member.
- (d) All and any criminal and civil actions that are instituted against a member of PWP NEIGHBOURHOOD WATCH NPC shall be against the member concerned and not PWP NEIGHBOURHOOD WATCH NPC.
- (e) Insurance cover for person, possessions, property and liability is at all times the responsibility of the member.

9. Patroller Identity Cards:

- (a) Each patrolling member shall have a patroller's identity card which will have the PWP NEIGHBOURHOOD WATCH NPC logo, a head & shoulders recent photograph of the member and his or her first name and surname.
- (b) Identity cards may not be similar to that being used by members of the South African Police Services.

10. Disciplinary Matters:

- (a) In the event of any complaint against a member of PWP NEIGHBOURHOOD WATCH NPC lodged with PWP NEIGHBOURHOOD WATCH NPC, the Executive Committee shall deal with the matter at its earliest convenience and if warranted advise the complainant in regards to its action.
- (b) The Executive Committee may after appropriate investigation reprimand, suspend or expel the member if such member is found guilty of misconduct or has brought the good name of PWP NEIGHBOURHOOD WATCH NPC into disrepute, depending on the merits of the case.
- (c) Member(s) found to be making public statements and or addressing the media as spokesperson(s) of PWP NEIGHBOURHOOD WATCH NPC without the explicit authority from the Executive Committee duly mandating the member to act for and on behalf of PWP NEIGHBOURHOOD WATCH NPC, the Executive Committee may, if appropriate, take disciplinary action to rectify the matter and, if appropriate, make a public statement in this regard.



(d) Should a member be found guilty of a criminal offence, members of PWP NEIGHBOURHOOD WATCH NPC shall respect the decision of the courts and the Executive Committee shall, if warranted and if appropriate, institute disciplinary measures against such member.

11. Committees:

(a) The policy and general management of the affairs of PWP NEIGHBOURHOOD WATCH NPC shall be directed by the Executive Committee which will be supported by the Management Committee both of which will have the respective powers as set out in this Constitution.

(b) The Committees may decide on such rules, procedures and notice periods for the conduct of its meetings as they deem appropriate.

(c) The Committees shall meet from time to time as they consider necessary.

(d) The quorum for an Executive or Management Committee Meeting shall be at least five Executive Committee members in attendance.

(e) Minutes shall be kept by the Committees and should contain a record of all attendees, proceedings and resolutions.

(f) Each member of a Committee at a meeting shall be entitled to one vote. All questions arising at such meetings shall be decided by a simple majority (fifty percent plus 1) of those present and entitled to vote at the meeting. No person shall exercise more than one vote but in the case of any equality of votes the Chairperson of the meeting shall have a second or casting vote.

(g) Any vacancy (ies) on the Executive Committee may be temporarily filled by the agreement of the remaining member(s) of the Executive Committee and any person(s) appointed to fill such a casual vacancy (ies) shall hold office until the next meeting of members at which Executive Committee members are eligible for re-election and shall be also be eligible for election at the meeting.

(h) The Executive Committee will co-opt members to fill any vacancies which might arise or to add to membership of the Management Committee. Members of the Management Committee will remain in office until they voluntarily step down or are requested by majority decision of the Executive Committee to step down.

(i) The proceedings of a Committee shall not be invalidated by any accidental failure to elect or any accidental defect in the election, appointment, cooption or qualification of any member.

(k) The Committees may appoint such special or standing committees as may be deemed necessary by the Committees and shall determine their terms of reference, powers, duration and composition. All acts and proceedings of such special or standing committees shall be reported back to the Committees fully and promptly.

(l) The Committees may at any Committee meeting invite any person to attend such Committee meeting provided such person shall not have a right to vote and shall only have a right to speak at the meeting at the discretion on the Committee.

(m) No member of either Committee shall be entitled to any remuneration for serving on such Committee but may, with the approval of the respective Committee and subject to funds being available, be entitled to reimbursement of expenses reasonably incurred on behalf of PWP NEIGHBOURHOOD WATCH NPC.

(n) Executive Committee shall mandate specific member(s) to address, and or make public statements, and or make public announcements, in matters pertaining to PWP NEIGHBOURHOOD WATCH NPC.

12. Accountability:

(a) PWP NEIGHBOURHOOD WATCH NPC shall be accountable to the South African Police Service in the first instance.

(b) By virtue of its registration with the local community police forums, PWP NEIGHBOURHOOD WATCH NPC shall be accountable secondly to the local Community Police Forums.

(c) In the absence of such community police forums, PWP NEIGHBOURHOOD WATCH NPC shall be accountable to the Area Community Police Board.

(d) Should the local Community Police Forums or the Area Community Police Board be found to be dysfunctional, PWP NEIGHBOURHOOD WATCH NPC shall be accountable to the Provincial Community Police Board.

(e) The WCPC & COFC shall be binding on PWP NEIGHBOURHOOD WATCH NPC and each of its members insofar as it is not in conflict with the Constitution of South Africa and the Bill of Rights.

13. Affiliation:

(a) PWP NEIGHBOURHOOD WATCH NPC shall be affiliated to the local Community Police Forums (CPF's) in the area in order to be recognized by the local South African Police Services responsible for the area.

14. Functions:

(a) PWP NEIGHBOURHOOD WATCH NPC and its members shall with regard to crime prevention operate in cooperation with the South African Police Services and the security service providers within the framework of the law.

(b) The local South African Police Services officer or reservists should, wherever possible, support PWP NEIGHBOURHOOD WATCH NPC patrolling members whilst out on patrol.

- (c) PWP NEIGHBOURHOOD WATCH NPC and its members shall support the social crime prevention strategy of the South African Police Services.
- (d) PWP NEIGHBOURHOOD WATCH NPC and its members are not substitutes for the South African Police Services or security service providers.
- (e) Even in light of the above, each member shall have the power of any citizen to perform a citizen's arrest.
- (f) In performing a citizen's arrest, the requirements set out in the Criminal Procedure Act No. 51 of 1977 (or any amendment or replacement of that Act) shall be adhered to and complied with at all times and under all circumstances irrespective the nature thereof.
- (g) PWP NEIGHBOURHOOD WATCH NPC must strive to work in partnership with the local Community Police Forums.
- (h) PWP NEIGHBOURHOOD WATCH NPC shall where possible initiate and implement crime prevention projects in consultation with the local Community Police Forums.
- (i) PWP NEIGHBOURHOOD WATCH NPC shall be non-politically aligned and/or not participate or engage or support or secure the premises where any political activity is being conducted from. However, should PWP NEIGHBOURHOOD WATCH NPC be requested to promote a safe environment its acceptance must be performed within the framework of the law and a public and official statement must be made at the meeting and or gathering in regard to the status of the PWP NEIGHBOURHOOD WATCH NPC's role.
- (j) PWP NEIGHBOURHOOD WATCH NPC shall keep members informed of its activities via regular communication which can take the form of electronic or printed news items or newsletters, member's website or public meetings.

15. Logos and Letterheads:

- (a) PWP NEIGHBOURHOOD WATCH NPC may design and use its own logo, and a letterhead complementing its stated aims and objectives. Such a design shall not be found to be offensive, insulting or annoying to the public. Such design shall not bring the Community Police Forums and/or the South African Police Services in disrepute.
- (b) PWP NEIGHBOURHOOD WATCH NPC may not use the same logo or letterhead similar to that of the South African Police Services.
- (c) PWP NEIGHBOURHOOD WATCH NPC may use the logo and letterhead of the local Community Police Forums subject to obtaining written consent of the executive committee of such local Community Police Forum(s).



16. Public Benefit Organization Requirements:

- (a) At least three persons who accept fiduciary responsibility for the public benefit organization will not be connected persons in relation to each other, and no single person directly or indirectly controls the decision-making powers relating to such organization.
- (b) -on dissolution of the public benefit organization, the remaining assets must be transferred to –
 - i. A public benefit organization, which has been approved in terms of section 30 of the Act.
 - ii. Any institution, board or body which is exempt from the payment of income tax in terms of section 10(1)(cA)(i) of the Act, which has as its sole or principal object the carrying on of any public benefit activity; or
 - iii. Any department of state or administration in the national or provincial or local sphere of government of the Republic, contemplated in section 10(1)(a) or (b) of the Act.
- (c) The activities of the organization are carried on in a non-profit manner and with an altruistic or philanthropic intent.
- (d) No activity will directly or indirectly promote the economic self-interest of any fiduciary or employee of the organization otherwise than by way of reasonable remuneration.
- (e) No funds will be distributed to any person (other than in the course of undertaking any public benefit activity).
- (f) The funds of the public benefit organization will be used solely for the objects for which it was established.
- (g) The public benefit organization will not be a party to, or does not knowingly permit, or has not knowingly permitted, itself to be used as part of any transaction, operation or scheme of which the sole or main purpose is the reduction, postponement or avoidance of liability for any tax, duty or levy which, but for such transaction, operation or scheme, would have been or would have become payable by any person under this Act or any other Act administered by the Commissioner.
- (h) No resources will be used, directly or indirectly, to support advance or oppose any political party.
- (i) No remuneration will be paid to any employee, office bearer, member or other person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered and has not and will not economically benefit any person in a manner which is not consistent with its objects.
- (j) No donation will be accepted which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in terms of section 18A: Provided that a donor (other than a donor which is an approved public benefit organization or an institution, board or body which is exempt from tax in terms of section 10(1)(cA)(i), which has as its sole or principal object the carrying on of any public benefit activity) may not impose any conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of such donation.

17. Use and Control of Funds and Assets:

- (a) PWP NEIGHBOURHOOD WATCH NPC shall and will remain a non-profit making organization.
- (b) PWP NEIGHBOURHOOD WATCH NPC shall keep proper accounting records that accurately reflect all its income and expenditure, assets and liabilities.
- (c) PWP NEIGHBOURHOOD WATCH NPC shall be permitted to acquire donations and hold fundraising campaigns for the purposes of obtaining funding to further its stated aims and objectives.
- (d) Funds acquired from sources other than the government shall be controlled and administered by PWP NEIGHBOURHOOD WATCH NPC.
- (e) If the annual income of PWP NEIGHBOURHOOD WATCH NPC exceeds R500 (five hundred rand), all funds shall be deposited in a bank account, with a banking institution registered and recognized by the South African Merchant Bank Act No 90 of 1994.
- (f) The Executive Committee shall appoint a person(s) as a custodian of the funds and assets and equipment of PWP NEIGHBOURHOOD WATCH NPC.

18. Dissolution of PWP NEIGHBOURHOOD WATCH NPC:

- (a) PWP NEIGHBOURHOOD WATCH NPC may be dissolved by a majority vote of members at a duly convened and constituted meeting of members. This meeting may take place under the chairperson an independent person decided upon by the Executive Committee or of a representative of the local Community Police Forum.
- (b) PWP NEIGHBOURHOOD WATCH NPC shall invite the local Community Police Forum, the local Station Commissioner of the South African Police Service and a representative from the Department of Community Safety to be present at such meeting.
- (c) If dissolution is the agreed outcome of the meeting, one of the local Community Police Forums shall become the custodian of all assets, funds and documentation resorting under the control of PWP NEIGHBOURHOOD WATCH NPC and will deal with such in terms of the procedures set out in the relevant sections of Article 15 of WCPC & COFC.

Signed at **Panorama** on this **23rd** day of **September 2022**.



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SIGNATURE OF CHAIRMAN