



Constitution
of the
Somerset West
Neighbourhood
Watch NPC

Revised July 2016

1. Definitions

Area Watch: A Neighbourhood Watch associated with a particular area and organized primarily to care for that area.

Cooperate: To work jointly towards the same end.

Coordinator: Person responsible for management of an Area Watch.

Community: the residents, businesses and other institutions of an area.

Executive Committee: A subcommittee of the Management Committee elected for the day-to-day running of the Somerset West Neighbourhood Watch (SWNW NPC).

Local Community Police Forum: The Community Police Forum of the South African Police Service of Somerset West (South African Police Service Act (Act 68 of 1995)).

Management Committee: The Board of Directors for SWNW NPC together with co-opted members.

Neighbourhood Watch: a group of individual's resident or businesses in an area where a neighbourhood watch type activity is being conducted.

WCPC & CoC: The Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures.

2. Mission, Aims and Objectives

The Mission of Somerset West Neighbourhood Watch NPC (SWNW NPC) is to be a vibrant, inclusive and effective community based organisation that actively works with all law-abiding citizens and agencies, to develop a friendly, safe and caring neighbourhood where people can live, learn, work and play, without fear.

This will be achieved by:

- Encouraging effective community cooperation and communication
- Developing proactive partnerships
- Promoting crime prevention activities that reduces crime opportunity
- Empowering households, streets and neighbourhoods with regards to safety and security.

The Aim of the Somerset West Neighbourhood Watch is to:

- Nurture a sense of unity, dedication and good neighbourly relations among the communities in Somerset West
- Serve as a watchdog (eyes and ears) for the community, the security service providers and the local police services thereby assisting the police and security service providers to safeguard the community against criminal activities
- Provide a channel through which the community can play a meaningful role in crime prevention.

The Objectives of the Somerset West Neighbourhood Watch are to:

- Create community awareness with regard to safety, crime prevention and the protection of the community and their property

- Encourage the community to work in cooperation with the South African Police Service, and, as far as is reasonable, the security service providers and other appropriate structures, such as local authorities, who are involved in law enforcement
- Seek to unite the community of Somerset West in creating a stable and crime free environment
- Ensure that the neighbourhood watches act within the framework of the law.

3. Organizational Structure

- 3.1 The SWNW is a Not-for-Profit (*NPC*) organization incorporated not for gain and registered as a Non-Profit Company and called *Somerset West Neighbourhood Watch NPC*.
- 3.2 The SWNW *NPC* will consist of all the Area Watches in the Somerset West area who choose to be part of the body regulated by this constitution.
- 3.3 Overall management of the SWNW *NPC* shall be by a Board of Directors called the Management Committee.
- 3.4 The Coordinators of each Area Watch will be entitled to become Directors of SWNW *NPC* and, according to the procedure later described, elect an Executive Committee for the day-to-day management of SWNW *NPC* with powers and duties as agreed.
- 3.5 Coordinators of Area Watches who decline to stand as Directors on the Management Committee, shall be co-opted onto the Committee as non-voting members.
- 3.6 The Management Committee shall elect an Executive Committee to oversee the day-to-day running of the SWNW *NPC*.

4. Membership

- 4.1 Membership of the Area Watches shall be open to all who own property or reside in the area or have a direct business or other permanent interest in that area.
- 4.2 Membership shall be open to all regardless of race, colour, religion, age (over 18 years), sexual orientation and disability provided they meet the criteria set out at 4.1.
- 4.3 There shall three types of members within the overall structure of the SWNW *NPC*; Directors, Associate Members and Ordinary Members.
- 4.4 A Director is a person who has completed the membership forms and is a member of the Management Committee of SWNW *NPC* and shall have full voting rights within the SWNW *NPC*.
- 4.5 An Associate Member is a person who has completed the relevant membership forms. Their voting rights will be restricted to matters affecting their Area Watch and of electing an Area Watch Coordinator.
- 4.6 An Ordinary Member is a person who has not completed the relevant membership forms but has nevertheless opted to receive newsletters and other messages regarding crime and safety. An Ordinary Member has no voting rights whatsoever.

- 4.7 Should the Management Committee decide at its discretion to request members to make a donation or apply a fee in support of SWNW NPC, the payment of such a donation or fee will be entirely voluntary and not enforced in any way. Membership of the SWNW NPC shall not be dependent on payment of such a donation or fee.
- 4.8 Any member may resign from the SWNW NPC by giving written notice electronically or otherwise to the Management Committee.
- 4.9 The Management Committee may in its absolute discretion terminate the membership of any member provided that five (5) days' notice is given to such member of the Committee's intentions and that such notice shall give full reasons for the Committee's intended action. Any written response shall be considered by the Committee.
- 4.10 All members will be expected to adhere to the Code of Conduct of the SWNW NPC and to contact their Coordinator or the Neighbourhood Watch Communication Centre if they see anything suspicious or untoward.
- 4.11 Only Directors and Associate Members are eligible to become Patrollers. They must complete and submit the appropriate forms including the Code of Conduct and Indemnity form. They will then be eligible to use patrollers' decals and to purchase a radio giving access to the SWNW NPC radio system.

5. Coordinators

- 5.1 A Coordinator of an Area Watch will be a person either appointed by the Management Committee or put forward and elected by the residents of that area.
- 5.2 Each Coordinator of an Area Watch will maintain a current membership register for their Area Watch with such details as specified by the Management Committee. In addition, the Coordinator must hold in safekeeping any membership and other forms that have been completed by their Associate Members.
- 5.3 Each Coordinator shall on updating their register, send a copy to the Secretary of the Management Committee who will oversee the completeness of the records and the safeguarding of the confidential information contained.
- 5.4 The Coordinator of an Area Watch shall maintain regular communication with their members and inform them of all matters relevant to their area. They should endeavour to recruit new members, attend general information meetings where possible and arrange the patrolling roster for their area. In addition, they should convene at least an annual meeting of their Watch for all members, where matters pertaining to that area may be discussed.
- 5.5 Every Coordinator, whether appointed by the Management Committee or put forward by the residents of an area, must be re-elected to their position once every two years. Such validation may be by a show of hands or, if requested, secret ballot. Only Associate Members and Management Committee members will be entitled to vote or nominate candidates for the position of Coordinator.

- 5.6 Such validation proceedings shall be overseen by a member of the Management Committee whose duty will be to see that a fair and honest result be obtained. A simple majority shall decide the vote.
- 5.7 Security Service providers or related companies or employees of the Security Industry should not be elected as Coordinators of an Area Watch.
- 5.8 Information and documentation received by a Coordinator is to be subject to safe-keeping and confidentiality principles. Personal details and other confidential information may only be imparted to members of the Management Committee. No communication, advertising, invitations, promotion or other information, other than that specifically approved content by the Management Committee, is to be shared via any medium to the members of an Area Watch.
- 5.9 On the resignation of a Coordinator, all forms, files and other documents relating to the Area Watch must be given to the new Coordinator or to the Secretary of the SWNW NPC Management Committee. No information, copies or data bases may be retained, used, sold or shared to any other person / body other than members of the SWNW NPC Management Committee.

6. Meetings

- 6.1 There must be not less than fourteen (14) days written notice (which may be given electronically) of any Management Committee or other formal meeting of the SWNW NPC. This does not apply to those meetings that may be regularly scheduled such as meetings of the Executive Committee, weekly information meetings or meetings of any other subcommittee.
- 6.2 At least one General Information Meeting which any member of the SWNW NPC or community may attend, shall be held each year. At this meeting the Management Committee shall describe the activities of the watch since the last meeting, give an outline of what is planned for the future and give any other information they deem relevant. An opportunity for those present to ask questions shall also be given.
- 6.3 At least two meetings of the Management Committee shall be held every calendar year. A simple majority of Coordinators may at any time ask for an additional meeting.
- 6.4 A quorum shall be one third of those entitled to vote. If no quorum is attained the meeting will be postponed for 15 minutes. If no quorum is attained, the meeting shall be deferred for a maximum of 14 days.
- 6.5 Each person shall be entitled to one vote. In the case of a tied vote the chairman shall have a second or casting vote.
- 6.6 All questions or motions at a meeting, except those pertaining to the Constitution, shall be decided by a simple majority of those casting their vote.

- 6.7 Any amendments to this Constitution will require a two-thirds majority of all those entitled to vote. In the event of a tied vote, the Chairman will cast a second vote maintaining the status quo.
- 6.8 Coordinators should canvass their Associate Members for comments on any changes to the Constitution but may vote according to their conscience.
- 6.9 Minutes shall be kept of all meetings and should contain a record of all attendees, proceedings and resolutions.

7. Code of Conduct.

- 7.1 Members of the SWNW NPC shall be bound by its Code of Conduct and operate within the framework of the law. The Code of Conduct is an annexure to this Constitution.

8. Indemnity

- 8.1 The SWNW NPC will be registered as a legal entity (NPC) according to law.
- 8.2 Membership of the SWNW NPC and any Associate Member participation in patrolling activities are voluntary actions of the individual member. SWNW NPC does not accept any liability whatsoever for actions or activities resulting in death, injury or damage howsoever caused or resulting from the voluntary participation by members in its activities.
- 8.3 Every patroller shall sign an indemnity form that indemnifies SWNW NPC and its members in respect of any criminal or civil liability, against all costs, claims, suits or damages howsoever arising directly or indirectly from any intentional act or omission or any negligence on their part.

9. Liability

- 9.1 All individual members of the SWNW NPC and any Neighbourhood Watch affiliated to the SWNW NPC shall act in their own capacity as individuals and liability shall be in that capacity.
- 9.2 The SWNW NPC shall not be responsible for civil and criminal actions or omissions that are perpetrated by a member of a Neighbourhood Watch, nor responsible for civil and / or criminal actions perpetrated or omissions of or against any member.
- 9.3 All and any civil and criminal actions that are instituted against a SWNW NPC member shall be against the member concerned and not the SWNW NPC.
- 9.4 Insurance cover for persons, possessions, property and liability is at all times the responsibility of the member concerned.

10. Disciplinary Matters

- 10.1 In the event of any complaint against a member of the SWNW NPC being lodged with the SWNW NPC, the Executive Committee shall deal with the matter at its earliest convenience and if warranted advise the complainant with regards to its action.

- 10.2 The Executive Committee may after appropriate investigation and depending on the merits of the case, reprimand, suspend or expel the member if such member is found guilty of misconduct or has brought the good name of the SWNW into disrepute.
- 10.3 Only elected Executive Committee members are authorised to make public statements and address the media as spokespersons of the SWNW NPC.
- 10.4 Should a member of the SWNW NPC be found guilty of a criminal offence, members of the SWNW NPC will respect the decision of the courts and the Executive Committee shall, if warranted and appropriate, institute disciplinary measures against such a member.
- 10.5 Should, in the opinion of the Management Committee, a Coordinator not be fulfilling their duties satisfactorily, the Management Committee may either ask the person to stand down or require that they be revalidated by the Associate Members of that area.
- 10.6 Should, after the Coordinator has been in office for two years, there still be fewer than ten Members, the Executive Committee may enforce the Coordinators resignation and removal as a Director of SWNW NPC.

11. Committees

- 11.1 The period of office for Executive Committee members shall be two years and an election shall normally take place between May and June of the appropriate year. Within 3 months of the incorporation of SWNW as a Non-Profit Company, the Management Committee must elect an Executive Committee to manage the day-to-day running of SWNW NPC. Executive Committee members may serve consecutive terms of office but a gap of at least 12 months must exist after two consecutive terms.
- 11.2 The Executive Committee shall consist of seven (7) members nominated and elected by the Management Committee. This election shall take place by means of an electronic ballot and a quorum shall be 75% of the Coordinators. Subject to 3.5, each Coordinator shall have one vote for each of the seven members of the Steering Committee. No more than two Executive Committee members shall be from any one Area Watch.
- 11.3 The Executive Committee may co-opt persons to assist them in the running of the SWNW NPC including those instances where a vacancy on the Executive Committee occurs. Any co-opted person shall not acquire any voting rights.
- 11.4 The Management Committee or Executive Committee may at its discretion, appoint various other sub-committees and may determine such rules, procedures and notice periods for the conduct of their meetings as they consider appropriate.
- 11.5 The quorum for an Executive Committee meeting shall be at least four Directors in attendance.
- 11.6 Minutes must be kept by all Committees and should contain a record of all attendees, proceedings and resolutions. The Secretary of the Management Committee shall prepare a summary of the proceedings and resolutions of each Committee for distribution to the

Management Committee. These minutes shall respect matters of confidentiality or other sensitivities so as not to cause embarrassment to any individual.

- 11.7 Subject to 3.5, each Director at a meeting shall be entitled to one vote and all questions arising at such meetings shall be decided by a simple majority vote of those present and entitled to vote at the meeting. No person shall exercise more than one vote but in the case of a tied vote, the Chairperson of the meeting shall have a second or casting vote.
- 11.8 At the first meeting of the Management Committee held after their appointment or election, they will elect an Executive Committee from those Directors eligible and willing to stand for election.
- 11.9 Associate Members may be nominated for election onto the Executive Committee.
- 11.10 The Executive Committee shall elect a Chairman, Vice Chairman and Secretary of the SWNW NPC and will determine the portfolio responsibilities that will be administered by the Committee.
- 11.11 All persons co-opted onto the Executive Committee shall have their positions confirmed or rejected at the next meeting of the Management Committee.
- 11.12 Subject to 11.1, members who take their position as a Director on the Management Committee will remain in office until they voluntarily step down or are requested by a majority of the Management Committee to do so.
- 11.13 All members of the Management Committee will be expected to attend meetings of the Committee. Any prolonged absence or unavailability should be reasonable in the circumstances and the member must then ensure they have appointed a proxy. In circumstances where the Management Committee deem the absence is not reasonable, then they make take steps to remove the member from the Committee.
- 11.14 The proceedings of a 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.
- 11.15 The Committees may at any committee meeting invite any person to attend such Committee meeting provided such person shall not have the right to vote and shall only have the right to speak at the meeting at the discretion of the Committee.
- 11.16 No member of any committee shall be entitled to any remuneration for serving on any committee but may, with the approval of the Executive Committee and subject to funds being available, be entitled to reimbursement of expenses reasonably incurred on behalf of the SWNW NPC.
- 11.17 The Executive Committee shall mandate specific member(s) to address, and or make public announcements, in matters pertaining to the SWNW NPC.
- 11.18 Security service providers or related companies or employees of the security industry should not be elected as Directors or Executive Committee members of SWNW NPC.

12. Functions

- 12.1 The SWNW *NPC* will assist the South African Police Services in crime prevention in its area.
- 12.2 The SWNW *NPC* and its members are not substitutes for the South African Police Services or security service providers nor shall any member be obliged to intervene against the commission of any crime except insofar there be legislation requiring such action.
- 12.3 Each member shall have the power of an ordinary citizen to perform a citizen's arrest. In performing a citizen's arrest, the requirements set out in the Criminal Procedure Act No. 51 of 1977 (or any amendment or replacement of that act) shall be adhered to and complied with at all times and under all circumstances irrespective of the nature thereof.
- 12.4 The SWNW *NPC* shall cooperate with the local Community Police Forum on matters of mutual concern.
- 12.5 The SWNW *NPC* shall, within the constraints of its ability to do so, initiate and implement crime prevention projects in, if needed, consultation with the local Community Police Forum.
- 12.6 It is not the policy of the SWNW *NPC* to endorse any individual company, service or product.

13. Logos and letterheads

- 13.1 The SWNW *NPC* shall use as its logo the "snake" logo as on the front of this document.
- 13.2 The SWNW *NPC* shall not use the logo of, nor a letterhead similar to that of the South African Police Services.
- 13.3 The SWNW *NPC* may use the logo and /or letterhead of the local Community Police Forum after obtaining written consent of the Executive Committee of the local Community Police Forum.

14. Patroller Identity Cards

- 14.1 Each patrolling member shall have a patroller's identity card which will have the SWNW *NPC* logo, a portrait photograph of the member together with their name and other details as prescribed by the Department of Community Safety.
- 14.2 The card shall be validated in accordance with procedures agreed by the Executive Committee and any other relevant organisation or agency.
- 14.3 Identity cards shall not be similar to those being used by members of the South African Police Services.

15. Use and Control of Funds and Assets

- 15.1 The SWNW NPC is and will remain a non- profitmaking organization. The SWNW NPC shall keep proper accounting records that accurately reflect all its income, expenditure, assets and liabilities together with it banking records.
- 15.2 The financial year of the SWNW NPC shall be the period ending on the last day of March.
- 15.3 The SWNW NPC shall be permitted to acquire donations and /or hold fundraising campaigns for the purposes of obtaining funding to further its stated aims and objectives. All contributions to the activities of the SWNW NPC shall be entirely voluntary and non-contributors shall not be penalized in any way.

16. Dissolution of and Separation from the SWNW NPC

- 16.1 The SWNW NPC may be dissolved by a majority vote of the Management Committee and Chaired by an independent person.
- 16.2 The SWNW NPC shall invite the local 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 such a meeting to dissolve the SWNW NPC.
- 16.3 The Coordinators, who are entitled to vote, should first consult the Associate Members of their areas as to how to vote.
- 16.4 If dissolution is the agreed outcome of the meeting and there is no subsection of the SWNW NPC able to continue in the place of the SWNW NPC, all assets, funds and documentation resorting under the direct control of the Management Committee of the SWNW NPC, will be disposed of in accordance with the requirements and obligations placed on the SWNW NPC as a registered Non-Profit Company.
- 16.5 The dissolution or separation from the SWNW NPC of an Area Watch shall be a matter for the residents of that area and shall not affect the workings of the SWNW NPC. Such a separation must be formally communicated to the SWNW NPC Management Committee. That Area Watch separating or dissolving shall have no call on the resources, assets or income of the SWNW NPC.

Date of adoption of this amended constitution:

Name: Jacqui Badenhorst

Name: Annetjie Robertson

Name: Pierre Ackermann

Name: Terry Durrant

Name: Valecia Paris

Name: Dave Bache

Name: Sandy Immelman

Name: Anthony Cross

SOMERSET WEST NEIGHBOURHOOD WATCH NPC

CODE OF CONDUCT

1. This Code of Conduct and the Constitution of the SOMERSET WEST NEIGHBOURHOOD WATCH NPC shall be binding on all members of the SOMERSET WEST NEIGHBOURHOOD WATCH.
2. Members of the SOMERSET WEST NEIGHBOURHOOD WATCH NPC must at all times act in a non-violent manner. No member may take the law into his or her own hands irrespective of circumstances.
3. No member of the SOMERSET WEST NEIGHBOURHOOD WATCH NPC shall display racism, sexism or any other form of discrimination towards any member and any other person. Radio etiquette shall be upheld at all times.
4. When on patrol a member may only use “minimum force”, as described in the Criminal Procedure Act No. 51 of 1977 to secure the arrest of the perpetrator of an offence and no intimidation in whatever form may be used.
5. No person under the age of 18 years may participate in any patrol.
6. Members may not divulge on any social platform, or any other public medium, any confidential or privileged information that they may have acquired as a result of their membership of the SOMERSET WEST NEIGHBOURHOOD WATCH NPC.
7. Any member found to be making public statements and or addressing the media as a spokesperson for the SOMERSET WEST NEIGHBOURHOOD WATCH NPC without the explicit authority from the Executive Committee of the SOMERSET WEST NEIGHBOURHOOD WATCH NPC duly mandating that member to act for and on behalf of the SOMERSET WEST NEIGHBOURHOOD WATCH NPC shall be guilty of a serious offence and may result in suspension and expulsion.
8. No member may accept any payment, commission or gratuity in connection with his or her membership of the SOMERSET WEST NEIGHBOURHOOD WATCH NPC, except after being duly authorized to do so by the Executive Committee of the SOMERSET WEST NEIGHBOURHOOD WATCH NPC.
9. No member may exploit his or her membership of the SOMERSET WEST NEIGHBOURHOOD WATCH NPC for personal advantage or benefit.
10. Members must at all times act in a manner that will uphold and promote the aims and objective of the SOMERSET WEST NEIGHBOURHOOD WATCH NPC as highlighted in the SOMERSET WEST NEIGHBOURHOOD WATCH NPC Constitution and this Code of Conduct.