

CONSTITUTION

of

WYNBERG SECTOR 1 NEIGHBOURHOOD WATCH ASSOCIATION

Dated 1st December 2014

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1. Definitions

“area”: the area includes all erven, roads and public spaces in the SAPS Wynberg Sector 1 area, bounded to the North by Riverstone, Alexandra and Carr Hill Roads, to the West by Waterloo and Bower Roads, to the South by Constantia Road and to the East by Main Road, together with any other roads or areas which the Executive Committee agree shall be incorporated in the area from time to time.

“community”: the residents, 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 the Chairperson, Vice Chairperson, Treasurer and Secretary and any other coopted office bearer(s) deemed necessary by the Executive Committee for the effective functioning of the Executive Committee.

“local Community Police Forum”: the Wynberg Community Police Forum.

“member”: a registered member of Wynberg Sector 1 Neighbourhood Watch Association as more fully detailed in Article 4.

“Wynberg Sector 1 Neighbourhood Watch Association” includes any current or future street committees, neighbourhood watches, street watches, block watches, business watches and flat watches that operate within the structure, membership and constitution of the Wynberg Sector 1 Neighbourhood Watch Association as described in this document.

“non-political”: this implies that Wynberg Sector 1 Neighbourhood Watch Association should 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-sexist”: this implies that Wynberg Sector 1 Neighbourhood Watch Association must not discriminate on the grounds of sex, gender or sexual orientation.

“WCPC&CofC”: the Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures.

“WS1WA” : the unincorporated entity constituted by this constitution and fully known as Wynberg Sector 1 Neighbourhood Watch Association

2. 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 Wynberg Sector 1 Neighbourhood Watch Association shall be open to all who own property or who reside in the area or have a direct business or other interest in the area subject to the criteria as set out in this constitution.
- (b) A person who believes they qualify for membership may apply to join Wynberg Sector 1 Neighbourhood Watch Association by completing such manual or electronic membership application form as the Executive Committee has approved to be used at the time of such application.
- (c) Membership shall be open to all irrespective of race, colour, religion, disability, age or sexual orientation 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 Wynberg Sector 1 Neighbourhood Watch Association 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 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 anytime by informing any member of the Executive Committee.
- (h) A membership register will be maintained by the Secretary 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 fourteen (14) days written notice (which may be given electronically) of any meeting of members.
- (b) An Annual General Meeting should be held during the fourth 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 fifteen (15) 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

Members of Wynberg Sector 1 Neighbourhood Watch Association shall be bound by the Code of Conduct set out in the Annexure 2 hereto.

7. Indemnity

- (a) Wynberg Sector 1 Neighbourhood Watch Association is not a corporate entity established by or under any law nor does it have juristic personality and shall function within the guidelines as provided and set out in the WCPC&COFC.
- (b) Membership of Wynberg Sector 1 Neighbourhood Watch Association 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 Wynberg Sector 1 Neighbourhood Watch Association 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 authorises the Executive Committee to enter into any acknowledgement on behalf of Wynberg Sector 1 Neighbourhood Watch Association required under the WCPC&COFC.

8. Liability

- (a) Wynberg Sector 1 Neighbourhood Watch Association 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 affiliated to Wynberg Sector 1 Neighbourhood Watch Association acts in its own capacity and liability shall be in that capacity.
- (c) Wynberg Sector 1 Neighbourhood Watch Association 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 Wynberg Sector 1 Neighbourhood Watch Association shall be against the member concerned and not Wynberg Sector 1 Neighbourhood Watch Association.
- (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 Wynberg Sector 1 Neighbourhood Watch Association 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 Wynberg Sector 1 Neighbourhood Watch Association lodged with Wynberg Sector 1 Neighbourhood Watch Association, 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 Wynberg Sector 1 Neighbourhood Watch Association 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 Wynberg Sector 1 Neighbourhood Watch Association without the explicit authority from the Executive Committee duly mandating the member to act for and on behalf of Wynberg Sector 1 Neighbourhood Watch Association, 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 Wynberg Sector 1 Neighbourhood Watch Association 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 Wynberg Sector 1 Neighbourhood Watch Association shall be directed by the Executive which will have the powers as set out in this Constitution.
- (b) The Committee may decide on such rules, procedures and notice periods for the conduct of its meetings as they deem appropriate.
- (c) The Committee shall meet from time to time as it considers necessary.
- (d) The quorum for an Executive Committee Meeting shall be at least three (3) Executive Committee members in attendance.
- (e) Minutes shall be kept by the Committee 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 reelection and shall be also be eligible for election at the meeting.

- (h) The proceedings of the 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.
- (i) The Committee may appoint such special or standing committees as may be deemed necessary by the Committee 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 Committee fully and promptly.
- (j) The Committee 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.
- (k) No member of the Committee shall be entitled to any remuneration for serving on such Committee but may, with the approval of the Committee and subject to funds being available, be entitled to reimbursement of expenses reasonably incurred on behalf of Wynberg Sector 1 Neighbourhood Watch Association.
- (l) Executive Committee shall mandate specific member(s) to address, and or make public statements, and or make public announcements, in matters pertaining to Wynberg Sector 1 Neighbourhood Watch Association.

12. Accountability

- (a) Wynberg Sector 1 Neighbourhood Watch Association shall be accountable to the South African Police Service in the first instance.
- (b) By virtue of its registration with the Wynberg Community Police Forum, Wynberg Sector 1 Neighbourhood Watch Association shall be accountable secondly to the Wynberg Community Police Forum.
- (c) In the absence of such community police forum, Wynberg Sector 1 Neighbourhood Watch Association shall be accountable to the Area Community Police Board.
- (d) Should the local Community Police Forum or the Area Community Police Board be found to be dysfunctional, Wynberg Sector 1 Neighbourhood Watch Association shall be accountable to the Provincial Community Police Board.
- (e) The WCPC&COFC shall be binding on Wynberg Sector 1 Neighbourhood Watch Association 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

Wynberg Sector 1 Neighbourhood Watch Association shall be affiliated to the Wynberg Community Police Forum in order to be recognised by the local South African Police Services responsible for the area.

14. Functions

- (a) Wynberg Sector 1 Neighbourhood Watch Association 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 Wynberg Sector 1 Neighbourhood Watch Association patrolling members whilst out on patrol.
- (c) Wynberg Sector 1 Neighbourhood Watch Association and its members shall support the social crime prevention strategy of the South African Police Services.
- (d) Wynberg Sector 1 Neighbourhood Watch Association 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) Wynberg Sector 1 Neighbourhood Watch Association must strive to work in partnership with the local Community Police Forum.
- (h) Wynberg Sector 1 Neighbourhood Watch Association shall where possible initiate and implement crime prevention projects in consultation with the local Community Police Forum.
- (i) Wynberg Sector 1 Neighbourhood Watch Association shall be nonpolitically aligned and/or not participate or engage or support or secure the premises where any political activity is being conducted from. However should Wynberg Sector 1 Neighbourhood Watch Association 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 Association's role.
- (j) Wynberg Sector 1 Neighbourhood Watch Association 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) Wynberg Sector 1 Neighbourhood Watch Association 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) Wynberg Sector 1 Neighbourhood Watch Association may not use the same logo or letterhead similar to that of the South African Police Services.
- (c) Wynberg Sector 1 Neighbourhood Watch Association may use the logo and letterhead of the Wynberg Community Police Forum subject to obtaining written consent of the executive committee of such local Community Police Forum.

16. Use and Control of Funds and Assets

- (a) Wynberg Sector 1 Neighbourhood Watch Association shall and will remain a nonprofit-making organisation.
- (b) Wynberg Sector 1 Neighbourhood Watch Association shall keep proper accounting records that accurately reflect all its income and expenditure, assets and liabilities.
- (c) Wynberg Sector 1 Neighbourhood Watch Association 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 Wynberg Sector 1 Neighbourhood Watch Association.
- (e) If the annual income of Wynberg Sector 1 Neighbourhood Watch Association exceeds R1000.00, 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) (who need not be a member) as a custodian of the funds and assets and equipment of Wynberg Sector 1 Neighbourhood Watch Association.

17. Dissolution of Wynberg Sector 1 Neighbourhood Watch Association

- (a) Wynberg Sector 1 Neighbourhood Watch Association 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 Wynberg Community Police Forum.
- (b) Wynberg Sector 1 Neighbourhood Watch Association shall invite the Wynberg Community Police Forum, the Wynberg 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, the local Wynberg Community Police Forum shall become the custodian of all assets, funds and documentation resorting under the control of Wynberg Sector 1 Neighbourhood Watch Association and will deal with such in terms of the procedures set out in the relevant sections of Article 15 of WCPC&COFC.

Date of adoption of this Constitution: 1st December 2014.

Name: _____

Name: _____

CODE OF CONDUCT for Wynberg Sector 1 Neighbourhood Watch Association

1. This Code of Conduct and the Constitution of Wynberg Sector 1 Neighbourhood Watch Association shall be binding on all its members.
2. Members of Wynberg Sector 1 Neighbourhood Watch Association must at all times act in a nonviolent manner. No member may take the law into his or her own hands irrespective of circumstances.
3. No member of Wynberg Sector 1 Neighbourhood Watch Association shall display racism, sexism or any other form of discrimination towards any member and any other person.
4. When on patrol, a Wynberg Sector 1 Neighbourhood Watch Association member may only use "minimum force", as described in the Criminal Procedure Act No. 51 of 1977 to secure the arrest of the perpetrator of an offence and no intimidation in whatever form may be used in the communities where such patrols will be taking place.
5. No member of Wynberg Sector 1 Neighbourhood Watch Association may when patrolling carry any weapon(s) perceived to be dangerous that could inflict serious bodily and or damage to property; this shall include dangerous weapon as further defined under Definitions in Article 1 of the Constitution of Wynberg Sector 1 Neighbourhood Watch Association. Only weapons for sole purpose of self defence may be used.
6. Any Wynberg Sector 1 Neighbourhood Watch Association member who intends taking a firearm on patrol must declare such to the local South African Police Services before taking such firearm on patrol.
7. No person under the age of 18 years may participate in any patrol.
8. Members of Wynberg Sector 1 Neighbourhood Watch Association may not divulge any confidential or privileged information that they may have acquired as a result of their membership of Wynberg Sector 1 Neighbourhood Watch Association.
9. Any member of Wynberg Sector 1 Neighbourhood Watch Association found to be making public statements and or addressing the media as a spokesperson for Wynberg Sector 1 Neighbourhood Watch Association without the explicit authority from the Executive Committee duly mandating that member to act for and on behalf of Wynberg Sector 1 Neighbourhood Watch Association shall be guilty of a serious offence, resulting in the immediate suspension of the member pending expulsion subject to full investigation and decision on the matter.
10. No member of Wynberg Sector 1 Neighbourhood Watch Association may accept any payment, commission or gratuity in connection with his or her membership, except after being duly authorized to do so by the Executive Committee of Wynberg Sector 1 Neighbourhood Watch Association.
11. No member of Wynberg Sector 1 Neighbourhood Watch Association may exploit his or her membership of the Association for personal advantage or benefit.
12. Members of Wynberg Sector 1 Neighbourhood Watch Association must at all times act in a manner that will uphold and promote the aims and objective of the Association as highlighted in its Constitution and this Code of Conduct.

WYNBERG SECTOR 1 NEIGHBOURHOOD WATCH ASSOCIATION INDEMNITY

I, _____
(full names)

with Identity Number _____

residing at _____
(residential address)

Do hereby:

acknowledge that I have read the Code of Conduct as extracted from the Constitution of the WYNBERG SECTOR ! NEIGHBOURHOOD WATCH ASSOCIATION, and fully understand the terms thereof;

acknowledge that I have chosen to be a member of Wynberg Sector 1 Neighbourhood Watch Association and voluntarily participate in patrolling activities;

acknowledge further, that the Wynberg Sector 1 Neighbourhood Watch Association is not a corporate entity established by or under any law nor does it have juristic personality;

indemnify the aforesaid Wynberg Sector 1 Neighbourhood Watch Association, its committee and other 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 my part.

SIGNED AT _____ ON THIS _____ DAY OF _____ 20__

MEMBER'S SIGNATURE

WITNESSES :

