



BELMONT PARK



*NEIGHBOURHOOD
WATCH*

36 STATION ROAD BELMONT PARK KRAAIFONTEIN 7570

YOUR SAFETY – OUR PRIORITY

0766 766 066

CONSTITUTION AND CODE OF CONDUCT





PREAMBLE

Members of the community in a police precinct, out of their concern for the crime in the precinct may voluntarily come together in order to patrol the area in groups and take part in other crime prevention activities to:

- Deter criminals or would be criminals
- Identify and warn the police of the presence of suspected persons
- Execute citizens' searches, seizures and arrests, and,
- Advise the residents on limiting the opportunities of criminals to commit crime in the area.

WHEREAS the exercise of such right, if left unchecked may lead to a situation where members of the community may take the law in their own hands.

AND WHEREAS, owing to the fact that the aims of the group will be, among others, to enhance the aims and objectives of the Community Police Forums as legislated by Chapter 7 of the South African Police Service Act, Act 68 of 1995 and support the work of the police, such a group may not be established without the knowledge of the Local SAPS Station Commander and the local Community Police Forum.

NAME OF THE DOCUMENT

The document shall be known as:

"THE BELMONT PARK AND KLEINBEGIN NEIGHBOURHOOD WATCH CONSTITUTION AND CODE OF CONDUCT"

PURPOSE OF THE DOCUMENT

- To regulate the establishment, performance and functioning of the Neighbourhood Watch, its co-operation with the Community Police Forum, the South African Police Service, Metro Police Service, other Law Enforcement Agencies and the Department of Community Safety in the Province;
- To ensure that the Neighbourhood Watch acts within the framework of the law;
- To access funding and assistance for the Neighbourhood Watch from the Department of Community Safety and other State Departments;



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1. DEFINITIONS

"Belmont Park Neighbourhood Watch": The unincorporated entity constituted by this constitution and known as Belmont Park Neighbourhood Watch.

"Neighbourhood Watch Structure": An all-encompassing phrase and shall including individual neighbourhood watches as well as neighbourhood watch associations and other structures such as street committees, street watches, block watches, farm watches, business watches, flat watches and any neighbourhood watching activity deemed to be related to the definition as set herein.

"Neighbourhood Watch Association": This shall be a structure, consisting of a group of neighbourhood watches in a police precinct.

"Neighbourhood Watch": Shall be a group of individual residents in an area who organised themselves to, as a group, exercise their civilian powers to by means of group patrols, deter criminals, advise the residents on limiting the opportunities for criminals to commit crimes and assist the law enforcement agencies to arrest criminals in the area.

"Recognition": This prescribes the process that precedes the registration of a Community Safety Structure, i.e. the community of a certain area in the police precinct with the intention to establish a Community Safety Structure, must in writing inform the Station Commander, Chairperson of the CPF or the Neighbourhood Watch Association.

"Registration": A recognised activity may apply for registration as a Community Safety Structure and a member of the Association. The application should be done on the prescribed form – Annexure A.

"Affiliation to Local Police Forum": The official representation of the neighbourhood watch structure in the area. In the absence of a community police forum such official representation will be through the Local Station Commissioner of the South African Police Services.

"Official": This implies that a structure has been registered and is recognised accordingly.

"CPF Constitution": Refers to the Uniform Constitution for Community Police Forums in the Western Cape.

" Executive Committee": Means the committee elected by a community police forum, sub-forum or board and which is responsible for the day to day running of the affairs of the forum, sub-forum or board.



“Community Police Forum”: A forum in terms of Chapter 7 of the South African Police Service Act, Act 68 of 1995. Where reference is made to a Community Police Forum, it includes sub-forums.

“Non-political”: Means that the Structure should not be affiliated to any political organizations, and also must not do any work that creates a perception of being politically aligned with any politically organization.

“Non-sexist”: This means that the structure must not discriminate on the grounds of gender or sexual orientation.

“Identity Card”: An identification card issued to a member of the structure, authorised by the Association and the South African Police Service.

“Sector”: Refers to a section of the Police Precinct as determined by the Station Commissioner.

“Sector Manager”: A member of the South African Police Service responsible for the prevention of crime in a Sector of the Police precinct.

“BP NHW”: the abbreviation stands for the Belmont Park Neighbourhood Watch

“Member”: Refers to a registered member of a community safety structure.

“Dangerous Weapons”: As defined by the Dangerous Weapons Act No 71 of 1968,“...” any object, other than a firearm, which is likely to cause serious bodily injury if it were used to commit an assault.

2. VISION

To live and operate in a Crime Free Neighbourhood.

3. MISSION

To make the Area of Belmont Park crime free collaborating with the South African Police Service, Cape Town City Council and other Stakeholders.

4. AIMS

- 4.1 To nurture a sense of unity, dedication and good neighbourly relations among the residents or businesses in the Belmont Park area.
- 4.2 To serve as a watchdog for the Belmont Park Community, Local Business and the Local Police Service and thereby assisting the Local police Service to safeguard its community against criminal activities and to strive for a safe and secure environment.



- 4.3 To provide a channel through which the Belmont Park Community can play a meaningful role in the preservation of a safe and secure environment.

5. OBJECTIVES

- 5.1 To create public awareness with regard to community safety, crime prevention and protection of residents and their property.
- 5.2 To encourage the Belmont Park Community to work in close co-operation with Law Enforcement Agencies (SAPS, Cape Town City Police), the CPF, Victim Empowerment Structures and other structures such as local authorities who are involved in law enforcement.
- 5.3 To seek to unite a diverse Community in the area in creating a stable and crime free environment in Belmont Park.

6. FOUNDING PROVISIONS

Criminal Procedure Act, Act 51 of 1977.

- Specifically Sections: 23, 24, 29, 42, 47, 48 and 49

7. MEMBERSHIP

- 7.1 Membership of the **Belmont Park Neighbourhood Watch** shall be open to all who own property or 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.
- 7.2 A person who believes they qualify for membership may apply to join the **Belmont Park Neighbourhood Watch** by completing the prescribed membership application form to be used at the time of such application.
- 7.3 Membership of the **Belmont Park Neighbourhood Watch** is based upon the principal of non-racism, non-sexism, non-sectarianism and democracy.
- 7.4 Membership shall be open to all irrespective of race, colour, religion, disability, age or sexual orientation that meet the other criteria set out in this Constitution.
- 7.5 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 event where such a fee is applicable, the payment thereof shall not be enforced in any which way, neither shall



membership of the **Belmont Park Neighbourhood Watch** depend on payment of such fee. The payment of such fee (if applicable) shall remain voluntary at all times.

- 7.6 A member may resign by giving written notice to the Executive Committee.
- 7.7 The Executive Committee may at 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 contain full reasons for the Executive Committee's intended action. The Executive Committee shall consider any written reply.
- 7.8 A membership register will be kept by the **Belmont Park Neighbourhood Watch** and updated annually. The register must contain the name, address, identity number and telephone details of the members. The register must also contain the indemnity forms signed by members.
- 7.9 The following persons shall not be allowed to be members of the Belmont Park Neighbourhood Watch:**
- Persons with serious criminal records
 - Persons being investigated for the commission of a crime
 - Persons of unsound mind or who are not psychological healthy
- 7.10 When considering the application of an applicant on the grounds of his or her involvement in crime, the following should be taken into consideration:**
- The seriousness of the offences and alleged offences
 - Number of convictions
 - The time lapse between convictions
 - Date of last conviction
- 7.11 Members must for the purpose of membership, indemnify the **Belmont Park Neighbourhood Watch** against actions emanating from intentional and negligent acts during the execution of their voluntary service in the Belmont Park Neighbourhood Watch.



- 7.12 A permanent member of SAPS and a Reservist, except a category B Reservist, may not be a member of the Belmont Park Neighbourhood Watch.
- 7.13 Membership shall cease on the resignation of a member from the **Belmont Park Neighbourhood Watch** structure, cease of business or stay in the area of the structure, death or expulsion from the structure, and on appointment as a member of the South African Police Service, the South African National Defence Force or Correctional Services.

7.14 The Belmont Park Neighbourhood Watch may reject an application for membership of a person or terminate the membership of a member due to:

- Involvement and/or alleged involvement in criminal activities
- Serious criminal records
- Failure to make criminal record (s) known at the time of applying for membership
- Not being psychologically healthy
- Without any reasonable explanation, fails to attend at least four set meetings in a period of six months
- Showing a pattern of failure to attend set meetings
- Not staying or having business in the area
- appointment as a member of the South African Police Service, Metro Police, the South African National Defence Force, Correctional Services and/or other Law Enforcement Agency, except appointment as Category B-reservist.
- Being a member of the South African Police Service, Metro Police, the South African National Defence Force, Correctional Services and/or other Law Enforcement Agency, except appointment as Category B-reservist.

8. INDEMNITY

- 8.1 The **Belmont Park Neighbourhood Watch** is not a corporate entity established by or under order any law nor does it have juristic personality and shall function within the guidelines as provided and set



out in the **Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures**.

- 8.2 Membership of the **Belmont Park Neighbourhood Watch** and the participation in patrolling activities are both actions voluntary undertaken by a member.
- 8.3 An acknowledgement to the above effect in the form of an Indemnity Form shall be signed by all patrolling members clearly indemnifying the **Belmont Park Neighbourhood Watch** 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.
- 8.4 Each member authorizes the Executive Committee to enter into any acknowledgement on behalf of the **Belmont Park Neighbourhood Watch** required under the **Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures**.

9. LIABILITY

- 9.1 The **Belmont Park Neighbourhood Watch** 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.
- 9.2 Each member and any neighbourhood watch affiliated to the **Belmont Park Neighbourhood Watch** acts in his/her own capacity and liability shall be in that capacity.
- 9.3 The **Belmont Park Neighbourhood Watch** 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.
- 9.4 All and any criminal and civil actions that are instituted against a member of the **Belmont Park Neighbourhood Watch** shall be against the member concerned and not the **Belmont Park Neighbourhood Watch**.
- 9.5 Insurance cover for person, possessions, property and liability is at all times the responsibility of the member.

10. ACCOUNTABILITY

- 10.1 The **Belmont Park Neighbourhood Watch** shall be accountable to the South African Police Service in the first instance.



- 10.2 By virtue of its registration with the Local Community Police Forum, the **Belmont Park Neighbourhood Watch** shall be accountable secondly to the Local Community Police Forum.
- 10.3 In the absence of such Community Police Forum, the **Belmont Park Neighbourhood Watch** shall be accountable to the area Community Police Board.
- 10.4 Should the Local Community Police Forum or Area Community Police Board be found to be dysfunctional, the **Belmont Park Neighbourhood Watch** shall be accountable to the Provincial Community Police Board.
- 10.5 The Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures shall be binding on the **Belmont Park Neighbourhood Watch** and each of the organization's members insofar as it is in conflict with Constitution of South Africa and the Bill of Rights.

11. AFFILIATION

- 11.1 The **Belmont Park Neighbourhood Watch** shall be affiliated to the Local Community Police Forums in the area in order to be recognized by the Local South African Police Service responsible for the area.

12. MEETING OF MEMBERS

- 12.1 Members will meet every fortnightly (once every two weeks) on a Tuesday.
- 12.2 An annual General Meeting should be held during the first quarter of each calendar year. The quorum for an Annual General Meeting shall be ten percent (10%) of the registered members. If quorum is not attained, the Annual General Meeting will be postponed for fourteen days.
- 12.3 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 case of any equality of votes the chairperson of the meeting shall have a second vote.
- 12.4 Future proposed amendments to this constitution may be decided by simple majority vote of the members at any duly constituted meeting of members for which the required notice has been given.



- 12.5 The Executive Committee members' term of office shall be for the period between Annual General Meetings and these members are permitted to be nominated for multiple subsequent terms of office.
- 12.6 Candidates nominated for Executive Committee Member positions may be duly proposed and seconded at an Annual General Meeting of members and if there is only one nomination for a position an election will be conducted via method determined by the Electoral Officer.

13. COMMITTEES

- 13.1 The policy and general management of the **Belmont Park Neighbourhood Watch** shall be directed by the Executive Committee of which will have the respective powers as set out in this Constitution.
- 13.2 The Executive Committee may decide on such as rules, procedures and notice periods for the conduct of its meeting as they deem appropriate.
- 13.3 The Executive Committee shall meet from time to time, as they consider necessary.
- 13.4 The quorum for an Executive Committee Meeting shall be at least five (5) members in attendance.
- 13.5 Minutes shall be kept by the Executive Committee and should contain a record of all attendees, proceedings and resolutions.
- 13.6 Each member of the Executive Committee at a meeting shall be entitled to one (1) 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 (1) vote but in case of an equality of votes the Chairperson of the meeting shall have a second or casting vote.
- 13.7 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 appointed to fill such a casual vacancy(ies) shall hold office until the next meeting of members at which Executive Committee members are eligible for re-election and shall also be eligible for election at the meeting.
- 13.8 The Executive Committee will co-opt members to fill any vacancies which might arise or add to membership of the Executive Committee. Members of the Executive Committee will remain in office until they voluntarily step down or are requested by majority decision of members to step down.



- 13.9 The proceedings of the Executive Committee 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.
- 13.10 The Executive Committee may appoint special or standing committees as may be deemed necessary by the Committees and shall determine their terms of reference, powers, duration and composition. All acts and proceedings of such special or standing committees shall be reported back to the Executive Committee fully and promptly.
- 13.11 The Executive Committee may at any Executive Committee Meeting invite any person to attend such 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 of the Executive Committee.
- 13.12 No member of any Committee shall be entitled to any remuneration for serving on a committee but may, with approval of the respective committee and subject to funds being available, be entitled to reimbursement of expenses reasonably incurred on behalf of the **Belmont Park Neighbourhood Watch**.
- 13.13** The Executive Committee shall mandate specific member(s) to address, and or make public statements, and or make public announcements, in matters pertaining to the **Belmont Park Neighbourhood Watch**.

14. MANAGEMENT AND DUTIES

- 14.1 The Executive Committee shall consist of:
- ◆ Chairperson and Deputy Chairperson
 - ◆ Secretary and Assistant Secretary
 - ◆ Treasurer
 - ◆ Project Co-ordinator
 - ◆ Public Relations Officer
 - ◆ Statutory Members
 - ◆ After the election, the names of the office bearers must be reported to the Kraaifontein Community Police Forum with a copy of the adopted Constitution;



- ◆ The Executive Committee may as the need arises, task other members of the Belmont Park Neighbourhood Watch to execute or manage certain tasks or projects;
- ◆ Any vacancies on the Executive Committee due to resignation or expulsion and/or otherwise must be filled by means of an election at a Special Annual General Meeting. As an interim measure, the Executive Committee may decide who will perform the duties and functions in the vacant position until a Special AGM is called 21 days from the date the post has become vacant.

14.2 Duties of the respective Executive Committee Members will be as follows:

The Chairperson shall:

- ◆ Preside over meetings of the **BP NHW**, and;
- ◆ Be a representative of the **BP NHW**;
- ◆ Present reports on the activities of the **BP NHW** to the meetings of the sub-Kraaifontein Community Police Forum
- ◆ Supervise all work of the **BP NHW**, in consultation with other Management Committee Members.
- ◆ Report regularly to the Kraaifontein Community Police Forum on instances where the **BP NHW** was represented;
- ◆ As far as possible sign all outgoing correspondence of the **BP NHW**.
- ◆ In conjunction with the Treasurer ensure that the funds of the **BP NHW** are administered in accordance with the policy, plans and reason for allocation.
- ◆ No statutory member may serve as a Chairperson of the **BP NHW** except for the period that the BP NHW has been dissolved and in order to re-activate the BP NHW.

The Deputy Chairperson shall:

- ◆ Act as Chairperson in the absence of the Chairperson at any proceedings of the **BP NHW** and he or she shall perform all functions, duties and responsibilities of the Chairperson as described in this Constitution.



- ◆ No Statutory Member may serve as a Deputy Chairperson in the absence of the Chairperson and the Deputy Chairperson of the BP NHW, the Executive Committee shall nominate a Chairperson for that purpose from members of the Executive Committee

The Secretary shall:

- ◆ Take minutes in accordance with set format and standards;
- ◆ Receive all correspondence directed to the **BP NHW**;
- ◆ Arrange all meetings as may be decided upon by the Executive Committee;
- ◆ Keep all official documents of the **BP NHW** other than financial records;
- ◆ Perform all other procedural and organizational duties which relates to his or her duties as Secretary.
- ◆ A Statutory Member may not be appointed as a secretary for **the BP NHW**, but may be appointed as an Assistant Secretary.

The Assistant Secretary shall:

- ◆ Assist the Secretary in the execution of his or her functions, responsibilities and obligations;
- ◆ Act as Secretary in the absence of the Secretary and perform all functions, duties, responsibilities and obligations of the Secretary;
- ◆ Perform any function, duty, responsibility and obligation delegated to him/her by the Secretary or the Executive Committee

The Treasurer shall:

- ◆ Be responsible for the finances as prescribed in this Constitution and shall, on the direction of the Executive Committee operate a banking account on behalf of the **BP NHW**;
- ◆ Keep books of account and other records necessary, to reflect on the financial position of the **BP NHW**;
- ◆ Assist with the development and execution of projects for fundraising;
- ◆ Assist with the preparation of Business Plans, and;



- ◆ Present monthly Financial Reports to the **BP NHW**;
- ◆ No Statutory Member may be appointed as a Treasurer;
- ◆ The Treasurer must hand over all financial documentation before vacating his or her office at the Annual General Meeting, if not re-elected.
- ◆ In case of a resignation or expulsion, the Treasurer must hand over all bank accounts of the **BP NHW** and all related financial documentation to the Executive Committee or the Kraaifontein SAPS Station Commissioner;
- ◆ The Treasurer shall also keep and update the Asset Register of the **BP NHW**.
- ◆ The Treasurer will keep all equipment not use in order to help him keeping the Asset Register up to date.

The Project Co-ordinator shall:

- ◆ Be responsible for managing and implementing projects sanctioned by the **BP NHW**;
- ◆ Be the link between the projects and the **BP NHW**;
- ◆ Regularly provide the **BP NHW** with progress and evaluation reports on the projects;
- ◆ Ensure that there is always sufficient manpower to perform patrols;
- ◆ Ensure that all equipment used is in a good working condition;
- ◆ Report prior each shift the number of **BP NHW** members on patrol, the names of the SAPS officers operating in the Belmont Park area and the SAPS Duty Officer (plus his contact detail) to the Chairperson;
- ◆ Report any serious incident during the course of duty to the Chairperson;
- ◆ Decide on the routes to be patrolled on a certain shift or period;

The Public Relations Officer:

- ◆ Be responsible for the publicity of the **BP NHW**, its activities and successes;



- ◆ Facilitate the communication between the media and the **BP NHW**;
- ◆ Ensure that there is adequate community participation in the activities of the **BP NHW**;
- ◆ Be responsible for the communication strategy of the BP NHW;
- ◆ Keep record of all media and community coverage;
- ◆ Liaise with SAPS counterparts to keep each other informed of media statements and enquiries relating to the **BP NHW**;
- ◆ Only communicate on behalf of the **BP NHW** with the authority of the Executive Committee;
- ◆ No Statutory Member may be appointed as a Public Relations Officer of the **BP NHW**.

15. DISCIPLINARY MATTERS

- 15.1 In the event of any complaint against a member of the **Belmont Park Neighbourhood Watch** lodged with the **Belmont Park Neighbourhood Watch**, the Executive Committee shall deal with the matter at its earliest convenience and if warranted advise the complainant in regard to its action.
- 15.2 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 the **Belmont Park Neighbourhood Watch** into disrepute, depending on the merits of the case.
- 15.3 Member(s) found to be making public statements or addressing the media as spokesperson(s) of the **Belmont Park Neighbourhood Watch** without the explicit authority from the Executive Committee duly mandating the member to act for and on behalf of the **Belmont Park Neighbourhood Watch**, the Executive Committee may, if appropriate, take disciplinary action to rectify the matter and if appropriate, make a public statement in this regard.
- 15.4 Should a member be found guilty of a criminal offence, the members of the **Belmont Park Neighbourhood Watch**, shall respect the decision of the courts and the Executive Committee shall, if warranted



and if appropriate, institute disciplinary measures against such member.

16. COMPOSITIONS

Belmont Park Neighbourhood Watch Structure, shall consist of individuals residing in the area or having business in the area to function in a clearly demarcated and agreed upon area by the structure, the Kraaifontein CPF and SAPS. (E.g. streets, sections, or zones of the area.

17. FUNCTIONS

- 17.1 The **Belmont Park Neighbourhood Watch** and its members shall with regard to crime prevention operate in co-operation with the South African Police Service and the security service providers within the framework of the Law.
- 17.2 The Local South African Police Service officers or reservists should, wherever possible, support the **Belmont Park Neighbourhood Watch** patrolling members whilst on patrol.
- 17.3 The **Belmont Park Neighbourhood Watch** will adopt and support the social crime prevention strategy of the police.
- 17.4 The **Belmont Park Neighbourhood Watch** and its members are not substitutes for the South African Police Service or security service providers.
- 17.5 Even in the light of the above, each member of the **Belmont Park Neighbourhood Watch** shall have the power of any citizen of the Republic of South Africa to perform a citizen's arrest.
- 17.6 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 the Act)** shall be adhered to and complied with at all times and under all circumstances irrespective the nature thereof.
- 17.7 The **Belmont Park Neighbourhood Watch** must at all times strive to work in partnership with the local Community Police Forum and the South African Police Service.
- 17.8 The **Belmont Park Neighbourhood Watch** shall where possible initiate and implement crime prevention projects in consultation with the Local Community Police Forum.



- 17.9 The **Belmont Park Neighbourhood Watch** shall be non-politically aligned and/or not participate or engage or support or secure the premises where any political activity is being conducted. However, should the **Belmont Park Neighbourhood Watch** be requested to promote a safe environment, its acceptance must be performed within the framework of the Law and a public and official statement be made at the meeting and or gathering in regard to the status of the **Belmont Park Neighbourhood Watch's** role.

18. LOGOS AND LETTERHEADS

- 18.1 The **Belmont Park Neighbourhood Watch** may design and use its own logo, and a letterhead complementing its 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 Forum and/or the South African Police Services in disrepute.
- 18.2 The **Belmont Park Neighbourhood Watch** may not use the same logo or letterhead similar to that of the South African Police Services.
- 18.3 The **Belmont Park Neighbourhood Watch** may use the logo and letterhead of the Local Community Police Forum subject to obtaining written consent of the Management Committee of such Local Community Police Forum.

19. IDENTITY CARDS

- 19.1 All members of the **Belmont Park Neighbourhood Watch** shall have identification cards.
- 19.2 The format and appearance of the identity card should not be against the determination of Section 68 of the South African Police Service Act, Act 68 of 1995.
- 19.3 The identification cards of the members must have the number of the card, name and logo of the Structure, a recent photograph of the member, his or her full names, identity number and the legible signature of the holder.
- 19.4** The **Belmont Park Neighbourhood Watch** member shall be responsible for replacement of a lost or damaged identity card. The replacement will be determined by the **Belmont Park Neighbourhood Watch**.



- 19.5 To validate an identity card, it shall reflect the full name of the resident South African Police Station and the signature of the South African Police Service local station commissioner.
- 19.6 The **Belmont Park Neighbourhood Watch** shall ensure that all identity cards are validated annually.

20. RESOLUTION OF DISPUTES

- 20.1 If any dispute arises in the **Belmont Park Neighbourhood Watch**, the Kraaifontein Community Police Forum must attempt to resolve it.
- 20.2 Should it be found by the Kraaifontein Police Forum that it cannot resolve the dispute; the dispute shall be referred to the Area Community Police Board. The decision of the board shall be final and binding.
- 20.3 Should the disputes be so serious that it is life-threatening, the station commissioner, in consultation with the Kraaifontein Community Police Forum and the **Belmont Park Neighbourhood Watch** may suspend the activities of the structure pending the intervention of the Department of Community Safety.

21. USE AND CONTROL OF ASSETS AND FUNDS

- 21.1 The **Belmont Park Neighbourhood Watch Structure** shall and will remain a non profit-making organization.
- 21.2 The **Belmont Park Neighbourhood Watch** will keep proper accounting records that accurately reflect all its income and expenditure, assets and liabilities. The **Belmont Park Neighbourhood Watch** will have its financial accounts reviewed annually and where possible have them audited.
- 21.3 The **Belmont Park Neighbourhood Watch** will be permitted to hold fund-raising campaigns for the purposes of furthering its stated aims and objectives. Funds acquired from other sources will be controlled and administered by the **Belmont Park Neighbourhood Watch**.
- 21.4 All government funding must be controlled by the Kraaifontein Community Police Forum and the South African Police Service.
- 21.5 If the annual income of the **Belmont Park Neighbourhood Watch** exceeds R500.00, all funds shall be deposited in a bank account with a banking institution registered and recognised by the South African Merchant Bank Act No. 90 of 1994.



- 21.6 The **Belmont Park Neighbourhood Watch** will ensure that a member (s) be appointed as a custodian of the equipment. The prime function of this portfolio will be upon handing over in the event of dysfunctionality/changing of office/changing of portfolios; a fully completed inventory signed by the trustee will be filled by the chairperson of the **Belmont Park Neighbourhood Watch**.

22. DISSOLUTION OF A NEIGHBOURHOOD WATCH STRUCTURE

- 22.1 The Belmont Park Neighbourhood Watch may be dissolved by a majority vote of a duly constituted meeting. This meeting may take place under the chairperson of the Kraaifontein Police Forum or an independent person.
- 22.2 Reference to the mandate will be made and duly recorded.
- 22.3 The **Belmont Park Neighbourhood Watch** will invite the Kraaifontein Community Police Forum, the local Station Commissioner of the South African Police Service and a representative from the Department of Community Safety to be present at the meeting.
- 22.4 Subject to the above, the Kraaifontein Community Police Forum will become the custodian of all assets, funds and documentation pertaining to the **Belmont Park Neighbourhood Watch**.
- 22.5 The Kraaifontein Community Police Forum will immediately cancel the mandate as recorded that the **Belmont Park Neighbourhood Watch** holds with the banking institution. (ABSA)
- 22.6 Upon complying with clause (22.5), the Kraaifontein Community Police Forum will with immediate effect appoint members from its executive as signatories to the banking account/s.
- 22.7 The Kraaifontein Community Police Forum will hold all funds and assets in trust until such time that the community organizes itself again in a neighbourhood watch.
- 22.8 In the interim the Kraaifontein Community Police Forum will sustain any and all current project/s and attend to the administration of the dissolved **Belmont Park Neighbourhood Watch Structure** including the payments to creditors, if any.
- 22.9 If after the agreed time period for the restructuring of the **Belmont Park Neighbourhood Watch Structure** and all efforts to this effect have failed, the Kraaifontein Community Forum may donate the assets of the dissolved **Belmont Park Neighbourhood Watch Structure**



to an organization which shall include a neighbourhood watch with similar aims and objectives as that of the dissolved **Belmont Park Neighbourhood Watch**.

23. DYSFUNCTIONAL NEIGHBOURHOOD STRUCTURE

- 23.1 The **Belmont Park Neighbourhood Watch** may be declared dysfunctional by consensus reached with the **Belmont Park Neighbourhood Watch Structure**, the Kraaifontein Community Police Forum, the local station commissioner of the South African Police Service and a representative of the Department of Community Safety.
- 23.2 Subject to the above all interest will vest in the Kraaifontein Community Police Forum who take control of all and any projects pending and engaged upon by the **Belmont Park Neighbourhood Watch**. The Kraaifontein Community Police will administer the funds and cover all creditors if any.
- 23.3 The **Belmont Neighbourhood Watch Structure**, together with the Kraaifontein Community Police Forum will employ every effort to re-establish neighbourhood watch structure in the Belmont Park area or any organisation with similar objectives that can be recognised by the Kraaifontein Community Police Forum.

24. AMENDING OF CONSTITUTION AND CODE OF CONDUCT

- 24.1 The Minister of Community Safety in the Western Cape may and will amend the constitution and code of conduct by means of appointing a committee consisting of representatives from the Department of Community Safety, the South African Police Service - Western Cape, the Provincial Community Police Board, the Belmont Park Neighbourhood Watch Structure, and any person he/she may so deem fit.

25. CODE OF CONDUCT

- 25.1 The Code of Conduct and the Constitution is binding on all **Belmont Park Neighbourhood Watch** Members.
- 25.2 The **Belmont Park Neighbourhood Watch** and its members must at all times act in a non-violent manner. No member may take the Law into his or her own hands irrespective of the circumstances.
- 25.3 No member of the **Belmont Park Neighbourhood Watch** will display racism, sexism or any other form of discrimination towards any member and any person of the public.



- 25.4 The **Belmont Park Neighbourhood Watch** Structure will not allow any member to carry any weapon/s perceived to be dangerous that could inflict serious bodily harm and or damage to property; this includes dangerous weapons as defined by Law when patrolling. (These include dangerous weapons as defined by the Dangerous Weapons Act, Act 71 of 1968) Only weapons for the sole purpose of self defense as approved by the Provincial Commissioner, South African Police Service – Western Cape may be used.
- 25.5 The **Belmont Park Neighbourhood Watch** will ensure that all members with firearms declare these to the local South African Police Service or the office of the **Belmont Park Neighbourhood Watch** as appointed by the Kraaifontein Station Commissioner of SAPS.
- 25.6 Should a member be found guilty of a criminal offence, the Belmont Park Neighbourhood Watch must respect the decision of the courts and immediately institute disciplinary measures as defined. The **Belmont Park Neighbourhood Watch** will issue a public statement regarding its action.
- 25.7 The **Belmont Park Neighbourhood Watch** Members may not divulge any confidential or privileged information that they may have acquired as a result of their membership of the **Belmont Park Neighbourhood Watch**.
- 25.8 The **Belmont Park Neighbourhood Watch** and its Executive Committee will mandate a member to address, and or make public statements, and or public announcements, in matters pertaining to the **Belmont Park Neighbourhood Watch**.
- 25.9 Members found to be making public statements and or addressing the media without the authority of the **Belmont Park Neighbourhood Watch** may be guilty of serious misconduct which may result in their immediate suspension and will be subjected to a disciplinary investigation.
- 25.10 No member may accept any fee, payment, commission or gratuity in connection with his or her membership of the **Belmont Park Neighbourhood Watch** or for his or her duties as a member of the Structure.
- 25.11 No member may exploit his or her membership of the **Belmont Park Neighbourhood Watch** for his or her personal advantage or benefit.



25.12 Members must at all times act in a manner that will uphold and promote the aims and objectives of the **Belmont Park Neighbourhood Watch** as highlighted by the Constitution and Code of Conduct.

26. STRUCTURE

- 26.1 The **Belmont Park Neighbourhood Watch** will be a non-profit making organization.
- 26.2 The **Belmont Park Neighbourhood Watch** must be non-politically aligned and should not participate or engage or support or secure the premises where political activity is being conducted. However should the **Belmont Park Neighbourhood Watch** be requested to promote a safe environment its acceptance must be performed within the framework of the Law and as contained herein. A public and official statement must be made at the meeting and or gathering in regard to the statues of the **Belmont Park Neighbourhood Watch**.
- 26.3 The **Belmont Park Neighbourhood Watch** and its members must operate in partnership with the South African Police Service, and within the framework of the Law.
- 26.4 Should the **Belmont Park Neighbourhood Watch** choose to do patrols, only minimum force, as described in the Criminal Procedure Act No. 51 of 1977 may be used 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.
- 26.5 If such patrols are to take place, the Kraaifontein SAPS must be informed and the SAPS officer or reservists, wherever possible, must support such neighbourhood watch patrols.
- 26.6 The Belmont Park Neighbourhood Watch must by means of registration ensure that no person under the age of 18 years participates in neighbourhood watch patrols. The Belmont Park Neighbourhood Watch will appropriately penalize a member if such member is found guilty of misconduct or has brought the good name of the association into disrepute, depending on the merits of the case.
- 26.7 Where there is a conflict between the **Belmont Park Neighbourhood Watch's** Code of Conduct and Constitution and the Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures, the latter shall be decisive.



- 26.8 The **Belmont Park Neighbourhood Watch**, like all other Neighbourhood Watch Structures, shall be required to sign a pledge endorsing the Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures.
- 26.9 The **Belmont Park Neighbourhood Watch** and its members is a substitute for the SAPS.

27. CODE OF DONATIONS AND SPONSORSHIPS

- 27.1 The purpose of the code of donations and sponsorships is to prevent a situation where the **Belmont Park Neighbourhood Watch** may unknowingly receive donations and sponsorship from persons and businesses which may negatively affect the image of the structure, the SAPS and that of the Department of Community Safety; to prevent a situation where one structure in the Kraaifontein Police Precinct is fully resourced while others are under-resourced; to prevent a situation where a structure may request and receive fees, donations etc. , to an extent that their action might be against the Law.
- 27.2 No donations and sponsorship shall be made to an individual member of the **Belmont Park Neighbourhood Watch**.
- 27.3 Donations and sponsorships received must be used by the **Belmont Park Neighbourhood Watch** for the purpose for which it was made.
- 27.4 Donations received on behalf of the Belmont Park Neighbourhood Watch by a member, belong to the structure and will not be used to the advantage of the member who took receipt of it. Material donations received, will be logged in the **Belmont Park Neighbourhood Watch Asset Register** and it will not be treated as the property of a member who keep it in storage.
- 27.5 Donations and sponsorships offered, to which conditions are attached, must be referred to the Chairperson and his Executive.

28. GUIDELINES FOR WORKING TOGETHER

- 28.1 The Department of Community Safety shall consider all project funding applications for Registered Structures that are endorsed by the Kraaifontein Community Police Forum.
- 28.2 The Structures, its members and the Kraaifontein Community Police Forum must share information pertaining to the crime situation in their areas of operation.



- 28.3 The Kraaifontein Community Police Forum and SAPS must give feedback to the Structures in regard to meetings attended on matters pertaining to the structures and their performance.
- 28.4 The **Belmont Park Neighbourhood Watch** must inform the Station Commissioner and the Kraaifontein Community Police Forum about their operations with other Government Departments.
- 28.5 Owing to the establishment and the functions of the Structures, the **Belmont Park Neighbourhood Watch** is not a sub-forum of the Kraaifontein Community Police Forum and cannot be used as a Community Police Forum in the absence of a sub-Community Police Forum in the area.
- 28.6 Complaints against members of the **Belmont Park Neighbourhood Watch** must be investigated by the Kraaifontein Community Police Forum and the Department of Community Safety. If the complaint relates to the alleged commission of a crime, the matter shall be referred to the South African Police Service.
- 28.7 The **Belmont Park Neighbourhood Watch** and the Kraaifontein Police Forum must operate in co-operation with the Victim Support Structures in their area of jurisdiction.
- 28.8 The **Belmont Park Neighbourhood Watch** must have regular meetings with community in the area to keep the local community informed of its activities.
- 28.9 The **Belmont Park Neighbourhood Watch** shall support all activities of the Kraaifontein Community Police Forum.

29. CRITERIA FOR REGISTRATION

- 29.1 A neighbourhood structure must submit an application to the Kraaifontein Community Police Forum to secure official recognition.
- 29.2 The application for registration must be made in writing and the executive committee or co-ordinating committee of the neighbourhood watch structure that seeks registration must appear physically before the Kraaifontein Community Forum.
- 29.3 The neighbourhood watch structure seeking registration must provide the Kraaifontein Community Forum with the following:
- 29.3.1.1 The Constitution and the Code of Conduct of the Neighbourhood Watch Structure



- 29.3.1.2 The area and boundaries where the neighbourhood watch structure operates
 - 29.3.1.3 The names and addresses of the members of the neighbourhood structure
 - 29.3.1.4 The names and addresses of all executive committee members of the neighbourhood watch structure
- 29.4 Subject to the consideration of the application for registration of the neighbourhood structure, the Kraaifontein Community Police Forum will ensure that the application for registration of a neighbourhood watch structure is not in conflict with that of the Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Structures as contained herein.
- 29.5 Where a conflict may exist, the Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures will be decisive and the Kraaifontein Community Police Forum will assist the neighbourhood watch structure to rectify the matter.

30. COMMON PRACTICES AND PROCEDURES

30.1 LIABILITY

- 30.1.1.1 The **Belmont Park Neighbourhood Watch** cannot be held responsible for the action of a member; however a member may request the **Belmont Neighbourhood Watch** to assist by obtaining some form of legal assistance and or legal aid.
- 30.1.1.2 The **Belmont Park Neighbourhood Watch** may negotiate insurance cover for its member. The Belmont Park Neighbourhood Watch will have the responsibility to raise the necessary funds and pay for the insurance cover.

30.2 PUBLIC PARTICIPATION

- 30.2.1.1 The **Belmont Park Neighbourhood Watch** must have regular public meetings to keep the local community informed of all its activities.

30.3 MINIMUM FORCE

Attention is drawn to the Criminal Procedure Act No.51 of 1977 Section 49 (1):



“A person so authorized may, in order to affect the arrest, use such force as may in the circumstances be reasonably necessary to overcome the resistance or to prevent the person concern from fleeing.”

30.4 RELATIONSHIP WITH THE COMMUNITY POLICE FORUM

The **Belmont Park Neighbourhood Watch** will support all activities of the Kraaifontein Community Police Forum.

30.5 ROLE OF SAPS

30.5.1.1 The officer responsible for social crime prevention will accept the responsibility to encourage local communities to organize themselves in neighbourhood watch structures and or organizations.

30.5.1.2 The South African Police Service will provide all possible assistance to the neighbourhood watch structure to ensure its smooth running within the legal and budgetary constraints on it.

Date of adoption of this Constitution	
Name (Print Please):	SIGNATURE:
Name (Print Please):	SIGNATURE:
Name (Print Please):	SIGNATURE:
Name (Print Please):	SIGNATURE:



SIGNATURE : SAPS SECTOR MANAGER BELMONT PARK AREA

SIGNATURE : CHAIRPERSON –BELMONT PARK NEIGHBOURHOOD WATCH

SIGNATURE : DEPUTY CHAIRPERSON –BELMONT PARK NEIGHBOURHOOD WATCH

SIGNATURE : SECRETARY BELMONT PARK NEIGHBOURHOOD WATCH

SIGNATURE : TREASURER BELMONT PARK NEIGHBOURHOOD WATCH

SIGNATURE : CO-ORDINATOR BELMONT PARK NEIGHBOURHOOD WATCH

SIGNATURE : PUBLIC RELATIONS OFFICER BELMONT PARK NEIGHBOURHOOD WATCH

DATE: _____

PLACE: _____



31. ANNEXURE A

APPLICATION FOR REGISTRATION AS A COMMUNITY SAFETY STRUCTURE

1. Name _____
2. Area of operation _____
3. SAPS CAS block/Sector _____
4. Address and Tel No. of the premises from which the activity operates, _____

5. ID No; Name of owner of the premises from which the activity is to be operated from.

6. ID No; Name; Address, telephone number and occupation of the chairperson or person responsible for liaison with the SAPS Station Commissioner, CPF, the Association and the Sector Manager:

7. The Belmont Park Neighbourhood Watch is aware that the structure is a voluntary structure to render services as per the Constitution free of charge to the residents or businesses in the area.

SIGNATURE: _____

Chairperson of the Belmont Park Neighbourhood Watch



32. ANNEXURE B

APPLICATION FOR MEMBERSHIP OF BELMONT PARK NEIGHBOURHOOD WATCH

1. I _____

Hereby apply for membership of the Belmont Park Neighbourhood Watch.

2. I am employed as _____

At _____

3. I am in possession of a valid firearm licence _____

4. I am aware that my Membership and Service are voluntary and free of charge and that I will be subjected to a screening and/or vetting process.

5. I am psychologically healthy (of sound mind) and have no criminal record and no criminal cases are pending against me.

6. I will in the execution of my voluntary service to the residents and business in the area act within the framework of the Law and the Constitution and Code of Conduct for Neighbourhood Watches.

SIGNATURE: _____

DATE: _____

PLACE: _____

1. ID No.; Name; Address and Telephone Number
2. Name, Address and telephone of employer
3. No. and type of firearm



33. ANNEXURE C

THE BELMONT PARK NEIGHBOURHOOD WATCH INDEMNITY

1. I, the undersigned:

_____ (Full Names & Surname)
_____ (ID Number)

Acknowledge that:

- The **Belmont Park Neighbourhood Watch** is not a legal person and shall function within the guidelines as provided and set out in the Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures
- I clearly understand that the **Belmont Park Neighbourhood Watch** Structure is a Voluntary Association;
- All individual members of the **Belmont Park Neighbourhood Watch** act in their own capacity, as individuals and liability shall be in that capacity;
- The **Belmont Park Neighbourhood Watch** shall not be responsible for civil and/or criminal actions and omissions committed by a member of the **Belmont Park Neighbourhood Watch**, nor responsible for civil or criminal actions or omissions against its members;
- Any criminal and civil actions that are instituted against a member of the **Belmont Park Neighbourhood Watch**, shall be against the member and not the **Belmont Park Neighbourhood Watch Structure**;
- Therefore I clearly indemnify **the Belmont Park Neighbourhood Watch Structure**.

SIGNATURE: _____

DATE: _____

PLACE: _____



34. ANNEXURE D

**THE BELMONT PARK NEIGHBOURHOOD
WATCH PLEDGE OF ENDORSEMENT**

I, _____

On behalf of the executive of the

BELMONT PARK NEIGHBOURHOOD WATCH STRUCTURE

Hereby endorse the **Western Cape Provincial Constitution and Code of Conduct for community safety structures.**

It is also hereby confirmed that the executive committee will ensure that all members of the structure comply with the provisions of the **Western Cape Provincial Constitution and Code of Conduct for community safety structures and promote its aims and objectives.**

The necessary steps will be taken against any member of the structure who contravenes the provisions of the **Western Cape Provincial Constitution and Code of Conduct for community safety structures and promote its aims and objectives.**

SIGNATURE: _____

DATE: _____

PLACE: _____



35. ANNEXURE D

GUIDELINES IN TERMS OF THE CRIMINAL PROCEDURE ACT NO 51 OF 1977

CITIZEN'S ARREST

35.1 In terms of Section 42 of the Criminal Procedure Act, Act 51 of 1977 a South African Citizen has the right to arrest the following persons:

35.1.1.1 Trespassers

35.1.1.2 Persons engaged in an affray (public fighting)

Persons who he has a reasonable suspicion have committed a Schedule One Offence. Schedule One Offences include the following:

- Treason
- Seditious
- Public Violence
- Murder
- Culpable Homicide
- Rape
- Indecent Assault
- Sodomy
- Bestiality
- Robbery
- Kidnapping
- Child-Stealing
- Assault when a dangerous wound is inflicted
- Arson
- Malicious injury to property



- Breaking or entering any premises, whether under the common law or statutory provision, with intent to commit an offence
- Theft, whether under common law or a statutory provision
- Receiving stolen property knowing it have been stolen
- Fraud
- Forgery or uttering a forged document knowing it has been forged
- Offences relating to coinage
- Any offence, except the offence of escaping from lawful custody in circumstances other than the circumstances referred to immediately hereunder; punishment wherefore may be a period of imprisonment exceeding six months without the option of a fine.
- Escaping from lawful custody, where the person concerned is in such custody in respect of any offence referred to in this Schedule or is in custody in respect of the offence of escaping from lawful custody.
- Any conspiracy, incitement or attempt to commit any offence referred to in this Schedule

35.2 Requirements regarding the Use of Force during arrests (Section 42)

35.2.1.1 You have the right to arrest the individual

35.2.1.2 You must have the intention to arrest the suspect (i.e. your intent must be to arrest the suspect so that you can hand him over to the law enforcement agencies)

35.2.1.3 You must have a reasonable belief or have actual knowledge of a Schedule One Offence having been committed by the suspect

35.2.1.4 The suspect must have resisted or fled in the knowledge of your intention to arrest them (inform them same as soon as possible)

35.2.1.5 Your use of force was necessary to secure compliance from the suspect and there was no other reasonable alternative.



35.3 **South African Law and Private Defence:** The Law requires certain conditions to be met before one wishes to plead private Defence, which includes both self-defence and the defence of a third party.

REQUIREMENTS OF THE HARM THREATENED:

- The harm must be unlawful
- The harm must infringe a legal interest
- The harm must be reasonably imminent or actually occurring
- Requirements regarding the Use of Force during arrests (Section 42)

REQUIREMENTS OF YOUR RESPONSE:

- Your response must be directed at the attacker or his agent (i.e. his dog)
- Your response must be necessary
- Your response must be related to severity of the attack
- Your intention must have been to act in accordance with requirements of the law of private defence

35.4 **ARREST BY PRIVATE PERSON WITHOUT WARRANT (SECTION 42)**

Any private person may without warrant arrest any person-

- 35.4.1.1 Who commits or attempts to commit in his presence or whom he reasonably suspects of having committed an offence referred to in Schedule One;
- 35.4.1.2 Whom he reasonably believes to have committed any offence and to be escaping from and to be freshly pursued by a person whom such private person reasonably believes to have authority to arrest that person for that offence;
- 35.4.1.3 Whom he is by any law authorized to arrest without a warrant in respect of any offence specified in that law;
- 35.4.1.4 Whom he sees engaged in an affray (fight)



Any private person who may without warrant arrest any person under the aforementioned subsection may forthwith pursue that person, and any other private person to whom the purpose of the pursuit has been made known, may join and assist therein.

The owner, lawful occupier or person in charge of property on or in respect of which any person is found committing any offence, and any person authorized thereto by such owner, occupier or person in charge, may without warrant arrest the person so found.