

# **CONSTITUTION**

**OF THE**

**PENNINGTON COMMUNITY WATCH**

**IN ASSOCIATION WITH AND AS A SUB SECTOR**

**TO**

**THE SCOTTBURGH POLICING FORUM**

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Annexure A

Code of Conduct

## **1. PREAMBLE**

NOTING that Chapter 11 of the Constitution of the Republic of South Africa, 1996, provides for accountability of the South African Police Service to the communities they serve;

AND NOTING that Chapter 7 of the South African Police Service Act, 1995 (Act 68 of 1995), provides for the establishment of Community Police Forums and Boards through which the South African Police Service can liaise with communities with a view to promoting efficient and effective service;

AND WHEREAS Section 19 of the South African Police Service Act of 1995, provides that a Provincial Commissioner shall, subject to the directions of the Member of the Executive Council, be responsible for establishing community police forums at police stations in the province, which shall be broadly representative of the local community;

AND WHEREAS Regulation 2 of the South African Police Service Interim Regulations for Community Police Forums and Boards of 2001 provides that a station commissioner must, subject to the instructions of the Provincial Commissioner, take all responsible steps to establish a Community Police Forum which is broadly representative of the community in the station area under his or her jurisdiction;

AND WHEREAS Regulation 7 of the South African Police Service Interim Regulations for Community Police Forums and Boards of 2001 prescribes the contents of the Constitution of a Community Police Forum or Board;

AND WHEREAS Regulation 2 of the South African Police Interim Regulations for Community Police Forums and Boards of 2001 provides that at an inaugural meeting of all community based organisations, institutions, interest groups and the general public in the station area, a

constitution of a Community Police Forum must be adopted by majority vote and a chairperson and executive committee elected in accordance with the procedure provided for in the constitution;

WHEREFORE we as members of all community based organisations, institutions, interest groups and the general public in the station area of .....**SCOTTBURGH**..... hereby adopt this Constitution for the .....PENNINTON SUB Community Police Forum. ( PENNINGTON COMMUNITY WATCH )

## 2. INTERPRETATION

2.1. In this Constitution, unless clearly inconsistent with or otherwise indicated by the context -

2.1.1. “**Cluster Board**” means the Community Police Board established in respect of the group of police stations wherein the South African Police Service has included the **SCOTTBURGH**. station for management purposes and which is regarded as having been established in terms of section 20 of the Act,

2.1.2. “**Constitution**” means the Constitution of the PENNINGTON SUB Community Police Forum as set out in this document and the appendices hereto;

2.1.3. “**Community Police Forum**” means the Community Police Forum referred to in section 3 of the Constitution;

2.1.4. “**Department**” means the Department of Community Safety and Liaison;

2.1.5. “**Executive Committee**” means the Executive Committee contemplated in section 11 of the Constitution;

- 2.1.6. “**Police Service**” means the South African Police Service;
- 2.1.7. “**Provincial Board**” means the KwaZulu-Natal Provincial Community Police Board established in terms of section 21 of the Act;
- 2.1.8. “**the Act**” means the South African Police Service Act, 1995 (Act 68 of 1995);
- 2.1.9. “**the Regulations**” means the South African Police Service Interim Regulations for Community Police Forums and Boards, 2001 (Published under GN R384 in GG 22273 of 11 May 2001); and
- 2.1.10. “**youth representative**” means a person between the age of 14 and 35 elected in accordance with the procedure provided for in section 13 of the Constitution.
- 2.2. Any reference in this Constitution to legislation or subordinate legislation is to such legislation or subordinate legislation at the date of adoption hereof and as amended or re-enacted from time to time.
- 2.3. Words importing the singular shall include the plural, and *vice versa*, words importing the masculine gender shall include the feminine and neuter genders, and *vice versa*, and words importing natural persons shall include legal persons, and *vice versa*.
- 2.4. If any provision in the definition clause is a substantive provision conferring rights or imposing obligations on a party, then notwithstanding that such provision is contained in this clause, effect shall be given thereto as if such provision were a substantive provision in the body of the Constitution.
- 2.5. When any number of days are prescribed in this Constitution, same shall be reckoned exclusively of the first and inclusively of the last calendar day.

### **3. ESTABLISHMENT AND NAME OF FORUM**

3.1. The Community Police Forum for the .....**SCOTTBURGH**... police station is hereby established in terms of section 19 of the Act.

3.2. The Community Police Forum for the ...**PENNINGTON SUB**... police station is called the .....**PENNINGTON SUB**... Community Police Forum.

### **4. VISION**

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4.1 The vision of the Community Police Forum is community mobilisation towards a safe and peaceful ... **PENNINGTON SUB** ... station area.

### **5. AIMS AND OBJECTIVES**

The aims and objectives of the Community Police Forum are to –

5.1 establish and maintain a partnership between the community and the Police Service;

5.2 promote effective communication between the Police Service and the community;

5.3 promote cooperation between the Police Service and the community to fulfill the needs of the community regarding policing;

- 5.4 improve the rendering of police services to the community;
- 5.5 improve the transparency in the Police Service and the accountability of the Police Service to the community;
- 5.6 promote joint problem identification and problem-solving by the Police Service and the community;
- 5.7 promote community policing in the station area;
- 5.8 support and coordinate the proper functioning of the Community Police Sub-Forums in accordance with the Constitution of the Republic of South Africa of 1996, any applicable legislation and any applicable government policy; and
- 5.9 consult with and advise the Cluster Board, Provincial Board, the department and the Station Commissioner or their delegates with regard to all matters pertaining to community policing in the station area.

## **6. LEGAL NATURE AND POWERS OF THE COMMUNITY POLICE FORUM**

- 6.1. The Community Police Forum is a juristic person and a non-profit making organisation which acts through the Executive Committee.
- 6.2. The Community Police Forum, notwithstanding any change of its members or management, will exist as a voluntary organisation with legal personality independently of its members.
- 6.3. The Community Police Forum has all the powers and may perform all the functions necessary to pursue its aims and objectives, including the power to establish



Community Police Sub-forums in respect of any part of a station area, for the youth in the station area and to deal with policing matters mainly affecting the members of any other significant section of the community within the station area.

- 6.4. The Community Police Forum may own assets, incur losses and liabilities, enter into contracts and institute or defend any legal proceedings in its own name.(Pennington community watch).
- 6.5. All immovable property or registerable rights obtained by the Community Police Forum shall be registered in the name of the Community Police Forum.(Pennington Community Watch)
- 6.6. The Executive Committee represents the Community Police Forum and all acts performed by the Executive Committee or on its authority are the acts of the Community Police Forum.
- 6.7. The Community Police Forum must, after consultation with the Station Commissioner, develop a community safety plan as contemplated in Regulation 8 of the Regulations before the end of each financial year and submit same to the Cluster Board.
- 6.8. The Community Police Forum may make rules and issue guidelines in respect of the achievement of its aims and objectives, the execution of its powers and the execution of the powers and functions of the Executive Committee: Provided that any such rule or guideline may not be in conflict with the provisions of the Constitution.

## **7. INDEMNITY OF COMMUNITY POLICE FORUM MEMBERS**

7.1 All members, including members of the Executive Committee, are–

7.1.1 indemnified by the Community Police Forum against all proceedings, costs and expenses incurred by reason of any act, omission or incident during the performance of their duties on behalf of the Community Police Forum, unless they have acted with gross negligence or in a manner that constitutes willful misconduct; and

7.1.2 not personally liable for any liabilities of the Community Police Forum.

## **8 COMPOSITION OF COMMUNITY POLICE FORUM**

The Community Police Forum is composed of –

8.1 members from community based organisations, institutions, interest groups and the general public who are broadly representative of the community in the station area, including, but not limited to –

8.1.1 the safety representative of each ward committee within the station area;

8.1.2 one representative from each community crime prevention association operating in the station area;

8.1.3 one representative from each private security company operating in the station area;

8.1.4 between one and three representatives from business operating in the station area, including the local Business Against Crime and the Local Chamber of Commerce;

- 8.1.5 between one and three traditional leaders who has jurisdiction in the station area;
- 8.1.6 between one and three representatives from religious formations operating in the station area;
- 8.1.7 one representative from each Non-governmental Organisation operating in the station area;
- 8.1.8 one representative from each organised labour institution operating in the station area;
- 8.1.9 between one and two community representatives from each voting district in the station area who are not from any particular organisation or group; and
- 8.1.10 between one and three representatives from any other relevant organisation identified by the Station Commissioner and community.
- 8.2 the youth desk representative elected in accordance with section 13 of the Constitution or, in the absence of the youth desk representative, his or her designate;
- 8.3 the Station Commissioner *ex officio*;
- 8.4 six members of the Police Service designated by the Station Commissioner from time to time for that purpose;
- 8.5 one official of the department designated by the Head of Department; and

8.6 additional members which the Community Police Forum may, whenever the Community Police Forum deems it necessary, co-opt to serve on the Community Police Forum in an advisory capacity.

## **9 MEMBERSHIP REQUIREMENTS**

9.1 Members of the Community Police Forum shall render their services on a voluntary basis and shall have no claim to compensation solely for services rendered to the forum.

9.2 Members of the Community Police Forum must be resident in the station area. No person residing in another area may be a member of the Community Police Forum.

## **10 DECISION MAKING PROCEDURES**

10.1 The Community Police Forum shall, as far as reasonably possible, reach decisions by consensus. If consensus cannot be achieved, the Community Police Forum shall vote on the matter. If the votes are tied, the Chairperson shall adjourn the meeting and reconvene the meeting in accordance with this Constitution after having identified an expert to provide advice to the meeting regarding the matter that led to the votes being tied.

10.2 If, upon the resumption of the meeting and after the Community Police Forum has considered the advice of the identified expert, the votes of the members are still tied, the Chairperson shall have a casting vote in addition to his or her deliberative vote.

## **11 COMPOSITION OF EXECUTIVE COMMITTEE**

11.1 The Executive Committee of the Community Police Forum consists of –

- 11.1.1 Chairperson;
- 11.1.2 Deputy Chairperson;
- 11.1.3 Secretary;
- 11.1.4 Deputy Secretary;
- 11.1.5 Treasurer;
- 11.1.6 Public Relations Officer;
- 11.1.7 Community Police Forum Coordinator of the SAPS *ex officio*; and
- 11.1.8 three additional members.

## **12 PROCEDURE FOR THE ELECTION OF EXECUTIVE COMMITTEE**

- 12.1 The Executive Committee must be elected at an Annual General Meeting of the Community Police Forum.
- 12.2 The Station Commissioner shall appoint an independent person or persons to act as the Electoral Officer of the election of the Executive Committee at least thirty (30) days prior to the Annual General Meeting.
- 12.3 The department shall render any assistance required by the Electoral Officer in the execution of his or her duties, including, but not limited to the facilitation of the election processes.

12.4 The following procedure applies in respect of the election of the Executive Committee

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12.4.1 Nominations for the members of the Executive Committee shall be made on the day of the Annual General Meeting under the direction of the Electoral Officer as follows:

a) one nomination for each of the positions of –

- i. Chairperson;
- ii. Deputy Chairperson;
- iii. Secretary;
- iv. Deputy Secretary
- v. Treasurer;
- vi. Public Relations Officer; and
- vii. three additional members,

by any member of the Community Police Forum referred to in section 8.1 of the Constitution from the members of the Community Police Forum referred to in section 8.1 of the Constitution and submitted in writing to the Electoral Officer at the Annual General Meeting;

b) the Electoral Officer shall prepare ballot papers in respect of each position with the names of the five (5) candidates in respect of that position who

had received the most nominations and place the ballot papers before the Annual General Meeting on the day of the Annual General Meeting;

- c) in the event that it is impossible to determine which five candidates have the most nominations in respect of any position, the Electoral Officer shall prepare the ballot paper in respect of such position with the names of all candidates and place the ballot paper before the Annual General Meeting;
- d) each member present at the Annual General Meeting may, having regard to the grounds of disqualification to hold office as a member of the Executive Committee contained herein, the Code of Conduct attached hereto and any other relevant consideration, scrutinise the names on the ballot papers and raise an objection to any of the names appearing or not appearing on the ballot papers and request the removal, addition or substitution of any name on the ballot papers, which request must be voted on by members present at the Annual General Meeting referred to in section 8.1 of the Constitution;

12.4.2 the members of the Executive Committee are elected in the following order –

- a) Chairperson;
- b) Deputy Chairperson;
- c) Secretary;
- d) Deputy Secretary;
- e) Treasurer;

- f) Public Relations Officer; and
  - g) three additional members,
- 12.4.3 each member present at the Annual General Meeting referred to in section 8.1 has one vote for each position;
- 12.4.4 after the votes are cast, the Electoral Officer must determine whether any candidate must be declared duly elected, and in the event that no candidate can be declared duly elected, further rounds of secret balloting must be held, with names of those candidates who received the least votes and whose votes when combined with each other do not exceed the number of votes obtained by the leading candidate, must be eliminated from the following round of the ballot;
- 12.4.5 the Electoral Officer must announce the results of each round of balloting to the Annual General Meeting before the following round commences;
- 12.5 The Electoral Officer must announce the final result of each position immediately after the conclusion of the vote in respect of that position.
- 12.6 any newly elected member of the Executive Committee takes office upon closure of the Annual General Meeting;
- 12.7 any outgoing member of the Executive Committee must present a handover report to the newly elected member of the Executive Committee within fifteen (15) days of the date of the Annual General Meeting;
- 12.8 An Executive Committee member shall cease to hold office if he or she –



- 12.8.1 resigns his or her office by notice in writing to the Community Police Forum;
  - 12.8.2 is or becomes of unsound mind;
  - 12.8.3 surrenders his or her estate as insolvent or his or her estate is sequestrated;
  - 12.8.4 is convicted of an offence which involves dishonesty;
  - 12.8.5 is or becomes disqualified from being appointed or acting as a director of a company or as a member of a close corporation;
  - 12.8.6 is absent from three consecutive meetings of the Executive Committee without special leave of absence given by the Chairperson, or without good reason given to the Executive Committee; or
  - 12.8.7 ceases to be a member of the Community Police Forum.
- 12.9 The Executive Committee has the right to co-opt any member of the Community Police Forum as a member of the Executive Committee to fill any vacancy pending the election of another Executive Committee member by the Community Police Forum at a Special General Meeting.
- 12.10 The Community Police Forum may, at a Special General Meeting, remove any Executive Committee member before the expiry of his or her term of office and elect another Executive Committee member in his or her place to hold office for the remainder of the term of office of the Executive Committee member so removed: Provided that the intention to vote upon his or her removal from office was specified in the notice convening the meeting.

### **13 ELECTION OF YOUTH DESK REPRESENTATIVE**

- 13.1 The youth desk representative must be elected by the representatives of the youth formations operating within the station area and youth residing in the station area at a special meeting of these representatives which must be held thirty (30) days prior to an Annual General Meeting where elections of the Executive Committee will be held or within thirty (30) days of a vacancy occurring or at a special meeting contemplated in 13.9;
- 13.2 The Station Commissioner shall appoint an independent person or persons to act as the Electoral Officer of the election of the youth desk representative at least thirty (30) days prior to the special meeting.
- 13.3 The department shall render any assistance required by the Electoral Officer in the execution of his or her duties, including, but not limited to the facilitation of the election processes.
- 13.4 The following procedure applies in respect of the election of the youth desk representative –
- 13.4.1 Nominations for the youth desk representative shall be made on the day of the special meeting under the direction of the Electoral Officer as follows:
- e) one nomination from each of the youth formations;
  - f) submitted in writing to the Electoral Officer at the special meeting;

- g) the Electoral Officer shall prepare a ballot paper with the names of the five (5) candidates who had received the most nominations and place the ballot paper before the special meeting on the day of the special meeting;
- h) in the event that it is impossible to determine which five candidates have the most nominations, the Electoral Officer shall prepare the ballot paper with the names of all candidates and place the ballot paper before the special meeting;
- i) each member present at the special meeting may, having regard to the grounds of disqualification to hold office as the youth desk representative contained herein, the Code of Conduct attached hereto and any other relevant consideration, scrutinise the names on the ballot paper and raise an objection to any of the names appearing or not appearing on the ballot paper and request the removal, addition or substitution of any name on the ballot paper, which request must be voted on by all members present at the special meeting;

13.4.2 each member present at the special meeting has one vote by secret ballot;

13.4.3 after the votes are cast, the Electoral Officer must determine whether any candidate must be declared duly elected, and in the event that no candidate can be declared duly elected, further rounds of secret balloting must be held, with names of those candidates who received the least votes and whose votes when combined with each other do not exceed the number of votes obtained by the leading candidate, must be eliminated from the following round of the ballot;

- 13.4.4 the Electoral Officer must announce the results of each round of balloting to the special meeting before the following round commences;
- 13.5 The Electoral Officer must announce the final result immediately after the conclusion of the vote.
- 13.6 The newly elected youth desk representative takes office upon closure of the special meeting.
- 13.7 The outgoing youth desk representative must present a handover report to the newly elected youth desk representative within fifteen (15) days of the date of the special meeting.
- 13.8 The youth desk representative shall cease to hold office if he or she –
  - 13.8.1 resigns his or her office by notice in writing to the Community Police Forum;
  - 13.8.2 is or becomes of unsound mind;
  - 13.8.3 surrenders his or her estate as insolvent or his or her estate is sequestrated;
  - 13.8.4 is convicted of an offence which involves dishonesty;
  - 13.8.5 is or becomes disqualified from being appointed or acting as director of a company or as member of a close corporation;
  - 13.8.6 is absent from three consecutive meetings of the Community Police Forum without special leave of absence given by the Chairperson, or without good reason given to the Community Police Forum; or
  - 13.8.7 ceases to be a youth representative of his or her youth formation or a resident

in the station area.

- 13.9 The representatives of the youth formations operating in the station area and the youth residing in the station area may, at a special meeting called for the purpose, remove the youth desk representative before the expiry of his or her term of office and elect another youth desk representative in his or her place to hold office for the remainder of the term of office of the youth desk representative so removed: Provided that the intention to vote upon his or her removal from office was specified in the notice convening the meeting.

#### **14 TERM OF OFFICE**

- 14.1 The term of office of elected members of the Executive Committee is five (5) years and any member may only be re-elected for one more consecutive term.
- 14.2 The term of office of the youth desk representative is five (5) years or until he or she turns 36, whichever occurs first. The youth desk representative may only be re-elected for one more consecutive term.

#### **15 POWERS AND FUNCTIONS OF EXECUTIVE COMMITTEE**

- 15.1 The Executive Committee is responsible for the management of the affairs of the Community Police Forum and it has the authority to attend to any matter that could or might be attended to by the Community Police Forum, except where a matter is specifically reserved in this Constitution to be dealt with by a meeting of the Community Police Forum.
- 15.2 Without in any way limiting the powers and authority of the Executive Committee, the

Executive Committee has the following powers and functions:

- 15.2.1 to pass any resolution or take any decision, that may be necessary or expedient in order to achieve the objectives of the Community Police Forum: Provided that the Executive Committee may not pass a resolution or take a decision that is inconsistent with this Constitution, or any resolutions or decisions of a meeting of the Community Police Forum passed or taken prior to the date of the resolution or decision by the Executive Committee;
- 15.2.2 at such intervals as the Executive Committee may require, but at least once every financial year, to cause the accounting records of the Community Police Forum to be audited, by an independent auditor appointed by the Executive Committee, for compliance with Generally Accepted Accounting Practices and certified as a true reflection of the income, expenditure, assets and liabilities of the Community Police Forum;
- 15.2.3 subject to approval at a meeting of the Community Police Forum, to form sub-committees from the members of the Community Police Forum for special, general or *ad hoc* purposes and to delegate to any such sub-committee all or any of the powers conferred on the Executive Committee by this Constitution;
- 15.2.4 subject to approval at a meeting of the Community Police Forum, to institute, conduct, defend, oppose, settle or abandon any legal proceedings, by or against the Community Police Forum, or otherwise concerning the affairs of the Community Police Forum, and to settle or allow time for payment in satisfaction

of any debts or any claims or demands by or against the Community Police Forum;

15.2.5 subject to approval at a meeting of the Community Police Forum, to invest, re-invest and deal with any monies of the Community Police Forum, not immediately required for the purposes of the Community Police Forum, upon such securities and on such terms as it may deem fit, and from time to time to vary or realise such investments;

15.2.6 subject to approval at a meeting of the Community Police Forum, to sell, lease, alienate or otherwise dispose of part or parts of the movable or immovable property or any right of the Community Police Forum, as it may think most beneficial to the Community Police Forum, and to apply the consideration arising therefrom as it may think most advantageous to the Community Police Forum;

15.2.7 subject to approval at a meeting of the Community Police Forum, to purchase, hire or take in exchange or otherwise acquire any movable or immovable property or rights for the Community Police Forum;

15.2.8 approve any communication from the Community Police Forum to the public;  
and

15.2.9 subject to approval at a meeting of the Community Police Forum, to utilise the assets and funds of the Community Police Forum for the objects of the Community Police Forum, as set out in this Constitution.

15.3 The Community Police Forum may at a general meeting overturn, approve or amend

any decision of the Executive Committee: Provided that no such decision by the Community Police Forum will adversely affect any pre-existing right of any person or invalidate any action already taken by the Executive Committee.

## **16 DUTIES OF MEMBERS OF THE EXECUTIVE COMMITTEE**

16.1 The Chairperson must –

16.1.1 ensure execution of all decisions of the Executive Committee;

16.1.2 preside over all meetings;

16.1.3 represent the Community Police Forum at meetings, forums and events; and

16.1.4 present reports on the work of the Community Police Forum at all meetings;

16.2 The Deputy Chairperson must –

16.2.1 in the Chairperson's absence, assume all functions of the Chairperson and in the absence of both the Chairperson and the Deputy Chairperson at any meeting, the Executive Committee shall nominate one of their members to preside at such a meeting;

16.2.2 in conjunction with the Treasurer, ensure that the funds of the Community Police Forum are administered in accordance with the objectives, decisions and resolutions of the Community Police Forum; and

16.2.3 prepare and circulate the annual report of the activities of the Community Police Forum, which must include the audited annual financial statements.



16.3 The Secretary must –

- 16.3.1 ensure that the minutes of all meetings, procedures and resolutions are recorded;
- 16.3.2 receive and dispatch all correspondence to and from the Community Police Forum;
- 16.3.3 arrange all meetings in consultation with the Chairperson;
- 16.3.4 ensure the safekeeping of all official documents of the Community Police Forum;
- 16.3.5 send out notices of meetings;
- 16.3.6 in consultation with the Chairperson attend to all correspondence; and
- 16.3.7 perform all other duties usually associated with the office of Secretary.

16.4 The Deputy Secretary must –

- 16.4.1 in the Secretary's absence, assume all functions of the Secretary and in the absence of both the Secretary and the Deputy Secretary at any meeting, the Executive Committee shall nominate one of their members to act as Secretary at such a meeting;
- 16.4.2 assist the Secretary in the performance of his or her functions.

16.5 The Treasurer must –

- 16.5.1 open an account with an institution registered with the Financial Services Board in the name of the Community Police Forum;

- 16.5.2 prepare an annual budget and fundraising strategy for the Community Police Forum for approval at an Annual General Meeting;
  - 16.5.3 manage all funds received and expenditure by the Community Police Forum;
  - 16.5.4 keep record and proof of all monies received or expended by the Community Police Forum;
  - 16.5.5 deposit all monies received by the Community Police Forum in its account on the first banking day of each month;
  - 16.5.6 prepare a quarterly income and expenditure report for submission to and approval by the Community Police Forum;
  - 16.5.7 prepare audited annual financial statements to be approved at an Annual General Meeting;
  - 16.5.8 ensure adherence to the principles contemplated in the Public Finance Management Act, 1999 (Act No 1 of 1999); and
  - 16.5.9 account to the Executive Committee and the Community Police Forum on the execution of his or her duties.
- 16.6 The Public Relations Officer must –
- 16.6.1 act as liaison between the Community Police Forum and the general public within a station area;
  - 16.6.2 promote communication between the Community Police Forum and the communities within the station area; and

16.6.3 execute these duties in consultation with the Station Commissioner and the department.

16.7 Additional Members has those duties allocated to them by the Chairperson.

## **17 REPRESENTATION ON CLUSTER BOARD**

17.1 Subject to section 17.2, the Chairperson of the Executive Committee represents the Community Police Forum on the Cluster Board.

17.2 In the event that it is deemed desirable by the Executive Committee, the Community Police Forum may elect a member of the Community Police Forum at an Annual General Meeting or a Special General Meeting called for the purpose to represent it on the Cluster Board instead of the Chairperson for a period determined by the Community Police Forum at the meeting.

17.3 The Community Police Forum may, at the Annual General Meeting or a Special General Meeting called for the purpose, remove the Cluster Board representative before the expiry of his or her term of office and elect another Cluster Board representative in his or her place to hold office for the remainder of the term of office of the Cluster Board representative so removed: Provided that the intention to vote upon his or her removal from office was specified in the notice convening the meeting.

17.4 The person representing the Community Police Forum on the Cluster Board in terms of this section must submit reports on the deliberations at Cluster Board meetings and the activities of the Cluster Board at each Executive Committee and Community Police Forum meeting.

17.5 The person representing the Community Police Forum on the Cluster Board in terms of this section must obtain a mandate at a meeting of the Community Police Forum in respect of every matter which must be decided upon by Cluster Board members through consensus or voting.

## **18 NOMINATIONS FOR CLUSTER BOARD EXECUTIVE COMMITTEE**

18.1 The Community Police Forum must, at the Annual General Meeting preceding the date of the election of the Cluster Board Executive Committee, or a Special General Meeting called for the purpose, decide on the nominee(s) for the member(s) of the Executive Committee of the Cluster Board to be elected.

18.2 A resolution recording the nominee(s) decided upon must be signed by the Chairperson and the Secretary of the meeting.

## **19 MEETING PROCEDURES**

19.1 Executive Committee Meetings:

19.1.1 Executive Committee Meetings must be held at least once per month.

19.1.2 Seven (7) days' notice of such meetings shall be given, except in case of an emergency.

19.2 Community Police Forum Meetings:

Community Police Forum meetings shall be held quarterly or whenever deemed necessary to attend to its business, provided that seven (7) days' notice of such meetings must be given.

19.3 Annual General Meeting (AGM):

19.3.1 An AGM shall be held between the 1<sup>st</sup> of February and the 30<sup>th</sup> of April of every year in order to –

- a) approve the minutes of the preceding AGM;
- b) approve the certified annual financial statements;
- c) approve the annual report of the Executive Committee;
- d) consider and deliberate on the keynote address of the Chairperson;
- e) consider and deliberate on any draft resolutions on matters pertaining to the objectives of Community Policing in the station area;
- f) every fifth year, elect an Executive Committee; and
- g) attend to any matter contemplated in the Constitution.

19.3.2 Representatives referred to in section 8.1 of the Constitution as well as the general public in the station area shall be notified of the date, time, venue and agenda of an AGM at least twenty one (21) days prior to the meeting.

19.4 Special General Meeting:

19.4.1 The Executive Committee may instruct the Secretary to convene a Special General Meeting to discuss and rule on any special matters contemplated in the Constitution.

19.4.2 The Secretary shall, upon request from at least 25% of the members of the

Community Police Forum, call a Special General Meeting of all members referred to in section 8.1 of the Constitution to discuss and resolve issues stated clearly in writing by members requesting such a meeting.

19.4.3 Notice of a Special General Meeting shall be given to members referred to in section 8.1 at least twenty one (21) days in advance.

19.5 Notices:

19.5.1 Upon becoming a member, such member must indicate to the Secretary whether notices must be transmitted by e-mail or facsimile transmission.

19.5.2 Any member is entitled from time to time by written notice to the Secretary, to vary his or her preferred means of communication.

19.5.3 The facsimile transmission report will serve as proof of transmission of any notice in terms of this Constitution sent by facsimile transmission.

19.5.4 The e-mail transmission report will serve as proof of transmission of any notice in terms of this Constitution sent by e-mail.

19.5.5 Any notice must include the date, time, venue and agenda items of the meeting.

19.5.6 The Secretary must preserve, either electronically or in hard copy, proof of no-

tices sent to members.

19.5.7 Any notice shall be deemed to have been received, until the contrary is proved

a) if sent by telefax, on the date of sending such telefax; and

b) if sent by e-mail, on the date of sending such e-mail.

19.5.8 Section 19.5.7 shall not operate so as to invalidate the giving or receipt of any written notice, which is actually received by the addressee other than by a method referred to in this section.

19.5.9 Any notice in terms of or in connection with this Constitution shall be valid and effective only if in writing and if received or deemed to be received by the addressee.

19.5.10 No meeting is invalid solely by reason of the non-receipt by any person entitled to receive the requisite notice.

19.6 Quorum:

19.6.1 The quorum of all meetings shall be 50% of the total members, of which at least 5% must be from the SAPS, plus 1 member. In the absence of a quorum within thirty (30) minutes after the scheduled commencement time, the meeting must be postponed.

19.6.2 At least seven (7) days' notice must be given of the date for the meeting so postponed. In the event that there is again no quorum within thirty (30) minutes of the scheduled commencement time of the meeting, the meeting must be postponed a second time.

19.6.3 At least seven (7) days' notice must be given of the date for the meeting so postponed. In the event that there is again no quorum within thirty (30) minutes of the scheduled commencement time of the meeting, it will be deemed that the meeting is quorate.

19.6.4 Meetings shall be conducted in accordance with the generally accepted principles for conducting meetings.

19.7 Minutes:

19.7.1 Minutes of all meetings must be kept and securely filed in accordance with generally accepted filing standards.

19.7.2 After the adoption of the minutes, the Secretary and the Chairperson must sign the minutes.

19.8 Voting:

19.8.1 All members, excluding coopted members in an advisory capacity, are entitled to vote at any meeting attended by them, except during the election of members of the Executive Committee, deciding on the nominations for the Cluster Board Executive Committee or electing the representative for the Cluster Board.

19.8.2 During the election of the members of the Executive Committee, deciding on nominations for the Cluster Board Executive Committee or electing the representative for the Cluster Board, members referred to in section 8.1 of the Constitution are entitled to vote.



19.8.3 Voting shall take place by way of secret ballot.

19.8.4 No voting by proxy shall be permitted and the majority of votes shall bind all members.

## **20 COMMUNICATION**

20.1 The Community Police Forum must communicate to the public in the station area at least on a quarterly basis to inform the public of the work and activities of the Community Police Forum.

20.2 Communication to the public may take the form of press releases, press conferences, editorials, radio interviews, television interviews and paid or sponsored advertisements.

20.3 Only the Public Relations Officer of the Executive Committee may undertake any public communication with the approval of the Executive Committee and the Station Commissioner and no other member may communicate to the public through any means whatsoever.

20.4 Any official correspondence on behalf of the Community Police Forum addressed to any person or body must be signed by either the Chairperson, or the Deputy Chairperson.

## **21 AMENDMENT OF CONSTITUTION**

21.1 This Constitution may only be amended on a decision taken by at least sixty six percent (66%) of members of the Community Police Forum at an Annual General Meeting or at a Special General Meeting, provided that particulars of proposed

amendments are given in writing and circulated at least twenty one (21) days before such a meeting.

## **22 MANAGEMENT AND CONTROL OF FINANCIAL AFFAIRS**

- 22.1 The funds of the Community Police Forum consist of all monies received or raised by means of donations for the administration and running of the Community Police Forum and its campaigns or projects.
- 22.2 All cheques and financial documentation requiring signature or approval on behalf of the Community Police Forum must be signed jointly by the Chairperson, the Treasurer and another member of the Executive Committee designated by the Executive Committee.
- 22.3 Any agreement or contract to which the Community Police Forum is a party or signatory must –
- 22.3.1 be signed by the Chairperson after obtaining the approval of the Executive Committee; and
  - 22.3.2 contain, as a schedule to the agreement or contract, a copy of a dated resolution by the Executive Committee signed by all the members authorising the Chairperson to sign the agreement or contract in question.

## **23 DISPUTE RESOLUTION PROCEDURES**

- 23.1 The objectives of the Dispute Resolution Procedures are:
- 23.1.1 to resolve and manage conflict and grievances in the Community Police Forum;

and

- 23.1.2 to address instances of unacceptable conduct by members of the Community Police Forum.
- 23.2 The Community Police Forum may decide to address misconduct, depending on the seriousness of the misconduct, in terms of this section instead of following the procedure provided for in section 26.
- 23.3 Disputes which cannot be resolved by the Community Police Forum must be attended to by the Cluster Board.
- 23.4 If the dispute still remains unresolved, it must be referred to the Provincial Commissioner for resolution in conjunction with the department.
- 23.5 No member may refer any dispute to a Court of Law unless all internal remedies have been exhausted.

## **24 DISSOLUTION**

- 24.1 The Community Police Forum may be dissolved by the Station Commissioner, in consultation with the department, at an Annual General Meeting, or at a Special General Meeting called for that purpose by the Station Commissioner.
- 24.2 Without in any way limiting the power of the Station Commissioner to dissolve the Community Police Forum, the Station Commissioner may dissolve the Community Police Forum if it has become grossly ineffective or in the event of a legislative of policy change which materially affects the aims, objectives, powers and functions of the Community Police Forum.

24.3 In the event of the dissolution of the Community Police Forum its assets will be disposed of as follows:

24.3.1 if the reason for dissolution was the establishment of an alternative body that will continue the work of the Community Police Forum, then such a body shall accede to the assets of the Community Police Forum;

24.3.2 if the Community Police Forum was dissolved for any other reason, the Police Service shall accede to the assets of the Community Police Forum.

## **25 COMPLIANCE WITH TIME-FRAMES**

25.1 No act carried out or decision taken in terms of this Constitution shall be invalid merely on the basis that it was carried out or taken outside of the time-frame prescribed by this Constitution.

25.2 Any act so carried out or decision so taken shall only be invalid upon a decision taken by at least sixty six percent (66%) of members of the Community Police Forum at an Annual General Meeting or at a Special General Meeting, provided that –

25.1.1. particulars of the act or decision are given in writing and circulated at least twenty one (21) days before such a meeting; and

25.1.2. no such decision by the Community Police Forum will retrospectively affect any right of any person.

## **26. CODE OF CONDUCT**

- 26.1 All members must acquaint themselves with the code of conduct annexed hereto and must abide by its provisions.
- 26.2 All members must sign a copy of the code of conduct.
- 26.3 Any contravention of the code of conduct by a member of the Community Police Forum shall constitute misconduct.
- 26.4 In the event of misconduct being alleged against any member of the Community Police Forum, the allegation(s) must be submitted in writing together with any supporting information to the Secretary.
- 26.5 The Secretary must within fourteen (14) days of receipt of the allegation(s) in writing notify the member concerned of the allegation(s) and schedule a special Executive Committee meeting no sooner than five (5) days after the date of the notice and no later than thirty (30) days after the notice.
- 26.6 The notice must require the member concerned to appear before the Executive Committee at the special meeting to respond to the allegation.
- 26.7 At the special meeting the Executive Committee must consider the allegation and the response of the member concerned and make a finding.
- 26.8 Subject to section 23, in the event of a finding of misconduct, the member concerned loses his membership of the Community Police Forum.
- 26.9 The former member may, within fourteen (14) days of being notified of the finding of the Executive Committee, lodge an appeal with the Community Police Forum, whose decision will be final and binding.

SIGNED AT                                      ON THE                                      DAY OF                                      20...

Station Commissioner

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WITNESSES

1. \_\_\_\_\_

2. \_\_\_\_\_

SIGNED AT                                      ON THE                                      DAY OF                                      20...

Chairperson of the Community Sub Police Forum ( Pennington Community Watch )

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WITNESSES

1. \_\_\_\_\_

2. \_\_\_\_\_

## ANNEXURE A

### COMMUNITY POLICE FORUM

#### CODE OF CONDUCT

Each member of the community police forum –

1. commits to the achievement of the objectives of community police forums and boards set out in section 18 of the South African Police Service Act, 1995 (Act No 68 of 1995);
2. undertakes to observe and uphold the Constitution of the community police forum as may be amended from time to time;
3. shall, at all times –
  - 3.1 observe and uphold the Constitution of the Republic of South Africa, the law and any national and provincial guidelines on community policing;
  - 3.2 be guided by the needs of the community he or she represents and the needs of the Police Service;
  - 3.3 conduct him- or herself with integrity, dignity and honesty;
  - 3.4 endeavour to render his or her best efforts within the confines of his or her ability and available time;
  - 3.5 strive to foster harmonious relationships with community police forum members and to contribute positively to further the aims and objectives of the community police forum;
  - 3.6 avoid negative criticism of and unnecessary confrontation with fellow community police forum members;
  - 3.7 give and receive advice and constructive criticism where appropriate;
  - 3.8 accept the constitutional authority of the Executive Committee of the community police forum;
  - 3.9 accept the majority decision of the community police forum in regard to matters put to vote;
  - 3.10 endeavour to be punctual in our attendance of meetings of the community police forum and to remain in attendance until excused by the Chairperson or until the end of the meeting;

- 3.11 act only within the scope of the specific objectives of the community police forum in the performance of any actions or execution of any tasks on behalf of the community police forum;
- 3.12 not do or purport to do anything which may bind the community police forum for which he or she has no specific mandate or authority from the community police forum;
- 3.13 refrain from using the community police forum as platform for personal gain or to further or prejudice any third party interests;
- 3.14 refrain from discussing any information pertaining to community policing without the mandate of the community police forum or Police Service at any other forum or meeting;
- 3.15 not wear any insignia or identification mark in respect of any political party, organisation, movement or body while attending a meeting of a community police forum;
- 3.16 not utilise his or her membership of a community police forum to further or prejudice party-political interests;
- 3.17 not interact or communicate with the media directly or indirectly without the mandate of the community police forum;
- 3.18 not be entitled to have access to police registers or files without the approval of the station commissioner concerned and may only be allowed access to police dockets with the prior written approval of the relevant Director of Public Prosecutions; and
- 3.19 only use property belonging to or under the control of the Police Service with the prior written approval of the Station Commissioner.
- 4 accepts that, without in any way limiting the scope of the provisions of paragraphs 1 to 3 hereof, the following acts or omissions will be regarded as misconduct:
  - 4.1 fails to comply with, or contravenes an Act, regulation or legal obligation;
  - 4.2 wilfully or negligently mismanages the finances of the Community Police Forum;



- 4.3 without permission possesses or wrongfully uses the property of the Community Police Forum;
- 4.4 wilfully, intentionally or negligently damages and or causes loss of Community Police Forum property;
- 4.5 endangers the lives of self or others by disregarding safety rules or regulations;
- 4.6 prejudices the administration, discipline or efficiency of the Community Police Forum;
- 4.7 misuses his or her position on the Community Police Forum to promote or to prejudice the interest of any political party;
- 4.8 steals, bribes or commits fraud;
- 4.9 accepts any compensation in cash or otherwise from a member of the public for performing her or his duties on the Community Police Forum;
- 4.10 absents or repeatedly absents him or herself from the Community Police Forum or sub-forum activities without reason or permission;
- 4.11 commits an act of sexual harassment;
- 4.12 discriminates against others on the basis of race, gender, disability, sexuality or other grounds outlawed by the Constitution;
- 4.13 performs poorly or inadequately for reasons other than incapacity;
- 4.14 while attending to the activities of the Community Police Forum, is under the influence of an intoxicating, illegal, unauthorised, habit-forming and/or stupefying drug, including alcohol;
- 4.15 while attending to the activities of the Community Police Forum, conducts herself or himself in an improper, disgraceful and unacceptable manner;
- 4.16 assaults, or attempts or threatens to assault, any person while attending to the activities of the Community Police Forum;
- 4.17 incites others to un-procedural and unlawful conduct;
- 4.18 intimidates or victimises fellow members;
- 4.19 prevents other members from belonging to any trade union or body;
- 4.20 falsifies records or any other documentation;

4.21            commits a common law or statutory offence.

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Signature of witness 1                      Date                      Place

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Signature of witness 2                      Date                      Place

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Signature of member                      Date                      Place

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