



## CONSTITUTION

### 1. NAME

The name of the Gardens Neighbourhood Watch shall be Gardens Watch.

### 2. NATURE OF THE ORGANISATION AND ITS MEMBERS

2.1. Gardens Watch is a non-profit organisation.

2.2. Gardens Watch is an association of voluntary members.

### 3. GEOGRAPHIC AREA OF OPERATION

Gardens Watch shall operate within the precinct of Cape Town Central Police Station, in particular the suburb of Gardens as specifically depicted by the map in Annexure A.

### 4. AIMS

The main aim of Gardens Watch is for the suburb of Gardens to become a safe, vibrant, welcoming city neighbourhood offering all its stakeholders a clean, caring and law-abiding environment in which to live, work and play.

### 5. OBJECTIVES

Gardens Watch will achieve its main aims by:

5.1. Nurturing a sense of unity, dedication and good neighbourly relations among the residents and business owners in the area;

5.2. Providing a channel for the local community to play a meaningful role in crime prevention;

5.3. Creating public awareness with regard to safety, crime prevention and the protection of people and their property;

5.4. Encouraging the community to work in close co-operation with the South African Police Service (SAPS) and other structures such as local authorities who are involved in law enforcement;

5.5. Ensuring that the members of Gardens Watch act within the framework of the law;

5.6. Seeking to unite a diverse residency that is dedicated to creating a stable and crime-free environment;

5.7. Complying at all times with the provisions contained in the Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures (WCNWS) May 2003 and in the event of there being any conflict between WCNWS and this Constitution the provisions of WCNWS shall prevail.

## 6. POWERS

- 6.1. To lobby National, Provincial and City Governments on all issues of Public Safety
- 6.2. To seek and obtain funding and resources (including SAPS reinforcement) through the Community Policing Forum from any availability governmental or departmental source;
- 6.3. To arrange and provide for or join in arranging and providing for the holding of exhibitions, meetings, lectures, classes, seminars and training courses;
- 6.4. To promote and carry out or assist in promoting and carrying out research, surveys and investigations and publishing the results thereof, ensuring due compliance with any law and/or regulations governing the privacy of such information;
- 6.5. To accept gifts in such manner as Gardens Watch shall think fit, subject to such consents as required by law;
- 6.6. To procure contributions to Gardens Watch by personal or written appeals, public meetings or otherwise, subject to such consents as required by law;
- 6.7. To appoint and constitute such advisory committees as the Executive Committee may think fit;
- 6.8. To partner or form with like-thinking individuals or organisations, initiatives, partnerships or legal entities that will further the Aims and Objectives of Gardens Watch and, where appropriate or required, to appoint any member of the Gardens Watch to serve as a member, office bearer or director of such body;
- 6.9. To do all such other lawful things as are necessary for the arraignment of the said aims and purposes.

## 7. INDEMNITY

- 7.1. Gardens Watch is not a legal person and shall function within the guidelines as provided and set out in this Constitution and the WCPC.
- 7.2. An acknowledgement to this effect shall be signed by all members, clearly indemnifying the Gardens Watch and the neighbourhood watch structures of the WCPC
- 7.3. The acknowledgement referred to above must clearly state that Gardens Watch is a voluntary association.

## 8. LIABILITY

- 8.1. Gardens Watch is not a legal person and as such does not have powers of whatsoever nature might be in law to act or to be acted upon.

- 8.2. All individual members of Gardens Watch act in their own capacity, as individuals and liability shall be in that capacity.
- 8.3. Gardens Watch shall not be responsible for civil and/or criminal actions or omissions that are perpetrated by a member, nor be responsible for civil and/or criminal actions or omissions against its members
- 8.4. All and any criminal and civil actions that are instituted against a member of Gardens Watch shall be against the member concerned and not Gardens Watch.
- 8.5. The above clauses shall also apply equally to elected and appointed officers of Gardens Watch.

## 9. ACCOUNTABILITY

- 9.1. The Gardens Watch shall be accountable to the South African Police Service in the first instance.
- 9.2. By virtue of its registration with a local Community Police Forum, Gardens Watch shall be accountable to that local Community Police Forum.
  - 9.2.1. In the absence of such a Community Police Forum, the neighbourhood watch structure shall be accountable to the Area Community Police Board.
  - 9.2.2. Should the local Community Police Forum and the Area Community Police Board be simultaneously absent or found to be dysfunctional, Gardens Watch shall be accountable to the Provincial Community Police Board.

## 10. MEMBERSHIP TO GARDENS WATCH

- 10.1. Membership is open to any person who:
  - 10.1.1. Resides and/or works and/or owns property in the Gardens area,
  - 10.1.2. Has no previous conviction in respect of any sexual offence or crime involving violence or dishonesty.
- 10.2. Gardens Watch shall not reject an application without sufficient reason, which shall be provided to the applicant on the applicant's request.
- 10.3. By application, the new member commits themselves to
  - 10.3.1. Participating in the achievement of the aims and objectives of the organisation;
  - 10.3.2. Signing the Constitution and agreeing to abide by the Code of Conduct as well as abiding to any rules or other policies introduced from time to time. Failure to do so shall be sufficient cause to deny membership.
  - 10.3.3. Providing the Watch with reasonable personal information
  - 10.3.4. Voting at the General Meetings of Gardens Watch
- 10.4. Termination of membership:
  - 10.4.1. A member may resign at any time by email (written) notice to the Secretary of Gardens Watch

- 10.4.2. Automatic termination if the member is found guilty by a Court of Law of any offence listed in Schedule 1 or Schedule 2 of the Criminal procedure Act
- 10.4.3. Automatic termination if a member fails or refuses to sign any indemnity or other form required of a member in terms of this Constitution
- 10.4.4. The Executive Committee may in its absolute discretion terminate membership of any member provided that they provide that member with ten days' notice of their intention and that this notice contains full reasons for the intended action. Any written reply shall be considered by the Executive Committee.

## 11. OFFICERS

- 11.1.1. The elected officers of Gardens Watch shall form the Executive Committee (hereafter 'Committee'): Chairperson, Secretary, Treasurer and one (1) or more general members.
- 11.1.2. Only registered members are eligible to stand for any of the above offices.
- 11.1.3. Elected officers shall be elected at the Annual General Meeting (AGM) of Gardens Watch and, unless removed in terms of this Constitution, shall serve until the next AGM, or until their successor is elected.
- 11.1.4. Should members of the Committee deem it necessary to elect a new Chairperson, or any other officer, a majority vote of 65% will be required.
- 11.1.5. Should the registered members of Gardens Watch deem it necessary to elect a new Committee, a majority vote of 65% will be required.
- 11.1.6. Gardens Watch may appoint one or more qualified auditors and may determine their remuneration (if any).

## 12. EXECUTIVE COMMITTEE

- 12.1. The Chairperson of Gardens Watch shall be the Chairperson of the Committee and the Police Liaison. This person shall hold office until the conclusion of the next Annual General Meeting of Gardens Watch and election but shall be eligible for re-election for a maximum of three consecutive years.
- 12.2. The Chairperson is the person entitled to make or issue any statement to the media of any matters or issues concerning Gardens Watch. The Chairperson may delegate this task to another person serving on the Committee.
- 12.3. Nomination for new officers or new Committee members must be made by full members of the Gardens Watch. The nomination must be in the hands of the Committee at least seven 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.
- 12.4. Persons who have historically been active members of Gardens Watch by means of being a regular patroller, fundraiser or having served on the Committee or a sub-committee should be first to be considered for election.

- 12.5. The general management of Gardens Watch affairs shall be directed by Committee. The Committee shall meet no less than four times a year.
- 12.6. Each member of the Committee shall be entitled to one vote at the meetings of the Committee. No member shall exercise more than one vote but in the case of equality of votes, the Chairperson shall have the second or casting vote.
- 12.7. Each Committee member may vote by proxy duly authorised in writing on not more than three occasions in any one year.
- 12.8. Any casual vacancy in the Committee may be filled up by the Committee and any person appointed to fill such a casual vacancy shall hold office until the conclusion of the next Annual General Meeting of Gardens Watch and shall be eligible for election at the meeting.
- 12.9. The proceedings of the 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.
- 12.10. The Committee may appoint sub-committees as it deems necessary. The Committee shall determine the terms of reference, powers, duration and composition of these sub-committees. All acts and proceedings of such special or standing committees shall be reported back to the Committee fully and promptly.
- 12.11. The Station Commander of Cape Town Central Police Station shall be entitled to ex officio non-voting representation on the Committee.
- 12.12. The Committee may at any Committee meeting, vote to allow any other Senior Police Officer or any Senior Official or Politician concerned in Public Safety or Neighbourhood Watch to have ex-officio non-voting representation on the Committee.
- 12.13. The Committee is not precluded from inviting to any of its meetings any representatives of the various tiers of government, specific government departments, legal services, communities or organisations from such communities, or partners or companies on the basis that they share objectives or interests similar or common to those of Gardens Watch, provided that such invite may only be extended on the decision of a majority of the Executive Committee members. In the event that any invitee has a commercial interest in a relationship or a potential relationship with the Gardens Watch, then the Executive Committee shall ensure that, should procurement be envisaged, competitive fairness and integrity of the procurement process shall ensue.

### 13. RULES OF PROCEDURES AT ALL MEETINGS

- 13.1. Quorum
- 13.1.1. The quorum at an Annual General Meeting of Gardens Watch shall be one quarter (25%) of the membership of Gardens Watch.

- 13.1.2. If a quorum is not reached at a duly advertised Annual General Meeting, the meeting will be adjourned. A further meeting must then take place within one calendar month, whereby the attendees present at the said meeting will be deemed representative and duly constituted for the AGM to commence.
- 13.1.3. All questions arising at any meeting shall be decided by a simple majority of those present and entitled to vote. No person shall exercise more than one vote but in the case of any equality of votes the Chairperson of the meeting shall have a second or deciding vote.
- 13.2. Minutes shall be kept by the Committee and all other committees, and the appropriate secretary shall enter therein a record of all attendances, proceedings and resolutions.

#### 14. STANDING ORDERS

- 14.1. The Committee shall have the power to repeal and amend rules for the conduct of its activities and members, as it may from time to time consider necessary for the wellbeing of Gardens Watch provided that such rules are consistent with the requirements of this Constitution.
- 14.2. Members of the media may only attend a meeting of Gardens Watch when invited by the agreement of the Committee.

#### 15. MEETINGS OF GARDENS WATCH

- 15.1. There shall be one Annual General Meeting of Gardens Watch. The Committee shall determine the time and place allowing for at least fourteen clear days' notice, in the applicable media.
- 15.2. The business at this Annual General Meeting must include the election of the Committee.
- 15.3. The Chairperson may at any time call a Special General Meeting of Gardens Watch at the request of the Executive Committee. This meeting shall be called within twenty-eight days of receiving a written request to do so, signed by not less than three members of the Committee and giving reasons for the request.

#### 16. FINANCE §

- 16.1. All monies raised by or on behalf of Gardens Watch shall be applied to further the stated aims and objectives of Gardens Watch. Nothing shall prevent the payment in good faith of reasonable and proper reimbursement of out-of-pocket expenses.
- 16.2. Gardens Watch shall keep a proper accounting record that accurately reflects its income and expenditure, assets and liabilities.
- 16.3. Nothing within this Constitution shall prevent any member of the community from raising funds in their own capacity. However, Gardens Watch is not to be used as the name behind such a collection.
- 16.4. § The funds of the public benefit organisation will be used solely for the objects for which it was established.

§ Amendment to Constitution to comply with SARS conditions for schedule 18A status - as agreed by vote at the AGM on 25 August 2021

- 16.5. § No activity will directly or indirectly promote the economic self-interest of any fiduciary or employee of the organisation otherwise than by way of reasonable remuneration.
- 16.6. § No funds will be distributed to any person, other than in the course of undertaking any public benefit activity.
- 16.7. § The activities of the organisation are to be carried on in a non-profit manner and with an altruistic or philanthropic intent.
- 16.8. § The public benefit organisation will not be a party to, or does not knowingly permit, or has not knowingly permitted, itself to be used as part of any transaction, operation or scheme of which the sole or main purpose is the reduction, postponement or avoidance of liability for any tax, duty or levy which, but for such transaction, operation or scheme, would have been or would have become payable by any person under this Act or any other Act administered by the Commissioner.
- 16.9. § No resources will be used, directly or indirectly, to support, advance or oppose any political party
- 16.10. § No remuneration will be paid to any employee, office bearer, member or other person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered and has not and will not economically benefit any person in a manner which is not consistent with its objectives.
- 16.11. § No donation will be accepted which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in terms of section 18A: Provided that a donor (other than a donor which is an approved public benefit organisation or an institution, board or body which is exempt from tax in terms of section 10(1)(cA)(i), which has as its sole or principal object the carrying on of any public benefit activity) may not impose any conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of such donation.

## 17. ALTERATIONS TO THE CONSTITUTION

- 17.1. Any alteration to this Constitution shall receive the assent of not less than 65% of the members of Gardens Watch present and voting at an Annual General Meeting or a Special meeting.
- 17.2. Notice of any such alteration, not initiated by the Committee, shall first need to be submitted in writing to the Committee not less than twenty-one (21) days before the meeting at which the alteration is to be proposed.
- 17.3. No alterations shall be made to clause 5.7 or this Clause until the approval in writing of the Community Police Forum or other authority having jurisdiction shall have been obtained and no alteration shall be made which would have the effect of causing Gardens Watch to cease to apply the principles of WCNWS.

## 18. DISSOLUTION

§ Amendment to Constitution to comply with SARS conditions for schedule 18A status - as agreed by vote at the AGM on 25 August 2021

- 18.1. The Committee can decide at any time by a simple majority to dissolve Gardens Watch and call a meeting of all Gardens Watch members to ratify this decision.
- 18.2. The decision to dissolve the Watch can be made on the grounds of expenses or that it is otherwise advisable or necessary to dissolve Gardens Watch.
- 18.3. The General Meeting will require not less than Fourteen (14) days' notice stating the terms of the Resolution proposed. Notice shall be by publication on Gardens Watch's social media and/or in the local press.
- 18.4. The General Meeting may take place under the chairperson or an independent person decided upon by the Committee or a representative of the local Community Policing Forum.
- 18.5. If such a decision is confirmed by a 65% majority of those present and voting at such a meeting, the Committee shall have the power to dissolve Gardens Watch with the agreement of the local Community Policing Forum.
- 18.6. §The Committee and/or the local Community Policing Forum shall donate the assets of the dissolved Gardens Watch to:
  - 18.6.1. Another public benefit organisation which has been approved in terms of section 30 of the Act.
  - 18.6.2. Any institution, board or body which is exempt from payment of income tax in terms of section 10(1)(cA)(i) of the Act, which has as its sole or principal object the carrying on of any public benefit activity; or
  - 18.6.3. Any department of state or administration in the national or provincial or local sphere of government of the Republic contemplated in section 10(1)(a) or (b) of the Act.
- 18.7. A copy of the statement of account for the final accounting period of Gardens Watch must be sent to the Community Policing Forum.

This Constitution is hereby ratified by the following elected office bearers on this 28<sup>th</sup> day of August 2020 at Gardens, Cape Town.



Nicky Esson



Werner Uys

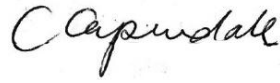


Clinton Smith

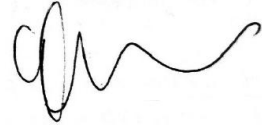




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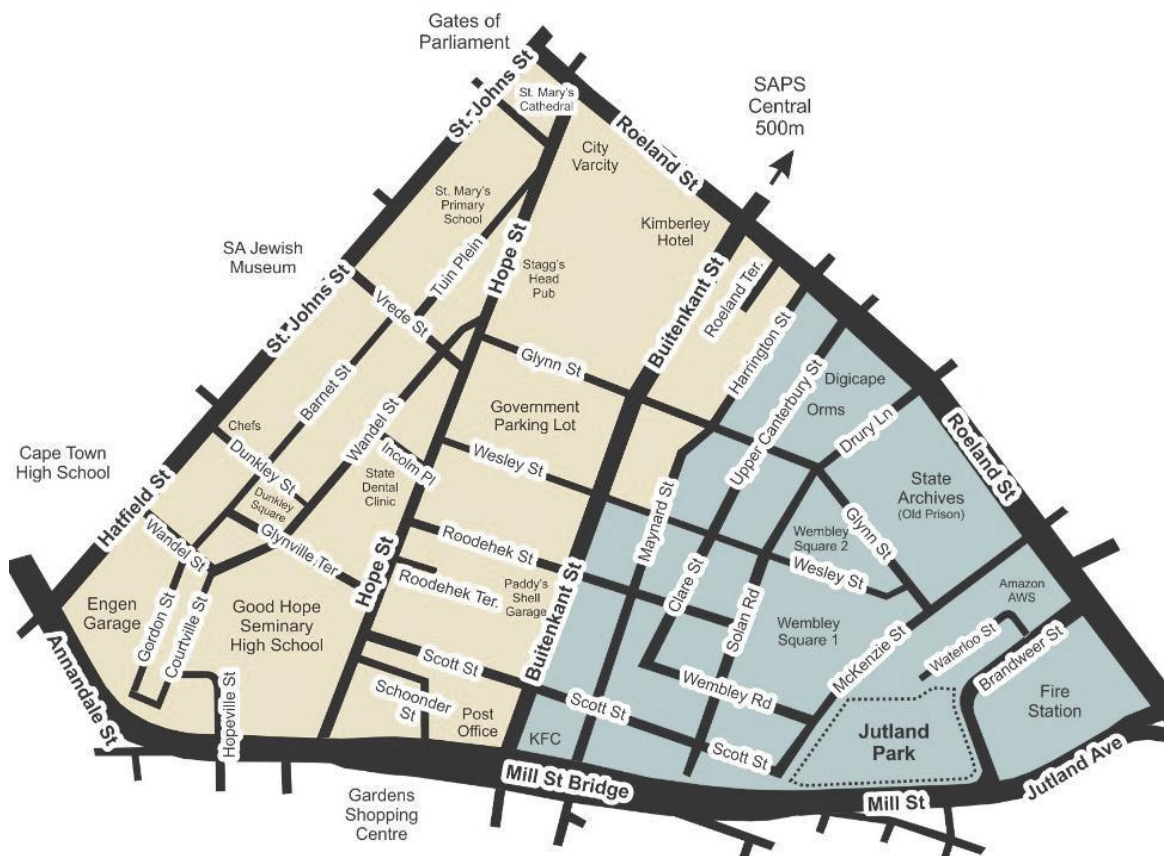
## ANNEXURE A (Operational area of Gardens Watch)

The Northern border begins at the junction of St John's Street (outside the gates of Parliament) and Roeland Street to the intersection of Roeland Street and Brandweer Street.

The Western border begins at the junction of St John's Street (outside the gates of Parliament) to the intersection of Harfield Street and Annandale Road (Engen Garage)

The Southern border begins at the intersection of Harfield Street to the intersection of Jutland Avenue and Brandweer Street (next to the Roeland Street Fire Station)

The Eastern border begins at the intersection of Brandweer Street and Jutland Avenue to the intersection of Brandweer Street and Roeland Street. This runs along the side of the Roeland Street Fire Station



§ Amendment to Constitution to comply with SARS conditions for schedule 18A status - as agreed by vote at the AGM on 25 August 2021