

Devil's Peak Vredehoek Neighbourhood Watch (DPVwatch) CONSTITUTION (June 2022)

1. Name, Jurisdiction and Legal Status

- 1.1. The name of the Neighbourhood Watch, which includes any and/or all of its members, shall be DEVIL'S PEAK VREDEHOEK NEIGHBOURHOOD WATCH ("DPVwatch").
- 1.2. DPVwatch shall have the power to execute upon its objectives and/or exercise any of its functions and/or powers over the whole of the geographical area of Devil's Peak and Vredehoek, broadly defined by Upper Buitenkant and Gorge Streets, Homeleigh and Capel Roads, Rocklands Avenue, and the boundary of Table Mountain National Park to the south and Philip Kgosana Drive and Jutland Avenue, as per annexure A hereto (the "Area").
- 1.3. DPVwatch shall comply at all times with the provisions contained in the Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures (WCCNWS) May 2003 and in the event of there being any conflict between WCCNWS and this Constitution the provisions of WCCNWS shall prevail.
- 1.4. DPVwatch is not a legal persona and/or entity, but a voluntary association, functioning and/or existing purely within and/or subject to the provisions and/or the guidelines set out in the WCCNWS.
- 1.5. Any member acknowledges such jurisdiction and/or status of DPVwatch and accepts that, at all relevant times, they act within their personal capacity as an individual and that DPVwatch shall not be responsible for any civil and/or criminal actions and/or omissions that are perpetrated by and/or against such member.

2. Mission

The Mission of DPVWatch is to be a vibrant, inclusive and effective community based organisation that actively works with all law-abiding citizens, business and agencies to facilitate a friendly, safe, secure and caring neighbourhood.

3. Objectives and Powers

- 3.1. The objectives of DPVwatch are as follows:
 - 3.1.1. To work in partnership with the local police services ("SAPS"), law enforcement officers and other security role players, and City of Cape Town ("City"), to safeguard the Area and/or its residents against criminal activities;
 - 3.1.2. To nurture a sense of unity and good neighbourly relations among residents of the Area;
 - 3.1.3. To serve as a watchdog in the Area for residents and SAPS, law enforcement officers and other security role players, thereby assisting them to safeguard the

Area and/or residents against criminal activities and to strive for a safe and secure neighbourhood;

- 3.1.4. To provide a channel through which residents can play a meaningful role in crime prevention in the Area in a manner that is ethical and non-violent;
 - 3.1.5. To create public awareness with regard to safety, crime prevention and protection of residents and their property;
 - 3.1.6. To encourage residents to work in close co-operation with SAPS, law enforcement officers, the City and other security role players and/or structures involved in law enforcement, within the Area; and
 - 3.1.7. To encourage active participation of residents in building a safe and secure neighbourhood for all.
- 3.2. DPVwatch is empowered to:
- 3.2.1. Assist SAPS, law enforcement officers and other security role players within the Area in crime prevention;
 - 3.2.2. Support the social crime prevention policy of SAPS, law enforcement officers and other security role players within the Area;
 - 3.2.3. Operate within the framework of the law and the provisions contained in the WCCNWS;
 - 3.2.4. Exercise the same powers as are bestowed upon individual residents of the Republic of South Africa to perform a citizen's arrest in accordance with the requirements set out in the Criminal Procedure Act No. 51 of 1977;
 - 3.2.5. Lobby National, Provincial and Local Government on all issues of public safety and security under the codes contained in the WCCNWS;
 - 3.2.6. Seek and obtain assistance, funding and resources through the Community Police Forum on all issues of public safety and security under the codes contained in the WCCNWS;
 - 3.2.7. Arrange and provide for the holding of exhibitions, meetings, lectures, classes, seminars and training courses in relation to the objectives and/or provisions contemplated in this Constitution and/or the accompanying Code of Conduct;
 - 3.2.8. Promote and carry out research, surveys and investigations in relation to the objectives and/or provisions contemplated in this Constitution and/or the accompanying Code of Conduct and to publish results thereof;
 - 3.2.9. Collect and circulate information on all matters relating to the objectives and/or provisions contemplated in this Constitution and/or the accompanying Code of Conduct and to exchange such information with other bodies having similar purposes;
 - 3.2.10. Accept donations in such a manner as DPVwatch shall see fit, subject to such consents as required by law or as detailed in the WCCNWS;

- 3.2.11. Procure contributions to DPVwatch by personal or written appeals, public meetings or otherwise, subject to such consents as required by law or as detailed in the WCCNWS;
- 3.2.12. Raise and distribute funds to carry out the objectives of DPVwatch in such a manner as DPVwatch shall see fit, subject to such consents as required by law or as detailed in the WCCNWS;
- 3.2.13. Nominate and/or appoint and/or constitute an executive committee (“the Exco”) in accordance with the voting procedures and meeting requirements as set out below;
- 3.2.14. Appoint and constitute such advisory and/or ad hoc committees as the Exco may see fit and in accordance with the voting and meeting procedures set out below; and
- 3.2.15. Do all such other lawful things as are necessary for the attainment of the objectives contemplated herein.

4. Membership requirements

- 4.1. Membership of DPVwatch is open to any person regardless of race, colour, religion, sexual orientation and disability, over the age of 18, living, working or owning property within the Area and with a clear criminal record, upon application.
- 4.2. Membership applications shall be made to DPVwatch and applicants may be requested to provide reasonable information, subject to the provisions of the Protection of Personal Information Act No. 4 of 2013 (“POPIA”), before membership is approved. DPVwatch shall not reject an application without sufficient reason.
- 4.3. Applicants shall complete a membership form providing the following details, subject to the provisions of POPIA:
 - 4.3.1. full names,
 - 4.3.2. physical address,
 - 4.3.3. phone numbers,
 - 4.3.4. email address; and
 - 4.3.5. ID number/passport number.
- 4.4. DPVwatch may at its sole discretion introduce a reasonable membership fee.
- 4.5. By submitting an application for membership, the applicant agrees to abide by this Constitution and the accompanying Code of Conduct.
- 4.6. A database of approved members (“members”) must be maintained, subject to the provisions of POPIA. Access to and use of the database is only for official DPVwatch activities and is subject to the provisions of POPIA.
- 4.7. Only members of DPVwatch are entitled to vote at meetings.
- 4.8. A member may resign by email and/or other written form of notice to DPVwatch and resignation is effective immediately.

- 4.9. Any membership may be terminated provided that fourteen (14) days' notice of intent of such termination is provided to such member. The notice of intent must include full reasons for the intended action. The affected member will have an opportunity to make written submissions within fourteen (14) days of delivery of such notice. Such submissions will be properly considered, failing which the termination will be with immediate effect.

5. Offices

- 5.1. Only resident members of DPVwatch are eligible to hold a position on the Exco.
- 5.2. The following offices within the Exco must be voted on by members at an annual general meeting ("AGM") of DPVwatch in accordance with the simple majority voting procedures and meeting requirements referred to herein below:
 - 5.2.1. Treasurer;
 - 5.2.2. Police liaison;
 - 5.2.3. Communications;
 - 5.2.4. Radios;
 - 5.2.5. Office management;
 - 5.2.6. LPR and street cameras;
 - 5.2.7. Patrols;
 - 5.2.8. Fundraising; and
 - 5.2.9. Disaster coordination.
- 5.3. Once all the offices reflected in paragraphs 5.2.1 to 5.2.5 have been filled, the Exco shall be deemed to have been constituted.
- 5.4. The Exco shall, at its first meeting, appoint a Chairperson and Deputy Chairperson by a simple majority vote in accordance with the Exco voting procedures and meeting requirements referred to herein below, provided that the nominee shall have at least one (1) year's experience serving on the Exco prior to election as Chairperson and/or Deputy Chairperson, if possible.
- 5.5. Should members of the Exco deem it necessary to replace an existing and/or elect a new Chairperson and/or Deputy Chairperson, a simple majority vote of the Exco is required at an Exco meeting in accordance with the Exco voting procedures and meeting requirements referred to herein below, provided that any such affected office holder is given fourteen (14) days' notice of the Exco's intent. The notice of intent must include full reasons for the intended action. The affected office holder will have an opportunity to make written submissions within fourteen (14) days of delivery of such notice, failing which the replacement and/or election will be with immediate effect. Any such submissions will be considered properly. The person being voted on may not cast a vote.
- 5.6. Supplementary offices may be created and/or terminated by the Exco by simple majority vote at any of its meetings in accordance with the Exco voting procedures and meeting requirements referred to herein below, as may be necessary to fulfill the objectives and/or powers as contemplated herein.
- 5.7. These supplementary roles shall be filled in the same manner as the other Exco positions as referred to in paragraphs 5.1 – 5.2 above.
- 5.8. A person who is elected as a member of the Exco shall serve thereupon for a minimum term of one (1) year and a maximum term of three (3) consecutive years, unless:

- 5.8.1. such member resigns from Exco or DPVwatch, as contemplated above; or
 - 5.8.2. such member's membership is terminated; or
 - 5.8.3. such member's office is terminated.
- 5.9. If at any given moment a position on the Exco has been vacated for whatever reason as contemplated herein, such member's position shall be filled without delay by the calling of a special general meeting for such purpose and in accordance with the provisions contained in this Constitution.

6. Executive Committee

- 6.1. Nominations for offices and/or members of the Exco may only be made by members of DPVwatch and shall be made at least fourteen (14) days prior to the meeting, whether specially constituted or not, if possible.
- 6.2. The general management of the affairs of DPVwatch shall be directed by the Exco which shall meet not less than once a month, excluding the month of January.
- 6.3. At least one (1) of either the Chairperson and/or the Deputy Chairperson must be present at any given meeting of the Exco. Quorum is 50% of the Exco, subject to a minimum of three (3) members. If a quorum is not achieved, the Exco may make no decisions except to adjourn the meeting or to call a general meeting of the members.
- 6.4. At meetings of the Exco, each Exco member shall be entitled to one (1) vote. In case of an equality of votes, the Chairperson shall have a second or casting vote. A member may vote by authorised proxy at not more than three (3) meetings in any one (1) year.
- 6.5. All decisions arising at and/or allowable at any given Exco meeting shall be decided by a simple majority vote of Exco members present, subject to the provisions of paragraph 6.4 above.
- 6.6. The Exco may make, amend and repeal such rules for the conduct and operation of its business, and that of DPVwatch, as it may deem necessary, provided that such rules shall be consistent with the requirements of this Constitution. Such rules shall have effect unless they are set aside at a general meeting.
- 6.7. The Exco shall ensure that this Constitution, the accompanying Code of Conduct, as well as any other relevant documentation and/or materials relating to the structure and/or operations of DPVwatch, are accessible to members for the purpose of transparency.
- 6.8. The proceedings of the Exco shall not be invalidated by any accidental failure to elect or any accidental defect in the election, appointment, co-option or qualification of any member.
- 6.9. The Exco may invite any third party, including but not limited to representatives of SAPS, law enforcement officers and other security role players, and the City to attend an Exco meeting should it be necessary in order to achieve the objectives and powers of DPVwatch.
- 6.10. The Exco shall, at the earliest opportunity, in accordance with the Exco voting procedures and their meeting requirements referred to herein below, appoint a Secretary.
 - 6.10.1. Such Secretary shall not be considered a member of the Exco.

- 6.10.2. Such Secretary shall be remunerated for their services and the Exco shall be responsible for articulating a job description, remuneration package, working hours, and overseeing the execution of the role.
- 6.10.3. Such Secretary shall be responsible for supporting the Exco in the execution of the objectives and/or powers contemplated herein, including but not limited to taking minutes at organisation meetings, circulating minutes and notices, responding to emails, monitoring communication channels, responding to membership requests, and logging crime incidents.
- 6.11. The Exco may appoint one (1) or more qualified auditors and may determine their remuneration, if any.

7. Meetings and Rules of Procedures at all Meetings of DPVwatch

- 7.1. There shall be an annual general meeting (AGM) of DPVwatch which shall be held once a year at such time and place as the Exco shall determine.
- 7.2. The Chairperson of the Exco may at any time call a special general meeting of DPVwatch.
- 7.3. At least fourteen (14) days' notice of all general meetings, whether specially convened or not, must be given to members.
- 7.4. Any member may submit a written request to the Chairperson to call a special general meeting, provided such request is signed by at least seven (7) members and includes reasons. Upon delivery of a valid request, the Chairperson will have twenty-eight (28) days to call such a special general meeting. Should the Chairperson not call such a meeting, the members concerned shall themselves be entitled to give notice of and to convene the special general meeting.
- 7.5. The quorum at an AGM or other general meeting of the membership, whether specially convened or not, will only be achieved by fifty (50) members present. Should a quorum not be achieved, a follow-up meeting must be held seven (7) days later.
- 7.6. Each member of DPVwatch shall be entitled to one (1) vote at any given meeting, whether specially convened or not, and may vote by proxy duly authorised in writing.
- 7.7. All decisions arising at and/or allowable at any given meeting shall be decided by a simple majority vote of members present.
- 7.8. The Secretary shall prepare and keep record of minutes of any given meeting, including a record of all attendees, proceedings and resolutions adopted.

8. Finance

- 8.1. DPVwatch shall open and operate such banking accounts as deemed necessary and shall ensure that all the financial transactions of DPVwatch are conducted through the medium of such accounts. There shall be at least two signatories to such accounts, both of whom must be members of DPVwatch and one of whom is the DPVwatch Treasurer.
- 8.2. All monies raised by or on behalf of DPVwatch shall be applied to further the purposes of DPVwatch and not otherwise, provided that nothing herein contained shall prevent the

payment in good faith of reasonable and proper reimbursement of reasonable out-of-pocket expenses.

- 8.3. Any fundraising initiative conducted for the benefit of DPVwatch must have Exco approval.
- 8.4. DPVwatch shall keep proper accounting records that accurately reflect all its income, expenditure, assets and liabilities.
- 8.5. The financial year of DPVwatch shall be the period ending on the last day of September.
- 8.6. The DPVwatch financial statements shall be compiled annually by a registered accounting practitioner.
- 8.7. The financial statements shall be distributed to all members together with the notice of the relevant AGM or special general meeting.

9. Alterations to the Constitution

- 9.1. Any alteration to this Constitution shall receive the assent of not less than 66% of the members present at a meeting, whether specially convened or not, in accordance with meeting requirements and voting procedures.
- 9.2. Notice and details of any such alteration must be circulated to members at least fourteen (14) days prior to the meeting at which they will be decided upon.
- 9.3. No alteration shall be made to Clause 1.3 or this Clause until the approval in writing of the Community Police Forum or other authority having jurisdiction shall have been obtained and no alteration shall be made which would have the effect of causing DPVwatch to cease to apply the principles of WCCNWS.

10. Dissolution

- 10.1. Dissolution of DPVwatch shall receive the assent of not less than 66% of the members present at a meeting, whether specially convened or not, in accordance with meeting requirements and voting procedures.
- 10.2. Notice and details of any such dissolution must be circulated to members at least fourteen (14) days prior to the meeting at which it will be decided upon.
- 10.3. Upon the dissolution of DPVwatch, Exco shall have the power to dispose of any assets held by or on behalf of DPVwatch. Any assets remaining after the satisfaction of any proper debts and liabilities shall be given or transferred to such other charitable institution or institutions having objects similar to the objects of DPVwatch as Exco may decide or failing that may be applied for some other charitable purpose. A copy of the statement of accounts for the final accounting period of DPVwatch must be sent to the Community Police Forum.

11. Adoption of the Constitution

- 11.1. The above constitution was presented and adopted by the Annual General Meeting attendees on 14 June 2022.

Annexure 1

