



## CONSTITUTION

### 1. Name:

The name of the Neighbourhood Watch shall be:

OBSERVATORY NEIGHBOURHOOD WATCH (ONW)

### 2. Area:

The area covered by the ONW shall be:

Northern Boundary – Browning/Rochester Road and Malta Road

Eastern Boundary – Black River Parkway

Southern Boundary - Settlers Way

Western Boundary – De Waal Drive.

(HEREINAFTER REFERRED TO AS "THE AREA")\*

\*Please refer to the attached map for the demarcation of areas as designated by Sector numbers.

### 3. Aims:

3.1 To nurture a sense of unity, dedication and good neighbourly relations among the residents of the area;

3.2 To serve as a watchdog for its community and the local police services, thereby assisting the local police services to safeguard its community against criminal activities and strive for a safe and secure environment;

3.3 To provide a channel through which the community can play a meaningful role in crime prevention.

#### **4. Objectives:**

4.1 To comply at all times with the provisions contained in the Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures;

4.2 To create public awareness with regard to safety, crime prevention and protection of families and their property;

4.3 To encourage the community to work in close co-operation with the South African Police Services and other structures such as local authorities who are involved in law enforcement;

4.4 To ensure that the neighbourhood watch acts within the framework of the law;

4.5 To unite a diverse residency in creating a safe and crime free environment.

#### **5. Membership:**

5.1 Membership of the neighbourhood watch is based upon the principles of non-racism, non-sexism, non- sectarianism and democracy.

5.2 Membership is open to all who reside within the area of operation or have direct business interests in the area, irrespective of race, colour, religion, disability, age or sexual orientation.

5.3 Membership is free and voluntary.

5.4 A membership register shall be kept by the neighbourhood watch structure and updated annually. The register must contain the name, address, identity number and telephone details of the members. This information is confidential and will not be made available to the general public. The register will also contain the indemnity forms signed by the members.

5.6 Only those who have registered in accordance with 5.4 hereof shall be entitled to vote at General Meetings of the ONW.

#### **6. Termination of membership:**

6.1 A member may resign by email notice to the ONW data base email address, or in writing to the Committee.

6.2 The Committee may in their absolute discretion terminate membership of any member provided that ten days notice is given to any member of the Committee's intentions and that such notice contains full reasons for the Committee's intended action. The Committee shall consider any written reply.

## **7. Meetings of ONW:**

7.1 There shall be an Annual General Meeting of ONW in October of each year at such time and at such place, as the Committee shall determine. At least fourteen clear days notice shall be given in the ONW Website and in the local Newspapers.

7.2 At such Annual General Meeting the business shall include:

7.2.1 The nomination and election of a minimum of eight and a maximum of twelve members to serve on the Executive Committee, which is comprised of:

7.2.1.1 The Chairperson;

7.2.1.2 The Deputy Chairperson;

7.2.1.3 The Secretary;

7.2.1.4 The Treasurer; and

7.2.1.4 A minimum of four and a maximum of eight Sector Leaders, from the ONW Sectors, as defined by the Woodstock SAPS map of Observatory.

7.2.2 The nomination and election of Sector Leaders to serve on Special or Standing Sector Committees as deemed necessary by the Executive Committee.

7.3 The Chairperson of the Executive Committee may at any time call a Special General Meeting of ONW at his or her discretion and shall call such a meeting within twenty eight days of receiving a written request from ordinary members to do so, signed by not less than ten members of the ONW and giving reasons for the request.

## **8. Rules of Procedures at all Meetings:**

## **8.1 Quorum:**

8.1.1 The quorum at an Annual General meeting of ONW shall be fifty percent (50%) plus one (1) of the registered membership of the ONW present at the AGM, subject to a minimum of ten members.

8.1.2 The quorum at a meeting of the Executive Committee or of any Sector Committee appointed under clause 7.2.1 shall be fifty percent (50%) plus one (1) or such other number as ONW may determine from time to time, subject to a minimum of five members.

## **8.2 Voting:**

8.2.1 All questions arising at any meeting shall be decided by a simple majority of those members present and entitled to vote. No person shall have more than one vote, but in the case of an equality of votes the chairperson of the meeting shall have a second or casting vote.

## **8.3 Minutes:**

The Executive Committee and all other committees shall keep minutes, and the appropriate secretary shall enter a record therein of all attendees, proceedings and resolutions.

## **9. Nomination of Committee Members:**

9.1 Nomination for officers or members of the Committee must be made by full members of the Association and must be in the hands of the Committee at least ten days before the Annual General Meeting. Should nominations exceed vacancies, elections shall be decided by a simple majority of those present and entitled to vote.

9.2 No member shall exercise more than one vote but in case of an equality of votes the Chairperson shall have a second or casting vote.

## **10. Officers:**

10.1 At the first Annual General Meeting of the ONW, the Sector Leaders and Street Leaders that are duly nominated and elected shall be deemed to represent their respective

Sectors and Streets, until such time that they resign or are replaced by a simple majority of votes at an Annual General Meeting or a special general meeting called in terms of Clause 7.3.

10.2 The Chairperson of the ONW, or a member of the Executive Committee appointed by the Chairperson, will be the only person(s) entitled to make or issue any statement to the media of any matters or issues concerning ONW.

10.3 The Chairperson of the Executive Committee shall be the Chairperson of ONW and shall hold office until the conclusion of the Annual General Meeting of ONW and shall be eligible for re-election.

10.4 The officers of the ONW Executive Committee shall hold office until the conclusion of the next Annual General Meeting of the ONW and shall be eligible for re-election.

10.5 ONW may appoint one or more qualified auditors and may determine their remunerations (if any).

#### **11. Executive committee:**

11.1 Subject as hereinafter mentioned the policy and general management of the affairs of ONW, including the powers above mentioned, shall be directed by an Executive Committee (herein called “the Committee”) which shall consist of the Chairperson, Deputy Chairperson, Secretary, Treasurer and between four and eight Sector Leaders, which shall meet not less than twelve times a year.

#### **12. Indemnity:**

12.1 The neighbourhood watch structure is not a legal person and functions within the guidelines as provided by and set out in the Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch structures.

12.2 All neighbourhood watch members clearly indemnifying the neighbourhood watch structure will sign an acknowledgement to this effect. This acknowledgement will clearly state that the neighbourhood watch structure is a voluntary association.

### **13. Liability:**

13.1 All individual members and the neighbourhood watch affiliated to the neighbourhood watch structure act in their own capacity, as individuals and liability will be in that capacity.

13.2 The neighbourhood watch structures will not be responsible for civil and or criminal actions or omissions that are perpetrated by a member of a neighbourhood watch structure, nor responsible for civil and or criminal actions against its members.

13.2 All and any criminal and civil actions that are instituted against a member of the neighbourhood watch structure will be against the member concerned and not the neighbourhood structure.

13.3 Any member who brings the ONW into disrepute or who commits any crime in the course of his or her duties shall be charged with misconduct and in the case of a criminal act the South African Police Service shall, notwithstanding any action taken by the ONW, investigate and deal with the matter in accordance the law relating to that criminal act.

### **14. Accountability:**

14.1 The ONW will be accountable to the South African Police Service in the first instance.

14.2 The ONW will also be accountable to the Woodstock Community Police Forum.

14.3 The Provincial Constitution and Code of Conduct for neighbourhood watch structures will be binding in so far as it is not in conflict with the Constitution of the Republic of South Africa and the Bill of Rights.

### **15. Affiliation:**

15.1 The ONW will be affiliated with the Woodstock Community Police Forum and affiliations will be sought with other registered neighbourhood watch structures, both locally and internationally.

## **16. Composition:**

16.1 The neighbourhood structure will consist of individual households and businesses in clearly demarcated and agreed upon areas, streets, sections, flats, farms, wards or zones of the area.

## **17. Functions:**

17.1 The neighbourhood watch will assist the South African Police Services in crime prevention in their areas.

17.2 The neighbourhood watch will adopt and support the social crime prevention strategy of the police.

17.3 The neighbourhood watch will act within the framework of the law.

17.4 The neighbourhood watch members will have powers to perform a citizen's arrest and will adhere to and comply with the requirements of the Criminal Procedure Act No. 51 of 1977.

17.5 The neighbourhood watch will work in partnership with the Woodstock Community Police Forum at all times.

17.6 The neighbourhood watch will be responsible for initiating and implementing crime prevention projects in consultation with the Woodstock Community Police Forum.

## **18. Identity cards:**

18.1 All members of the ONW will have identity cards containing the most recent photograph of the member, their full names, identity number and the holder's legible signature.

18.2 All identity cards will be validated annually.

## **19. Resolution of disputes:**

19.1 If any dispute arises, the Woodstock Community Police Forum must attempt to resolve it. Failure to resolve a dispute will lead to it being taken to the Provincial Community Police Board, whose decision shall be final and binding.

**20. Use and control of assets:**

20.1 The ONW will remain a non profit-making organization.

20.2 Proper accounting records will be kept and audited annually.

20.3 Fund raising campaigns will be permitted for the purposes of furthering the aims and objectives of the ONW. These will be controlled and administered by the ONW Executive Committee. The ONW may receive funds from the Woodstock Community Police Forum for financing equipment and/or administrative costs. Any equipment purchased with such funds shall be and remain the property of the Woodstock Community Police Forum and members shall be accountable for the safe-keeping of any such equipment which may be placed in their care for their use.

20.4 The Treasurer of the ONW Executive Committee will be appointed as a custodian of the accounting records/equipment.

20.5 A bank account will be opened if the income of the ONW exceeds R 500.00

**21. Amending the constitution and the code of conduct:**

21.1 Any alterations, additions or amendments to the constitution and the code of conduct shall be passed at a General Meeting by a two-thirds majority of eligible members present at that meeting.

21.2 Thirty days' notice of any proposed alternation, addition or amendment shall be given in writing to the Secretary, unless introduced by the Executive Committee; in which case full details thereof should be included in the notice of the meeting.

**22. Dissolution of the ONW structure:**

22.1 The ONW may be dissolved by a majority vote of a duly constituted meeting and will follow the guidelines of the Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures.

22.2 In the event of the dissolution of the ONW, any funds in its possession standing to its credit or any equipment provided out of funds given by the Woodstock Community Police Forum shall be handed over to and be placed in the custody of the Woodstock Community Police Forum.

**23. Dysfunctional neighbourhood watch structure:**

23.1 The ONW may be declared dysfunctional by consensus reached with the ONW Executive Committee, the Woodstock Community Police Forum, the commissioner of Woodstock South African Police Service and a representative of the Department of Community Safety.