



Constitution

and

Code of Conduct

of

De La Haye Neighbourhood Watch

2021

1. Definitions:	3
2. Structures:	4
3. Objectives:	4
4. Membership:	4
5. Meetings of Members:	5
6. Code of Conduct:	6
7. Indemnity:	6
8. Liability:	6
9. Patroller Identity Cards:	7
10. Disciplinary Matters:	7
11. Committees:	7
12. Accountability:	8
13. Affiliation:	9
14. Functions:	9
15. Logos and Letterheads:	10
16. Use and Control of Funds and Assets:	10
17. Dissolution of DE LA HAYE NEIGHBOURHOOD WATCH:	10
Annexure 2 – Code of Conduct	12

1. Definitions:

“Area”:

The area includes all erven, roads and public spaces approximately bounded to DE LA HAYE COMPRISING, THALMEN ESTATE AND BELGRAVIA and any other roads or areas which the Executive Committee agree shall be incorporated in the area from time to time.

“Community”:

The residence, businesses and other institutions in the area.

“Dangerous Weapons”:

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

“Executive Committee” or “Exco”:

The elected office bearers comprising ONE Chairperson and ONE Vice Chairperson, ONE Treasurer and ONE Secretariat and any other co-opted office bearer(s) deemed necessary by the Executive Committee for the effective functioning of the Executive Committee.

“Local Community Police Forum”:

The Community Police Forums of the South African Police Service districts in which the area falls.

“Management Committee” or “Manco”:

The elected Executive Committee plus co-opted office bearers including any other position deemed necessary by the Executive Committee for the effective functioning of DE LA HAYE NEIGHBOURHOOD WATCH.

“Member”:

A registered member of DE LA HAYE NEIGHBOURHOOD WATCH as more fully detailed in Article 4.

“Neighbourhood Watch”:

A group of individuals resident or businesses conducted in an area where in a neighbourhood watch activity is being conducted.

“Non-political”:

This implies that DE LA HAYE NEIGHBOURHOOD WATCH shall not be affiliated to any political organization, and also must not do any work or give the perception in regards to being politically aligned with a, or any political organization.

“Non-discriminatory”:

This implies that DE LA HAYE NEIGHBOURHOOD WATCH shall not discriminate on the grounds of sex, gender or sexual orientation.

“WCPC & CoC”:

The Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch

2. Structures:

Aims

- a) To nurture a sense of unity, dedication and good neighbourly relations among the community in the area.
- b) To serve as a watchdog (eyes and ears) for the community, the security service providers and the local police services, thereby assisting the local police services and security service providers to safeguard the community against criminal activities and strive for a safe and secure environment.
- c) To provide a channel through which the community can play a meaningful role in crime prevention.

3. Objectives:

- a) To create community awareness with regard to safety, crime prevention and protection of the community and their property.
- b) To encourage the community to work in close cooperation with the South African Police Service, the security service providers and other structures such as local authorities who are involved in law enforcement.
- c) To seek to unite the community in the area in creating a stable and crime free environment.

4. Membership:

- a) Membership of DE LA HAYE NEIGHBOURHOOD WATCH shall be open to all who own property or who 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.
- b) A person who believes they qualify for membership may apply to join DE LA HAYE NEIGHBOURHOOD WATCH by completing such manual membership application form as the Executive Committee has approved to be used at the time of such application and shall be subject to a police clearance.
- c) Membership shall be open to all irrespective of race, colour, religion, disability, age or sexual orientations who meet the other criteria for membership as set out in this constitution.
- d) 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 the event where such a fee is applicable, the payment thereof shall not be enforced in any which way, neither shall the membership of DE LA HAYE NEIGHBOURHOOD WATCH depend on payment of such fee. The payment of such a fee (if applicable) shall remain voluntary at all times.
- e) A member may resign by giving written notice (which may be given electronically) to the Committee.

- f) The Executive Committee may in 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 contains full reasons for the Executive Committee's intended action. Any written reply shall be considered by the Executive Committee.
- g) Neighbourhood watch Membership is for those who are willing to participate in patrols.
- h) A membership register will be maintained by the Secretariat and updated regularly. The register must contain the name, address and phone contact details for members and in addition the identity number together with the [Indemnity Form](#) (referred to in Articles 7 and 8) completed and signed by members.

5. Meetings of Members:

- a) Members must be given not less than seven days (7) days written notice (which may be given electronically) of any meeting of members.
- b) An Annual General Meeting should be held during the first quarter of each calendar year.
- c) The quorum for an Annual or Special General meeting of the members shall be ten percent (10%) of the registered members. If no quorum is attained the meeting will be postponed for thirty (30) minutes. If no quorum is attained at the start of the postponed meeting, the number of registered members present for the postponed meeting will constitute a quorum.
- d) 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 the case of any equality of votes the chairperson of the meeting shall have a second or casting vote.
- e) Future proposed amendments to this constitution may be decided by a simple majority vote of the members at any duly constituted meeting of members for which the required notice has been given.
- f) Executive Committee members' term of office shall be for the period between Annual General Meetings and Executive Committee members are permitted to be nominated for multiple subsequent terms of office.
- g) Candidates nominated for Executive Committee Member positions must be duly proposed and seconded at an Annual or Special General meeting of members and if there is only one nomination for a position the nominee will be deemed elected. If there is more than one nomination for a position an election will be conducted via method determined by the Electoral Officer.
- h) Minutes shall be kept of all Annual or Special General Meetings of members and should contain a record of all attendees, proceedings and resolutions.

6. Code of Conduct:

Members of DE LA HAYE NEIGHBOURHOOD WATCH shall be bound by the Code of Conduct set out in the [Annexure 2](#) hereto.

7. Indemnity:

- a) DE LA HAYE NEIGHBOURHOOD WATCH is not a corporate entity established by or under any law nor does it have juristic personality and shall function within the guidelines as provided and set out in the WCPC & COFC.
- b) Membership of DE LA HAYE NEIGHBOURHOOD WATCH and the participation in patrolling activities are actions voluntary undertaken by a member.
- c) An acknowledgement to the above effect in the form of an [Indemnity Form](#), example of which is attached hereto as Annexure 2, shall be signed by all patrolling members clearly indemnifying DE LA HAYE 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.
- d) Each member authorises the Executive Committee to enter into any acknowledgement on behalf of DE LA HAYE NEIGHBOURHOOD WATCH required under the WCPC & COFC.

8. Liability:

- a) DE LA HAYE 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.
- b) Each member and any neighbourhood watch affiliated to DE LA HAYE NEIGHBOURHOOD WATCH acts in its own capacity and liability shall be in that capacity.
- c) DE LA HAYE 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.
- d) All and any criminal and civil actions that are instituted against a member of DE LA HAYE NEIGHBOURHOOD WATCH shall be against the member concerned and not DE LA HAYE NEIGHBOURHOOD WATCH.
- e) Insurance cover for person, possessions, property and liability is at all times the responsibility of the member.

9. Patroller Identity Cards:

- a) Each member shall have a patroller's identity card which will have the DE LA HAYE NEIGHBOURHOOD WATCH logo, a head & shoulders recent photograph of the member and his or her first name and surname.
- b) Identity cards may not be similar to that being used by members of the South African Police Services.

10. Disciplinary Matters:

- a) In the event of any complaint against a member of DE LA HAYE NEIGHBOURHOOD WATCH lodged with DE LA HAYE NEIGHBOURHOOD WATCH, The Executive Committee shall deal with the matter at its earliest convenience and if warranted advise the complainant in regards to its action.
- b) 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 DE LA HAYE NEIGHBOURHOOD WATCH into disrepute, depending on the merits of the case.
- c) Member(s) found to be making public statements and or addressing the media as spokesperson(s) of DE LA HAYE NEIGHBOURHOOD WATCH without the explicit authority from the Executive Committee duly mandating the member to act for and on behalf of DE LA HAYE 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.
- d) Should a member be found guilty of a criminal offence, members of DE LA HAYE 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.

11. Committees:

- a) The policy and general management of the affairs of DE LA HAYE NEIGHBOURHOOD WATCH shall be directed by the Executive Committee (EXCO) which will be supported by the Management Committee (MANCO) both of which will have the respective powers as set out in this Constitution.
- b) The Committees may decide on such rules, procedures and notice periods for the conduct of its meetings as they deem appropriate.
- c) The Committees shall meet from time to time as they consider necessary.
- d) The quorum for an Executive or Management Committee Meeting shall be at least three Executive Committee members in attendance.
- e) Minutes shall be kept by the Committees and should contain a record of all attendees, proceedings and resolutions.

- f) Each member of a Committee at a meeting shall be entitled to one 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 vote but in the case of any equality of votes the Chairperson of the meeting shall have a second or casting vote.
- g) 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(s) 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 be also be eligible for election at the meeting.
- h) The Executive Committee will co-opt members to fill any vacancies which might arise or to add to membership of the Management Committee. Members of the Management Committee will remain in office until they voluntarily step down or are requested by majority decision of the Executive Committee to step down.
- i) 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.
- j) The Committees may appoint such 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 Committees fully and promptly.
- k) The Committees may at any Committee meeting invite any person to attend such Committee 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 on the Committee.
- l) No member of either Committee shall be entitled to any remuneration for serving on such Committee but may, with the approval of the respective Committee and subject to funds being available, be entitled to reimbursement of expenses reasonably incurred on behalf of DE LA HAYE NEIGHBOURHOOD WATCH.
- m) Executive Committee shall mandate specific member(s) to address, and or make public statements, and or make public announcements, in matters pertaining to DE LA HAYE NEIGHBOURHOOD WATCH.

12. Accountability:

- a) DE LA HAYE NEIGHBOURHOOD WATCH shall be accountable to the South African Police Service in the first instance.
- b) By virtue of its registration with the local community police forums, DE LA HAYE NEIGHBOURHOOD WATCH shall be accountable secondly to the local Community Police Forums.

- c) In the absence of such community police forums, DE LA HAYE NEIGHBOURHOOD WATCH shall be accountable to the Area Community Police Board.
- d) Should the local Community Police Forums or the Area Community Police Board be found to be dysfunctional, DE LA HAYE NEIGHBOURHOOD WATCH shall be accountable to the Provincial Community Police Board.
- e) The WCPC & COFC shall be binding on DE LA HAYE NEIGHBOURHOOD WATCH and each of its members insofar as it is not in conflict with the Constitution of South Africa and the Bill of Rights.

13. Affiliation:

- a) DE LA HAYE NEIGHBOURHOOD WATCH shall be affiliated to the local Community Police Forums (CPF's) in the area in order to be recognised by the local South African Police Services responsible for the area.

14. Functions:

- a) DE LA HAYE NEIGHBOURHOOD WATCH and its members shall with regard to crime prevention operate in cooperation with the South African Police Services and the security service providers within the framework of the law.
- b) The local South African Police Services officer or reservists should, wherever possible, support DE LA HAYE NEIGHBOURHOOD WATCH patrolling members whilst out on patrol.
- c) DE LA HAYE NEIGHBOURHOOD WATCH and its members shall support the social crime prevention strategy of the South African Police Services.
- d) DE LA HAYE NEIGHBOURHOOD WATCH and its members are not substituting for the South African Police Services or security service providers.
- e) Even in light of the above, each member shall have the power of any citizen to perform a citizen's arrest.
- f) 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 the nature thereof.
- g) DE LA HAYE NEIGHBOURHOOD WATCH must strive to work in partnership with the local Community Police Forums.
- h) DE LA HAYE NEIGHBOURHOOD WATCH shall where possible initiate and implement crime prevention projects in consultation with the local Community Police Forums.
- i) DE LA HAYE 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 from. However, should DE LA HAYE 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 must be made at the meeting and or gathering in regard to the status of the DE LA HAYE NEIGHBOURHOOD WATCH's role.

- j) DE LA HAYE NEIGHBOURHOOD WATCH shall keep members informed of its activities via regular communication which can take the form of electronic or printed news items or newsletters, member's website or public meetings.

15. Logos and Letterheads:

- a) DE LA HAYE NEIGHBOURHOOD WATCH may design and use its own logo, and a letterhead complementing its stated 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 Forums and/or the South African Police Services in disrepute.
- b) DE LA HAYE NEIGHBOURHOOD WATCH may not use the same logo or letterhead similar to that of the South African Police Services.
- c) DE LA HAYE NEIGHBOURHOOD WATCH may use the logo and letterhead of the local Community Police Forums subject to obtaining written consent of the executive committee of such local Community Police Forum(s).

16. Use and Control of Funds and Assets:

- a) DE LA HAYE NEIGHBOURHOOD WATCH shall and will remain a non-profit making organisation.
- b) DE LA HAYE NEIGHBOURHOOD WATCH shall keep proper accounting records that accurately reflect all its income and expenditure, assets and liabilities.
- c) DE LA HAYE NEIGHBOURHOOD WATCH shall be permitted to acquire donations and hold fundraising campaigns for the purposes of obtaining funding to further its stated aims and objectives.
- d) Funds acquired from sources other than the government shall be controlled and administered by DE LA HAYE NEIGHBOURHOOD WATCH.
- e) If the annual income of DE LA HAYE NEIGHBOURHOOD WATCH exceeds R500 (five hundred rand), all funds shall be deposited in a bank account, with a banking institution registered and recognized by the South African Merchant Bank Act No 90 of 1994.
- f) The Executive Committee shall appoint a person(s) (who need not be a member) as a custodian of the funds and assets and equipment of DE LA HAYE NEIGHBOURHOOD WATCH.

17. Dissolution of DE LA HAYE NEIGHBOURHOOD WATCH:

- a) DE LA HAYE NEIGHBOURHOOD WATCH may be dissolved by a majority vote of members at a duly convened and constituted meeting of members. This meeting may take place under the chairperson or an independent person decided upon by the Executive Committee or of a

representative of the local Community Police Forum.

- b) DE LA HAYE NEIGHBOURHOOD WATCH 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 meeting.
- c) If dissolution is the agreed outcome of the meeting, one of the local Community Police Forums shall become the custodian of all assets, funds and documentation resorting under the control of DE LA HAYE NEIGHBOURHOOD WATCH and will deal with such in terms of the procedures set out in the relevant sections of Article 15 of WCPC & COFC.

Annexure 2 – Code of Conduct

This Code of Conduct is issued in terms of regulation 4(2)(r) of the Western Cape Community Safety Regulations, 2016, made in terms of the Western Cape Community Safety Act, 2013 (Act 3 of 2013) (the Community Safety Act). All references to a neighbourhood watch in this document must be construed as a reference to an organisation or association accredited as a neighbourhood watch in terms of the Community Safety Act.

INTRODUCTION

1. A neighbourhood watch must serve as the eyes and ears of the community it serves and must cooperate with the South African Police Service (SAPS).
2. A neighbourhood watch must assist SAPS and other safety and security services and partners to safeguard the local community and their property, to manage and control crime prevention and to discourage crime in the area.
3. This Code of Conduct is binding on all members of the neighbourhood watch and members must pledge their adherence to this Code, failing which the member's membership will be terminated.
4. This Code of Conduct regulates the relationship between members of the neighbourhood watch and members of the community and promotes exemplary conduct by members while they are serving the community as a member of the neighbourhood watch.

MEANING OF WORDS AND EXPRESSIONS

5. In this Code of Conduct a word or expression to which a meaning has been assigned in the Western Cape Community Safety Regulations, 2016 (the Community Safety Regulations), has the same meaning assigned to it in those regulations.

CONDUCT OF MEMBERS

6. A member must at all times act in accordance with the principles enshrined in the Constitution of the Republic of South Africa, 1996, and—
 - a) must act in a manner that will uphold and promote the aims and objectives of the neighbourhood watch;
 - b) must respect and protect the dignity and rights of every person in the neighbourhood, including the right to free movement;
 - c) may not discriminate unfairly against any person on the basis of language, age, gender, religion, ethnic or social origin, race, sexual orientation, disability, political persuasion or any other constitutionally protected orientation;
 - d) must act within his or her rights as a private person and not beyond those rights;
 - e) must serve the community in the area in an unbiased, apolitical and impartial manner in order to create confidence in the neighbourhood watch and build unity in a safe neighbourhood;
 - f) by pledging adherence to this Code of Conduct the member acknowledges that he or she is fully aware of the risks involved due to the nature of the task;
 - g) must refrain, as much as is reasonably possible, from placing him- or herself, fellow members, other safety and security services and partners or the police at risk;
 - h) must act in a non-violent manner and may not take the law into his or her own hands.

7. A member may not—
- a) conduct himself or herself in a manner that will bring the neighbourhood watch into disrepute;
 - b) disseminate or divulge any confidential or privileged information obtained as a result of his or her membership or obtained whilst on formal patrol, unless it is essential to do so to protect a member of the neighbourhood watch or community;
 - c) exploit his or her membership of the neighbourhood watch for his or her own personal advantage or benefit;
 - d) accept any payment, commission or gratuity in connection with his or her membership of the neighbourhood watch, except after being duly authorised to do so by the neighbourhood watch; and
 - e) be in possession of any dangerous weapon under circumstances that make him or her guilty of a contravention of section 3(1) of the Dangerous Weapon Act, 2013 (Act 15 of 2013).
8. If a member is convicted of a sexual offence or any crime involving violence or dishonesty during his or her membership, the neighbourhood watch must terminate the member's membership in terms of procedures provided in the founding document of the neighbourhood watch.

CONDUCT AND DUTIES OF MEMBERS PATROLLING

9. When a member is patrolling as a member of the neighbourhood watch, the member must—
- a) when possible, alert the police station in the area when the neighbourhood watch will be patrolling;
 - b) strive to work in partnership with the members of SAPS, municipal police service or law enforcement agencies with regard to crime prevention in the area;
 - c) obey all lawful instructions issued by members of the services mentioned in paragraph (b);
 - d) carry the identification card issued by the neighbourhood watch in accordance with regulation 4(5) of the Community Safety Regulations;
 - e) be punctual, reliable and responsible in the execution of all duties as a neighbourhood watch member;
 - f) act in the best interests of individual residents, tenants or owners of immovable property or persons with other relevant interests in the area and the neighbourhood watch, except in circumstances beyond his or her ability or to maintain personal safety;
 - g) act in accordance with official text books of the Department developed for neighbourhood watch members, including protocols for incident management, crime scene management and best practice in every circumstance;
 - h) display commitment to the best possible functioning of the neighbourhood watch and the promotion of healthy interpersonal relations; and
 - i) undertake to report any individuals, vehicles or situations suspected of being connected to crime to the control room and, where necessary, to SAPS.
10. A member's assistance to a neighbourhood watch is voluntary and therefore, when a member is using his or her private vehicle during the assistance, neither SAPS nor the neighbourhood watch can be held responsible for any damage to the vehicle caused during the rendering of the assistance.

11. Members must familiarise themselves with the law regarding the rights of private persons to arrest or perform searches, including the minimum use of force, and must at all times comply with the Criminal Procedure Act, 1977 (Act 51 of 1977).
12. Members should rather report suspected criminal behaviour to the police than personally attempt to perform an arrest.
13. No intimidation in whatever form may be used against any individuals in any neighbourhood where a neighbourhood watch patrol takes place.
14. No form of vigilantism will be accepted.
15. Where possible, the neighbourhood watch must strive to work in partnership with the community police forum and subforum for the area.
16. Where possible, the chairperson, vice-chairperson or patrol coordinator of the neighbourhood watch must regularly attend the sector meetings held by SAPS and share information at the sector meetings regarding the crime situation in the area.
17. No substance of abuse (alcohol and drugs) may be consumed before or during a patrol. A member of the Neighbourhood Watch must always conduct his or her duties, including responding to any incident or report of suspicious activity, while not being under the influence of any alcohol or drugs.

DISCIPLINARY MEASURES

18. A member who is in breach of this Code of Conduct may lose his or her membership in terms of disciplinary procedures instituted by the neighbourhood watch as provided in the founding document of the neighbourhood watch.

AMENDMENTS TO THIS CODE OF CONDUCT

Amendments to this Code of Conduct may be made as required and will be published by the Department of Community Safety.