

# **ORANJEZICHT HIGGOVALE NEIGHBOURHOOD WATCH CONSTITUTION**

**DECEMBER 2023**

## **1. THE NEIGHBOURHOOD WATCH AND LEGAL STATUS**

- 1.1. The name of the Neighbourhood Watch shall be the Oranjezicht Higgovale Neighbourhood Watch ("OH Watch").
- 1.2. OH Watch is not a legal person 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 Western Cape Community Safety Act and the Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures of May 2003 ("WCCNWS").
- 1.3. OH Watch shall at all times comply with the provisions contained in the WCCNWS and in the event of there being any conflict between WCCNWS and this Constitution the provisions of WCCNWS shall prevail.
- 1.4. Any member acknowledges such jurisdiction and/or status of OH Watch and accepts that, at all relevant times, they act within their personal capacity as an individual and that OH Watch shall not be responsible for any civil and/or criminal actions and/or omissions that are perpetrated by and/or against such member.

## **2. AREA OF OPERATION – BOUNDARIES**

- 2.1. OH Watch 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 as set out in Annexure A ("the Area").

## **3. OBJECTIVES AND POWERS OF THE NEIGHBOURHOOD WATCH**

- 3.1. To create public awareness in terms of community safety, crime prevention and protection of property;
- 3.2. To manage and co-ordinate crime prevention initiatives and to discourage crime in the area;
- 3.3. To encourage neighbourhood watch members to act within the framework of the law;
- 3.4. To unite community in creating a stable and crime free environment;
- 3.5. To nurture a sense of unity and good neighbourly relations among residents of the Area;
- 3.6. Lobby National, Provincial and City government on all issues of public safety under the codes contained in the WCCNWS;
- 3.7. 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 Town (“City”), and to encourage residents to do the same;

- 3.8. To serve as a watchdog in the Area for residents and SAPS, law enforcement officers and other and/or security role players, thereby assisting them to safeguard the Area residents against criminal activities and to strive for a safe and secure neighbourhood;
- 3.9. 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;
- 3.10. Assist SAPS, law enforcement officers and other security role players within the Area in crime prevention;
- 3.11. Support the social crime prevention policy of SAPS, law enforcement officers and other security role players within the Area;
- 3.12. Operate within the framework of the law and the provisions contained in the WCCNWS;
- 3.13. 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;
- 3.14. Seek and obtain assistance, funding and resources through the Community Police Forum (“CPF”) on all issues of public safety and security under the codes contained in the WCCNWS;
- 3.15. 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;
- 3.16. 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;
- 3.17. 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;
- 3.18. Accept donations in such a manner as OH Watch shall see fit, subject to such consents as required by law or as detailed in the WCCNWS;
- 3.19. Procure contributions to OH Watch by personal or written appeals, public meetings or otherwise, subject to such consents as required by law or as detailed in the WCCNWS;
- 3.20. Raise and distribute funds to carry out the objectives of OH Watch in such a manner as OH Watch shall see fit, subject to such consents as required by law or as detailed in the WCCNWS;
- 3.21. 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;

- 3.22. 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
- 3.23. Do all such other lawful things as are necessary for the attainment of the objectives contemplated herein.

#### **4. MEMBERSHIP**

- 4.1. Membership of OH Watch 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 OH Watch 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. OH Watch 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
  - 4.3.5. ID number/passport number
- 4.4. OH Watch 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 OH Watch activities and is subject to the provisions of POPIA.
- 4.7. Only members of OH Watch are entitled to vote at meetings.
- 4.8. A member may resign by email and/or other written form of notice to OH Watch 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. EXECUTIVE COMMITTEE (“Exco”) and OFFICES

- 5.1. Only resident members of OH Watch 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 OH Watch in accordance with the simple majority voting procedures and meeting requirements referred to herein below:
  - 5.2.1. Treasurer
  - 5.2.2. Communications
  - 5.2.3. Radios, patrols and other operations
  - 5.2.4. License plate recognition (“LPR”) and street cameras
  - 5.2.5. Fundraising
- 5.3. Once all the offices reflected in clauses 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.
- 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 fulfil 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 clauses 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 OH Watch, 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.

- 5.10. Nominations for offices and/or members of the Exco may only be made by members of OH Watch and shall be made at least fourteen (14) days prior to the meeting, whether specially constituted or not, if possible.
- 5.11. The general management of the affairs of OH Watch shall be directed by the Exco which shall meet not less than once a month. Meetings may be held or attended virtually.
- 5.12. 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.
- 5.13. 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.
- 5.14. 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 clause 5.13 above.
- 5.15. The Exco may make, amend and repeal such rules for the conduct and operation of its business, and that of OH Watch, 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.
- 5.16. 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 OH Watch, are accessible to members for the purpose of transparency.
- 5.17. 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.
- 5.18. 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 deemed necessary in order to achieve the objectives and powers of OH Watch.
- 5.19. 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.
- 5.20. Such Secretary shall not be considered a member of the Exco.
- 5.21. 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.
- 5.22. 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.

- 5.23. The Exco may appoint one (1) or more qualified auditors and may determine their remuneration, if any.

## **6. MEETINGS AND RULES OF PROCEDURES AT ALL MEETINGS OF OH WATCH**

- 6.1. There shall be an annual general meeting ("AGM") of OH Watch which shall be held once a year at such time and place as the Exco shall determine.
- 6.2. The Chairperson of the Exco may at any time call a special general meeting of OH Watch.
- 6.3. At least fourteen (14) days' notice of all general meetings, whether specially convened or not, must be given to members.
- 6.4. 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.
- 6.5. 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.
- 6.6. Each member of OH Watch 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.
- 6.7. All decisions arising at and/or allowable at any given meeting shall be decided by a simple majority vote of members present.
- 6.8. The Secretary shall prepare and keep record of minutes of any given meeting, including a record of all attendees, proceedings and resolutions adopted.

## **7. FINANCE**

- 7.1. OH Watch shall open and operate such banking accounts as deemed necessary and shall ensure that all the financial transactions of OH Watch are conducted through the medium of such accounts. There shall be at least three signatories to such accounts, all of whom must be members of Exco and one of whom is the OH Watch Treasurer.
- 7.2. All monies raised by or on behalf of OH Watch shall be applied to further the purposes of OH Watch 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.
- 7.3. Any fundraising initiative conducted for the benefit of OH Watch must have Exco approval.
- 7.4. OH Watch shall keep proper accounting records that accurately reflect all its income, expenditure, assets and liabilities.

- 7.5. The financial year of OH Watch shall be the period ending on the last day of September.
- 7.6. The OH Watch financial statements shall be compiled annually by a registered accounting practitioner.
- 7.7. The financial statements shall be made available to all members together with the notice of the relevant AGM or special general meeting.

## **8. LIABILITY**

- 8.1. OH Watch is not a legal person and as such does not have powers of whatever nature which might be in law to act or be acted upon.
- 8.2. All individual members act in their own capacity as individuals and liability will be in that capacity.
- 8.3. OH Watch will neither be responsible for civil and or criminal actions or omissions that are perpetrated by a member of OH Watch nor responsible for civil and or criminal actions or omissions against its members.
- 8.4. All and any criminal and civil actions that are instituted against a member of OH Watch will be against the member concerned and not OH Watch.
- 8.5. Any damage or injury to any member of OH Watch or their property when such member is acting as a member of OH Watch in whatsoever capacity shall subject to claims against third parties be the sole and absolute responsibility of the member.
- 8.6. OH Watch carries no insurances whatsoever for members or their families or dependants.
- 8.7. Members of OH Watch must take all such steps as they chose to establish their own legal position as to their personal/ accident/medical or vehicle insurances and assurances.

## **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 general 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 CPF or other authority having jurisdiction shall have been obtained and no alteration shall be made which would have the effect of causing OH Watch to cease to apply the principles of WCCNWS.

**DISSOLUTION**

- 9.4. Dissolution of OH Watch 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.
- 9.5. 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.
- 9.6. Upon the dissolution of OH Watch, Exco shall have the power to dispose of any assets held by or on behalf of OH Watch. 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 OH Watch 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 OH Watch must be sent to the CPF.

**ADOPTED BY THE EXECUTIVE COMMITTEE OF THE ORANJEZICHT HIGGOVALE NEIGHBOURHOOD WATCH ON THIS 17th DAY OF December 2023**



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**NAME: Ronel van Dijk**



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**NAME: Jonathan Levin**



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**NAME: Tanandra Kristinet Wille**



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**NAME: Christopher Starr**



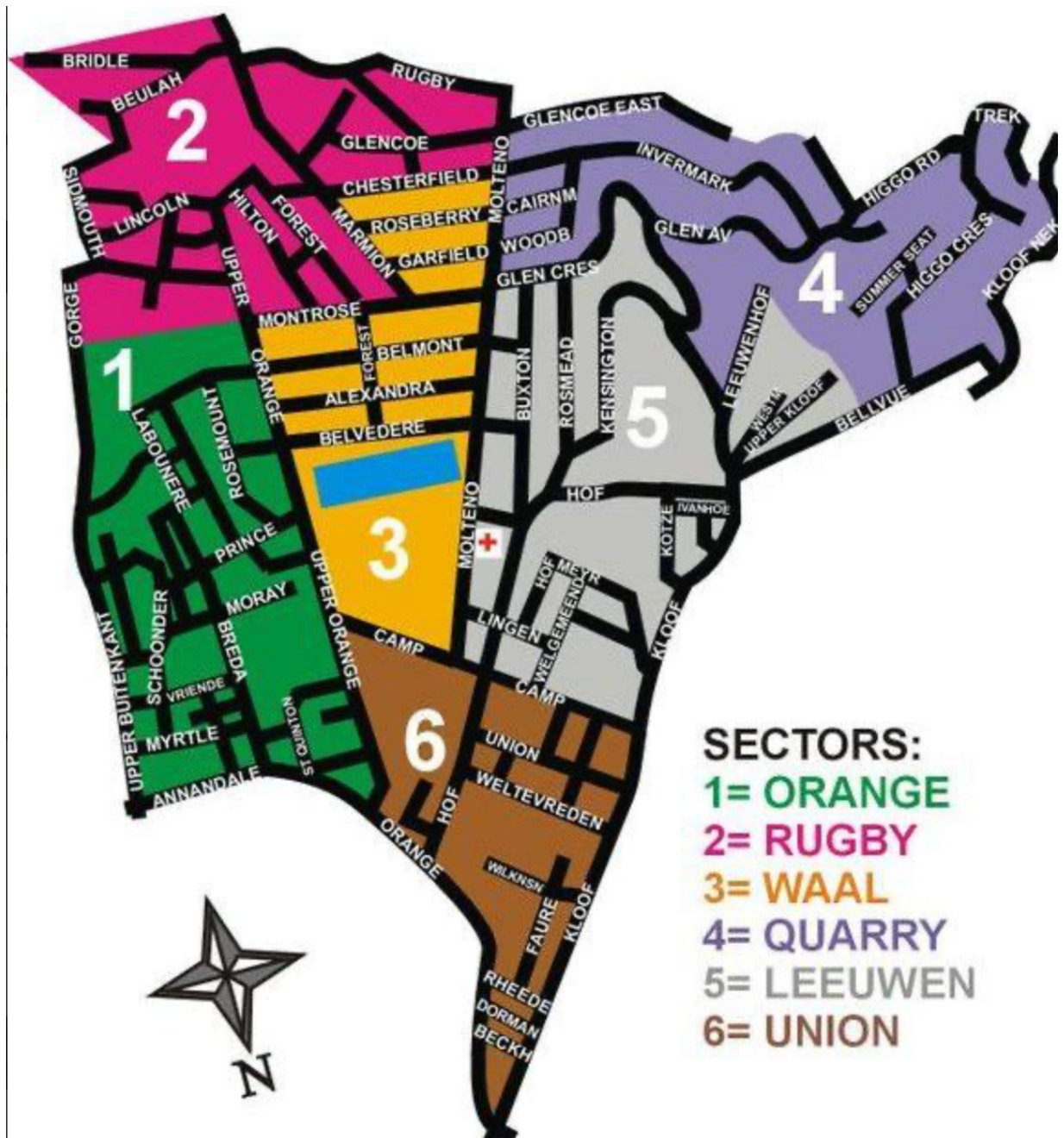
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**NAME: Craig Symington**



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**NAME: Darin Weitsz**



ANNEXURE A



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IP: 162.125.63.24



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IP: 165.73.122.131



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IP: 165.73.122.131



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IP: 105.245.235.185



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