

**CONSTITUTION OF THE SANDTON COMMUNITY POLICE FORUM (SCPF)
ALIGNED TO THAT OF GAUTENG PROVINCIAL COMMUNITY POLICE BOARD
16 OCTOBER 2010 : GERMISTON SAPS HALL**

1. INTRODUCTION

The Board is established in terms of the South African Police Service Act, No 68 of 1995, as amended and the Interim Regulations, 2001, with the aim ensure effective liaison between the South African Police Service, **Gauteng Provincial Community Police Board**, CPF Community Police Boards, Community Police Forums and **Sector Crime Forums** in Gauteng as envisaged by section 18 of the South African Police Service Act.

2. DEFINITIONS

Unless the general context requires otherwise, the following words shall bear the corresponding meanings assigned to them:

- "Act"** shall mean the South African Police Service Act, 68 of 1995, as amended, read in conjunction with the Constitution of the Republic of South Africa;
- "MEC"** shall mean the Member of the Executive Council responsible for Policing in Gauteng;
- "Board"** shall mean the Gauteng Provincial Community Police Board (GPCPB)
- Cluster** Alexandra Cluster Community Police Forum (**ACCPF**)
- "Constitution"** shall mean the GPCPB / **ACCPF** constitution, approved/adopted and or amended during an Annual General Meeting or Special General Meeting of the Board;
- "Executive Committee"** shall mean the executive committee elected by ACCPB.
- "Financial Year"** shall mean the annual period commencing on the 1 April until 31 March.
- "Interim Regulations"** shall mean the Interim Regulations of 2001 as promulgated in terms of the Act.
- "CPF"** shall mean **Community Police Forum**
- "SCF"** **Sector Crime Forum for focused Policing**
- Sub-Forum** **Level down from SAPS Station Level CPF (One or more SCF's)**
- CPF Projects** shall refer to **Victim Empowerment, Patrollers, Youth, Block Committees, Street Committees etc.**
- DCS** **Department of Community Safety**
- Cluster** **3 or more SAPS station**

3. NAME

The **Forum** will officially be known as the **Sandton Community Police Forum** (SCPF), hereafter referred to as the **SCPF**.

4. OBJECTIVES

The Objectives of the Board are the following:

- 4.1 To establish, promote and maintain public participation and private partnership between the community and the South African Police Service.
- 4.2 To promote effective communication and cooperation between the South African Police Service and the community in fulfilment of policing needs.
- 4.3 To improve transparency and accountability of the South African Police Service to the Community.
- 4.4 To ensure joint problem identification and resolution by the SAPS and the community.
- 4.5 To support and develop projects which will improve the rendering of policing Services to the community at provincial, CPF, station and **sub-forum / sector** levels.
- 4.6 To support and coordinate the programmes of **Provincial** Community Police Boards and Community Police Forums.
- 4.7 To consult with and advise the **Station Commander** or his or her delegates with regards to all matters pertaining to community policing.
- 4.8 The **SCPF** shall function within the principles contained in the Act, Interim Regulations for Community Police Forums and Boards and any other regulatory framework mentioned in this Constitution.

5. FUNCTIONS

The functions of the Board are as follows:

- 5.1 To promote the accountability of the South African Police Service to communities and encourage cooperation between communities and the South African Police Service.
- 5.2 To advise the Provincial Commissioner, **Station Commander, ACCPF, GPCPB** and the Department of Community Safety regarding local policing priorities.
- 5.3 To report results of any evaluation regarding service delivery to the community and relevant managers within the service at provincial level.
- 5.4 To facilitate the resolution of concerns, problems and complaints from **Sector Crime Forum**.
- 5.5 Inform CPF's about activities of the **DCS, ACCPF and GPCPB** and engage them in these activities
- 5.6 Promote and monitor the effective management of **SCPF**;
- 5.7 Monitor and request reports on activities of the **SCPF** and ensure the sharing of good practices;
- 5.8 Co-ordinate and support the implementation of **CPF's** community safety plans;
- 5.9 Submit quarterly reports to the **Cluster, GPCPB, MEC** and the Provincial Commissioner

6. COMPOSITION OF THE **SCPF**

The **SCPF** shall consist of:

- 6.1 **Two** representatives from each **Sector / Sub-Forum** elected by the **Community**. *(Any member of the **Sector Crime Forum / Sub-Forum Committee** is eligible to be nominated for a position in the Executive of **SCPF**).*
- 6.2 The **Station Commander or a Deputy** mandated by the **Station Commander** as Ex Officio Member (no voting power).
- 6.3 The **SCPF** may whenever it is deemed necessary, co-opt any other person(s) to serve on the **SCPF** in an advisory capacity.
- 6.4 During the AGM the **SCPF** shall further elect an agreed number of members to handle designated portfolios as may be determined by the **SCPF**.
- 6.5 Heads of other SAPS units, other government departments and local government may be invited as and when deemed necessary by the **SCPF**.

6.1 ANNUAL GENERAL MEETING

- 6.2 An Annual General Meeting shall be held each year within three months after the end of the financial year, with a view to approving the minutes of the preceding annual general meeting, the certified financial report and to consider the keynote address of the chairperson and the annual report of the secretary.
- 6.3 The secretary shall, in writing, give notice to all members of an annual general meeting at least 30 days prior to the date of the meeting.

7. TERMS OF OFFICE

The term of office in the **SCPF** is determined in respect of:

- 7.1 Elected Executive members and members of the **SCPF** – a period of five years aligned to GCPB.

8. ELECTION OF THE EXECUTIVE COMMITTEE

8.1 The **SCPF** shall elect an Executive Committee during its first meeting, **assisted by the DCS Delegate (the Cluster will guide);**

9.2 The members of the executive shall be the following office bearers:

- 9.2.1 Chairperson
- 9.2.2 Deputy Chairperson
- 9.2.3 Secretary
- 9.2.4 Deputy Secretary
- 9.2.5 Treasurer
- 9.2.6 Public Relations Officer
- 9.2.7 The person(s) designated by the Department of Community Safety shall oversee the electoral

- process.
- 9.3 The electoral process for the **SCPF** shall, as far as possible, be sensitive towards gender representivity. In the event that the democratic process does not result in the adequate representation of both genders, the **SCPF** may co-opt members to address such representation.

10. FUNCTIONING OF THE EXECUTIVE COMMITTEE

10.1 Administrative Support

The executive committee will have the power to manage and control the affairs of the **SCPF**, including the power and authority to attend to any matter that could or might be attended to by the **SCPF**, except where a matter is specifically reserved in this constitution to be dealt with by a general meeting of the members of the **SCPF**.

An administrator, designated by the South African Police Service, may be appointed to assist the executive committee in the administrative management of the **SCPF**.

10.2 Committee Decisions

The Executive Committee shall report to the **SCPF** on a quarterly basis and that the **SCPF** shall have the power to convene an extra-ordinary elective AGM in the event that it has lost confidence in the Executive Committee;

Without limiting the powers and authority of the executive committee, the committee will have the following decision- making powers;

To pass any resolution or take any decision, that may be necessary or expedient in order to achieve the objects of the **SCPF**, provided that the executive committee may not pass a resolution or take a decision that is inconsistent with this constitution, or any resolutions or decisions of a general meeting of the **SCPF** taken prior to the date of the resolution or decision by the executive committee.

10.3 Establishment of sub committees

The **SCPF** shall form or appoint sub-committees for designated Portfolios as may be determined e.g. youth, community patrollers, victim empowerment, crime etc.)

10.4 Financial Management

The Executive Committee shall:

10.4.1 In each financial year, cause the accounting records of the **SCPF** to be certified in accordance with generally accepted accounting practices and as a true reflection of the income, expenditure, assets and liabilities of the **SCPF** by a duly appointed accounting officer (as contemplated in section 60 of the close Corporations Act, 1984 (Act No. 69 of 1984))

10.4.2 Appoint one or more persons, who need not be a member(s) of the **SCPF**, to take charge of and administer any funds of the **SCPF**.

10.4.3 Institute, conduct, defend, oppose, settle or abandon any legal proceedings by and against the **SCPF**, or otherwise concerning the affairs of the **SCPF** and also to settle and allow time for payment in satisfaction of any debts due, and of any claims or demands by or against the **SCPF**.

10.4.4 invest, re-invest and deal with any moneys of the **SCPF**, not immediately required for the purpose of the **SCPF**, upon such securities and on such terms as it may deem fit, and from time to time to vary or realise such investments

10.4.5 sell, lease, alienate or otherwise dispose of part of the movable or immovable properties of the **SCPF**, as it may think most beneficial to the **SCPF**, and to apply the consideration arising there from as it may think most advantageous to the **SCPF**.

10.4.6 purchase, hire or take in exchange or otherwise acquire any movable or immovable property or

rights for the **SCPF**, and to sell, dispose of, turn to account or otherwise deal with all or any of the movable property or rights of the **SCPF**.

10.4.7 utilise the assets and funds of the board for the objects of the **SCPF**, as set out in this constitution and

10.4.8 do all such other things as may be necessary for the proper carrying out of the objects of the board.

10.5 Removal from office

An executive committee member shall cease to hold office as such if he or she:

10.5.1 Resigns his or her office by notice in writing to the **SCPF**.

10.5.2 Is convicted of a criminal offence while in office;

10.5.3 Is absent from three (3) consecutive meetings of the executive committee without just or reasonable cause given to the executive committee

10.5.4 The executive committee shall have the right to co-opt any member of the **SCPF** into the Executive Committee for a period of no longer than 90 days to fill the vacancy; a special election shall be held within 90 days;

10.5.6 The **SCPF** may, at a meeting of the **SCPF** specifically convened for that purpose, remove any executive committee member from office before the expiry of his/her term of office and elect another member in his/her place.

10.5.7 The removal of an Executive Committee member from office in terms of the above provision shall be possible only if at least 75% of the members of the **SCPF** vote in favour of it.

11 LEGAL STATUS AND ASSETS OF THE SCPF.

11.1 The **SCPF** is a distinct and separate legal entity with the power to acquire, to hold and to alienate property of every description whatsoever and with the capacity to acquire rights and obligations and having perpetual succession.

11.2 The **SCPF** is and will be a juristic person and can act and be acted against in its own name.

11.3 The property and funds of the **SCPF** vest in the **SCPF** as a juristic person and no member of the **SCPF** will be liable for the debts of the **SCPF**.

11.4 All assets of the **SCPF** of whatsoever nature will be applied solely towards the promotion of its objects, and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise however, to the members of the **SCPF**; Provided that nothing herein contained shall prevent the payment in good faith of reasonable remuneration to any member for any service actually rendered to the **SCPF**.

11.5 Any act or deed carried out by any member of the **SCPF** or the Executive Committee pursuant to any power being conferred to such member by the **SCPF** shall, once the same has been carried out pursuant thereto, not be invalidated by any subsequent meeting or decision of the board; Provided that the **SCPF** in this sole and absolute discretion, is satisfied that any act or deed was not performed:

11.5.1 in a grossly negligent manner;

11.5.2 Outside the power conferred upon such person or individual or body under the constitution or

11.5.3 Outside of such powers as have been determined by the **SCPF** either in Executive Committee **SCPF**, annual general meeting or special general meeting.

12. DUTIES OF OFFICE BEARERS

12.1 The chairperson must:

12.1.1 Preside over meetings of the **SCPF**

12.1.2 Ensure execution of all decisions of the executive committee and the **SCPF**

12.1.3 Represent the **SCPF** as and when it is necessary;

12.1.4 Report regularly on the functioning of the **SCPF** to the Provincial Commissioner and the

Department of Community Safety and provide feedback and directives received to the SCPF;
12.1.5 Render reports reflective of the activities of the work of the SCPF; and
12.1.6 Supervise all work of the SCPF in conformity with the constitution, the relevant legislation and procedures agreed upon by the SCPF.

12.2 The deputy chairperson must:

11.2.1 In the absence of the Chairperson, act as the chairperson;
11.2.2 The deputy chairperson shall, in conjunction with the treasurer, ensure that the funds of the SCPF are administered in accordance with the policy of the SCPF, prepare and circulate the annual report of the activities of the SCPF which will include the audited finance report.

12.3 The secretary must:

12.3.1 Take and compile the minutes in accordance with the provisions of this constitution;
12.3.2 Receive and dispatch correspondence to and from the SCPF;
12.3.3 Arrange all meetings in accordance with the meeting's procedure;
12.3.4 Keep originals of letters received and copies of letters dispatched and correspondence;
12.3.5 Perform official administrative functions normally associated with the office of the secretary and
12.3.6 Further the interests of the SCPF, as directed by the executive committee.

12.4 The Deputy Secretary must

12.4.1 In the absence of the secretary, act as the secretary
12.4.2 Together with the PRO develop and manage the public relations of the SCPF

12.5 The treasurer must

12.5.1 Be responsible for the finances of the SCPF and ensure strict compliance with generally accepted accounting procedures;
12.5.2 Together with another designated member of the SCPF, operate a banking account on behalf of the SCPF
12.5.3 Keep books of account and other records necessary to clearly reflect the financial position of the SCPF
12.5.4 Table a financial report at every general meeting of the SCPF and annual financial report and budget at every annual general meeting.

12.6 The public relations officer must:

12.6.1 Act as liaison between the SCPF and the media
12.6.2 Promote co-operation between the SCPF and the community and
12.6.3 Promote awareness of community policing.

13. DECISION MAKING PROCEDURES

13.1 Each member of the SCPF shall be entitled to a single vote.
13.2 The SCPF shall, as far as reasonably possible, reach decisions by consensus. If consensus cannot be achieved, the SCPF shall vote on the matter.
13.3 The chairperson has a deliberative vote but must cast a deciding vote when there are an equal number of votes on each side of the question.
13.4 Voting during general annual and special meetings will be by a show of hands.
13.5 Voting during the election of the executive committee will be by ballot paper, the ballot paper shall be drawn up by an independent electoral body.

14. RECORD MANAGEMENT

The Secretary shall cause:

14.1 A record to be kept of the members of the executive committee present at any meeting and minutes to be kept of all resolutions taken and all proceedings at such a meeting
14.2 Minutes to be kept of all resolutions taken by the SCPF to be adopted by the SCPF prior the

signature of the chairperson and secretary shall be *Prima facie evidence* of the matters therein stated.

14.3 A resolution, in writing, which is signed by all the members of the executive committee and inserted in the minute book of the executive committee, shall be as valid and effective as if passed at a meeting of the executive committee. Any such resolution may consist of several documents in the same form, each of which is signed by one or more of the members of the executive committee and shall be deemed (unless the contrary appears from the resolution) to have been passed on the date it was signed by the last member of the executive committee entitled to sign it.

15. MEETINGS OF THE SCPF

15.1 The Executive Committee shall meet at least once a month

15.2 The SCPF shall meet once each quarter or as determined by the SCPF.

15.3 The SCPF shall determine its own procedures and shall conduct its meetings with equality of opportunity and fairness.

15.4 The persons indicated in sub-paragraphs 15.3 and SCPF SCPF chairpersons must attend the SCPF meetings.

15.5 Apart from the sub-paragraphs 15.3 and 15.4 persons, the SCPF may extend invitations to any internal or external role player to attend the annual general meeting.

15.6 The SCPF may once a year convene a broad SCPF meeting where the executive committees of all the SCPF Community Police SCPFs also attend.

15.7 The SCPF may also once a year convene an extended broader SCPF meeting where the chairpersons of all the Community Police Forums also attend.

15.8 Minutes and other documents of meetings must be distributed within 7 working days after receipt.

15.9 Year planner with all meetings should be circulated to all members of the Executive Committee.

15.10 The Chairperson of the SCPF shall convene a special meeting SCPF meeting when requested by at least 50% of the SCPF members and the notice for such meeting must include the agenda.

16. NOTICE OF MEETINGS

16.1 The secretary shall, in writing, give notice to all members of executive meetings at least 7 days prior to the date of the meeting concerned.

16.2 The secretary shall, in writing, give notice to all members, of a special general meeting at least 30 days prior to the date of the meeting. The notice shall include the Agenda for such special meeting and the purpose.

17. QUORUM

17.1 During all meetings a quorum will be constituted by the presence of 50% plus one of all SCPF members plus one.

17.2 Should the SCPF members present at a meeting not form a quorum, the meeting shall be adjourned and reconvened within seven days.

18. CORRESPONDENCE

18.1 All documents and correspondence on behalf of the SCPF shall be signed by the secretary or deputy secretary or a duly authorised person.

18.2 Notwithstanding the diversity of languages in the Republic of South Africa, English, where appropriate, shall be the medium of communication.

19. CODE OF CONDUCT AND DISCIPLINARY PROCEDURES

19.1 The SCPF shall adopt a code of conduct and disciplinary procedures which shall become annexures to this Constitution.

19.2 All SCPF members shall undergo a security clearance which shall be carried out by the Local Criminal Records Centre (LCRC).

20. DISPUTE RESOLUTION

20.1 The resolution of disputes relating to the SCPF which cannot be resolved by the Provincial Commissioner in consultation with the MEC, shall be dealt with in terms of paragraph 14 (3) of the 2001 Interim Regulations.

21. DISSOLUTION OF THE SCPF

21.1 The **SCPF Commander** and **GPCPB** may dissolve the SCPF, with reasons, and put in place an interim statutory structure, subject to the direction of MEC and **GPCPB**. An AGM must be held within 90 days to elect a new SCPF

21.2 In the event of the SCPF being dissolved in terms of clause 21.1 the statutory interim structure will manage the assests and liabilities of the SCPF.

22. AMENDMENTS TO THE CONSTITUTION

22.1 The constitution of the SCPF can only be amended during an annual general meeting or Special General Meeting **called by GPCPB where all Gauteng SAPS stations are invited;**

22.2 Intention to amend the constitution, as well as the proposed amendments, must be circulated to all members of the SCPF **and Gauteng SAPS Stations** at least 21 days prior to the meeting;

22.3 The Constitution can only be amended by a two-thirds majority of the required quorum for an annual general meeting.

23. ELIGIBILITY TO BE IN THE EXECUTIVE OF THE SCPF

23.1 All SCPF members in good standing shall be eligible to be voted into the executive of the SCPF;

23.2 The following cannot hold elected positions in the SCPF:

23.2.1 Employees of Law Enforcement Agencies including but not limited to the SAPS, SANDF, Metro Police and Correctional Services.

23.2.2 SAPS Reservists;

23.2.3 People with a criminal record;

23.2.4 Owners and employees of security companies;

23.2.5 People who are not RSA citizens;

23.2.6 No person under the age of 18.

23.2.7 People holding political positions and responsibilities in public office.

23.2.8 Employees of the Provincial Secretariat responsible for police oversight

24. APPROVAL OF THE CONSTITUTION

This Constitution is adopted at Germiston **by Gauteng's 135 Station SCPF's, 22 SCPFs** on the 16th of October 2010 **and Aligned to SCPF, Station SCPF and Sector Crime Forum/Sub-Forum level.**

CHAIRPERSON OF THE GPCPB /
ACCPF / SCPF

PROVINCIAL COMMISISONER: GAUTENG

WITNESS 1
(HOD : Community Safety)

WITNESS 2
(DPC TS Mpembe)

ANNEXURE A

CODE OF CONDUCT

1. Members of the SCPF and its structures shall not promote any party politics when dealing with SCPF matters.
2. Members must not use any abusive language or make sexist or racist remarks
3. No member shall utilize the SCPF or SAPS logo or emblem for personal or private gain.
4. Members of the SAPS working with the SCPF shall behave and act in a manner that promote community police relations and, if such members are expected to carry out duties which will enable the SCPF to perform its function, do so without fail.
5. Members of the SCPF shall agree to have their fingerprints taken for the purpose of security clearance.
6. Members of the SCPF must declare any conflict of interest and not participate on matters where there is a conflict of interest.
7. Members must behave in a diplomatic, professional, controlled and dignified manner when dealing with each other and with the general public.
8. SCPF members and members of the Service shall not be actively involved in SCPF and SCPF matters whilst under the influence of liquor, drugs and all other illegal intoxicating substances.
9. Members of the SCPF and Service shall not abuse their positions to bring the SCPF and its sub structures into disrepute.
10. Any member who contravenes the Code of Conduct and SCPF Constitution shall be dealt with in accordance with the disciplinary process referred to in annexure C and may be suspended pending a disciplinary hearing.

ANNEXURE B

MISCONDUCT

1. Misuse of organizations property.
2. Disclosing confidential information of the SCPF to the public, individuals or institutions without the prior written consent of the Executive.
3. Refusal to carry out instructions of the SCPF or any office bearer acting on behalf of the SCPF.
4. Drinking liquor and being under the influence of liquor or any intoxicating substance whilst performing duties of the SCPF.
5. Acting in a manner that exposes the SCPF members to a dangerous environment and or criminals.
6. Intentionally disregarding the constitution and direction provided by leadership of the SCPF.
7. Sabotaging activities of the SCPF.
8. Theft, fraud, insults or use of inappropriate language against members of the SCPF and the Community.
9. Refusal to execute tasks enabling the SCPF to function efficiently and effectively.
10. Acting in a manner that disrupts the activities, programmes and projects of the SCPF.
11. Using the SCPF to advance personal political interests.

ANNEXURE C

DISCIPLINARY PROCEDURE

1. A disciplinary Committee shall be established to address a reported misconduct.
2. The accused person shall be afforded a fair hearing by being informed of charges against him/her and be afforded an opportunity to state his/her case and appoint a representative of his own choice within the SCPF.
3. Outside or external legal representation shall not be allowed whilst the matter is being dealt with internally.
4. A disciplinary committee will consist of two executive committee members, one SAPS member, one member of the forum or SCPF who does not serve on the executive. committee.
5. The disciplinary committee may hear and decide on the matter or refer the matter to the higher level if it is of the view that the matter is beyond its jurisdiction.
6. The DC may take the following decisions: reprimand the accused person, suspend, expel or order any of the penalties as stipulated under the penalties clause.
7. The accused person has the right to appeal to the next, higher level structure, and shall file a notice of appeal within five days after judgment.
8. The disciplinary hearing can take place in the absence of the accused person in the event that the DC is satisfied that the accused person was properly informed and no valid excuse for the absence was tendered.

Should a member of the SAPS commit any misconduct, the matter shall be dealt with through SAPS disciplinary procedure and the relevant Station or Area Commissioner shall institute such an action.

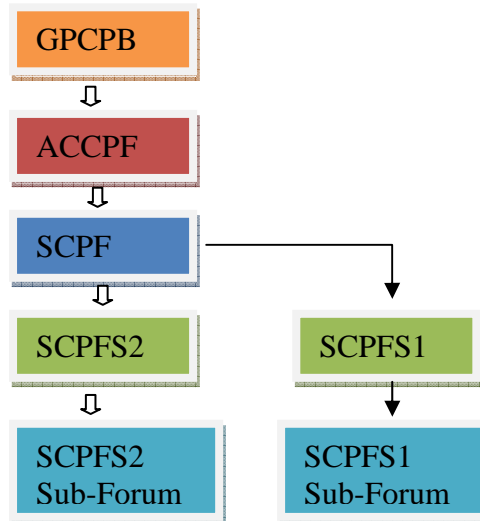
ANNEXURE D

PENALTIES

1. Warning (Verbal or Written)
2. Suspension
3. Expulsion
4. Refund or Payback (in cases of theft or fraud)
5. Laying of a criminal charge against the accused member.
6. Instituting a civil claim against the accused member
7. Some of the penalties may be imposed simultaneously

ANNEXURE- E

STRUCTURE



SANDTON COMMUNITY POLICE FORUM, SECTOR 2 CRIME FORUM CONSTITUTION
ALIGNED TO THAT OF GAUTENG PROVINCIAL COMMUNITY POLICE BOARD
16 OCTOBER 2010 : GERMISTON SAPS HALL

1. INTRODUCTION

The Board is established in terms of the South African Police Service Act, No 68 of 1995, as amended and the Interim Regulations, 2001, with the aim ensure effective liaison between the South African Police Service, Gauteng Provincial Community Police Board, SS2CF Community Police Boards, Community Police Forums and Sector Crime Forums in Gauteng as envisaged by section 18 of the South African Police Service Act.

2. DEFINITIONS

Unless the general context requires otherwise, the following words shall bear the corresponding meanings assigned to them:

"Act"	shall mean the South African Police Service Act, 68 of 1995, as amended, read in conjunction with the Constitution of the Republic of South Africa;
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Cluster	Alexandra Cluster Community Police Forum (ACCPF)
"Constitution"	shall mean the GPCPB / ACCPF constitution, approved/adopted and or amended during an Annual General Meeting or Special General Meeting of the Board;
"Executive Committee"	shall mean the executive committee elected by ACCPB.
"Financial Year"	shall mean the annual period commencing on the 1 April until 31 March.
"Interim Regulations"	shall mean the Interim Regulations of 2001 as promulgated in terms of the Act.
"CPF"	shall mean Community Police Forum
"SCF"	Sector Crime Forum for focused Policing
Sub-Forum	Level down from SAPS Station Level CPF (One or more SCF's)
CPF Projects	shall refer to Victim Empowerment, Patrollers, Youth, Block Committees, Street Committees etc.
DCS Cluster	Department of Community Safety 3 or more SAPS station

3. NAME

The Forum will officially be known as the SANDTON Community Police Forum, Sector 2 Crime Forum (SS2CF), hereafter referred to as the SS2CF.

4. OBJECTIVES

The Objectives of the SS2CF are the following:

- 4.1 To establish, promote and maintain public participation and private partnership between the community and the South African Police Service.
- 4.2 To promote effective communication and cooperation between the South African Police Service and the community in fulfilment of policing needs.
- 4.3 To improve transparency and accountability of the South African Police Service to the Community.
- 4.4 To ensure joint problem identification and resolution by the SAPS and the community.
- 4.5 To support and develop projects which will improve the rendering of policing Services to the community at provincial, SS2CF, station and sub-forum / sector levels.
- 4.6 To support and coordinate the programmes of Provincial Community Police Boards and Community Police Forums.

- 4.7 To consult with and advise the Station Commander or his or her delegates with regards to all matters pertaining to community policing.
- 4.8 The SS2CF shall function within the principles contained in the Act, Interim Regulations for Community Police Forums and Boards and any other regulatory framework mentioned in this Constitution.

5. FUNCTIONS

The functions of the SS2CF are as follows:

- 5.1 To promote the accountability of the South African Police Service to communities and encourage cooperation between communities and the South African Police Service.
- 5.2 To advise the Sector Manager, Station Commander, CPF, ACCPF, GPCPB, Provincial Commissioner and the Department of Community Safety regarding local policing priorities.
- 5.3 To report results of any evaluation regarding service delivery to the community and relevant managers within the service at provincial level.
- 5.4 To facilitate the resolution of concerns, problems and complaints from, Sector-Sub-Forum (Suburb Block Committee, Street Committee etc).
- 5.5 Inform Communities about activities of the SSS2CF, DCS, ACSS2CF and GPCPB and engage them in these activities
- 5.6 Promote and monitor the effective management of SS2CF;
- 5.7 Monitor and request reports on activities of the SS2CF's and ensure the sharing of good practices;
- 5.8 Co-ordinate and support the implementation of SS2CF's community safety plans;
- 5.9 Submit quarterly reports to the Sector Manager, SS2CF, Cluster, GPCPB, MEC and the Provincial Commissioner

6. COMPOSITION OF THE SS2CF

The SS2CF shall consist of:

- 6.1 Two representatives from each Sub-Sector Crime Forum / Suburb /Gated Community etc elected by the Community. *(Any member of the Sector Crime Forum / Sub-Forum Committee is eligible to be nominated for a position in the Executive of SS2CF).*
- 6.2 The Sector Manager or a Deputy mandated by the Station Commander as Ex Officio Member (no voting power).
- 6.3 The SS2CF may whenever it is deemed necessary, co-opt any other person(s) to serve on the SS2CF in an advisory capacity.
- 6.4 During the AGM the SS2CF shall further elect an agreed number of members to handle designated portfolios as may be determined by the SS2CF.
- 6.5 Heads of other SAPS units, other government departments and local government may be invited as and when deemed necessary by the SS2CF in consultation with the CPF.

7. ANNUAL GENERAL MEETING (SS2CF).

- 7.1 An Annual General Meeting shall be held each year within three months after the end of the financial year, with a view to approving the minutes of the preceding annual general meeting, the certified financial report and to consider the keynote address of the chairperson and the annual report of the secretary.
- 7.2 The secretary shall, in writing, give notice to all members of an annual general meeting at least 30 days prior to the date of the meeting.

8. TERMS OF OFFICE

The term of office in the SS2CF is determined in respect of:

- 8.1 Elected Executive members and members of the SS2CF – a period of five years aligned to GCPB.

9. ELECTION OF THE EXECUTIVE COMMITTEE

- 9.1 The SS2CF shall elect an Executive Committee during its first meeting, assisted by the DCS Delegate (the CPF will guide);
- 9.2 The members of the executive shall be the following office bearers:
- 9.2.1 Chairperson
 - 9.2.2 Deputy Chairperson
 - 9.2.3 Secretary
 - 9.2.4 Deputy Secretary
 - 9.2.5 Treasurer
 - 9.2.6 Public Relations Officer
 - 9.2.7 The person(s) designated by the Department of Community Safety shall oversee the electoral process.
- 9.3 The electoral process for the SS2CF shall, as far as possible, be sensitive towards gender representivity. In the event that the democratic process does not result in the adequate representation of both genders, the SS2CF may co-opt members to address such representation.

10. FUNCTIONING OF THE EXECUTIVE COMMITTEE

10.1 Administrative Support

The executive committee will have the power to manage and control the affairs of the SS2CF, including the power and authority to attend to any matter that could or might be attended to by the SS2CF, except where a matter is specifically reserved in this constitution to be dealt with by a general meeting of the members of the SS2CF.

An administrator, designated by the South African Police Service, may be appointed to assist the executive committee in the administrative management of the SS2CF.

10.2 Committee Decisions

The SS2CF Executive Committee shall report to the SS2CF on a quarterly basis and that the SS2CF shall have the power to convene an extra-ordinary elective AGM in the event that it has lost confidence in the SS2CF Executive Committee;

Without limiting the powers and authority of the SS2CF executive committee, the committee will have the following decision- making powers;

To pass any resolution or take any decision, that may be necessary or expedient in order to achieve the objects of the SS2CF, provided that the SS2CF executive committee may not pass a resolution or take a decision that is inconsistent with this constitution, or any resolutions or decisions of a general meeting of the SS2CF taken prior to the date of the resolution or decision by the executive committee.

10.3 Establishment of sub committees

The SS2CF shall form or appoint sub-committees for designated Portfolios as may be determined e.g. youth, community patrollers, victim empowerment, crime etc.)

10.4 Financial Management (Administered by Station CPF Executive for Accountability)

The SS2CF Executive Committee shall:

10.4.1 In each financial year, cause the accounting records of the SS2CF to be certified in accordance with generally accepted accounting practices and as a true reflection of the income, expenditure, assets and liabilities of the SS2CF by a duly appointed accounting officer (as contemplated in section 60 of the close Corporations Act, 1984 (Act No. 69 of 1984))

10.4.2 Appoint one or more persons, who need not be a member(s) of the SS2CF, to take charge of and administer any funds of the SS2CF.

- 10.4.3 Institute, conduct, defend, oppose, settle or abandon any legal proceedings by and against the SS2CF, or otherwise concerning the affairs of the SS2CF and also to settle and allow time for payment in satisfaction of any debts due, and of any claims or demands by or against the SS2CF.
- 10.4.4 invest, re-invest and deal with any moneys of the SS2CF, not immediately required for the purpose of the SS2CF, upon such securities and on such terms as it may deem fit, and from time to time to vary or realise such investments
- 10.4.5 sell, lease, alienate or otherwise dispose of part of the movable or immovable properties of the SS2CF, as it may think most beneficial to the SS2CF, and to apply the consideration arising there from as it may think most advantageous to the SS2CF.
- 10.4.6 purchase, hire or take in exchange or otherwise acquire any movable or immovable property or rights for the SS2CF, and to sell, dispose of, turn to account or otherwise deal with all or any of the movable property or rights of the SS2CF.
- 10.4.7 utilise the assets and funds of the board for the objects of the SS2CF, as set out in this constitution and
- 10.4.8 do all such other things as may be necessary for the proper carrying out of the objects of the board.

10.5 Removal from office

A committee member shall cease to hold office as such if he or she:

- 10.5.1 Resigns his or her office by notice in writing to the SS2CF.
- 10.5.2 Is convicted of a criminal offence while in office;
- 10.5.3 Is absent from three (3) consecutive meetings of the executive committee without just or reasonable cause given to the executive committee
- 10.5.4 The executive committee shall have the right to co-opt any member of the SS2CF into the Executive Committee for a period of no longer than 90 days to fill the vacancy; a special election shall be held within 90 days;
- 10.5.6 The SS2CF may, at a meeting of the SS2CF specifically convened for that purpose, remove any executive committee member from office before the expiry of his/her term of office and elect another member in his/her place.
- 10.5.7 The removal of an Executive Committee member from office in terms of the above provision shall be possible only if at least 75% of the members of the SS2CF vote in favour of it.

11 LEGAL STATUS AND ASSETS OF THE SS2CF.

- 11.1 The SS2CF is a distinct and separate legal entity with the power to acquire, to hold and to alienate property of every description whatsoever and with the capacity to acquire rights and obligations and having perpetual succession.
- 11.2 The SS2CF is and will be a juristic person and can act and be acted against in its own name.
- 11.3 The property and funds of the SS2CF vest in the SS2CF as a juristic person and no member of the SS2CF will be liable for the debts of the SS2CF.
- 11.4 All assets of the SS2CF of whatsoever nature will be applied solely towards the promotion of its objects, and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise however, to the members of the SS2CF; Provided that nothing herein contained shall prevent the payment in good faith of reasonable remuneration to any member for any service actually rendered to the SS2CF.

- 11.5 Any act or deed carried out by any member of the SS2CF or the Executive Committee pursuant to any power being conferred to such member by the SS2CF shall, once the same has been carried out pursuant thereto, not be invalidated by any subsequent meeting or decision of the board; Provided that the SS2CF in this sole and absolute discretion, is satisfied that any act or deed was not performed:
- 11.5.1 in a grossly negligent manner;
 - 11.5.2 Outside the power conferred upon such person or individual or body under the constitution or
 - 11.5.3 Outside of such powers as have been determined by the SS2CF either in Executive Committee SS2CF, annual general meeting or special general meeting.

12. DUTIES OF OFFICE BEARERS

12.1 The chairperson must:

- 12.1.1 Preside over meetings of the SS2CF
- 12.1.2 Ensure execution of all decisions of the executive committee and the SS2CF
- 12.1.3 Represent the SS2CF as and when it is necessary;
- 12.1.4 Report regularly on the functioning of the SS2CF to the CPF, Station Commander, Provincial Commissioner and the Department of Community Safety and provide feedback and directives received to the SS2CF;
- 12.1.5 Render reports reflective of the activities of the work of the SS2CF; and
- 12.1.6 Supervise all work of the SS2CF in conformity with the constitution, the relevant legislation and procedures agreed upon by the SS2CF.

12.2 The deputy chairperson must:

- 11.2.1 In the absence of the Chairperson, act as the chairperson;
- 11.2.2 The deputy chairperson shall, in conjunction with the treasurer, ensure that the funds of the SS2CF are administered in accordance with the policy of the SS2CF, prepare and circulate the annual report of the activities of the SS2CF which will include the audited finance report.

12.3 The secretary must:

- 12.3.1 Take and compile the minutes in accordance with the provisions of this constitution;
- 12.3.2 Receive and dispatch correspondence to and from the SS2CF;
- 12.3.3 Arrange all meetings in accordance with the meeting's procedure;
- 12.3.4 Keep originals of letters received and copies of letters dispatched and correspondence;
- 12.3.5 Perform official administrative functions normally associated with the office of the secretary and
- 12.3.6 Further the interests of the SS2CF, as directed by the executive committee.

12.4 The Deputy Secretary must

- 12.4.1 In the absence of the secretary, act as the secretary
- 12.4.2 Together with the PRO develop and manage the public relations of the SS2CF

12.5 The treasurer must

- 12.5.1 Be responsible for the finances of the SS2CF and ensure strict compliance with generally accepted accounting procedures;
- 12.5.2 Together with another designated member of the SS2CF, operate a banking account on behalf of the SS2CF
- 12.5.3 Keep books of account and other records necessary to clearly reflect the financial position of the SS2CF
- 12.5.4 Table a financial report at every general meeting of the SS2CF and annual financial report and budget at every annual general meeting.

12.6 The public relations officer must:

- 12.6.1 Act as liaison between the SS2CF and the media
- 12.6.2 Promote co-operation between the SS2CF and the community and
- 12.6.3 Promote awareness of community policing.

13. DECISION MAKING PROCEDURES

- 13.1 Each member of the SS2CF shall be entitled to a single vote.
- 13.2 The SS2CF shall, as far as reasonably possible, reach decisions by consensus. If consensus cannot be achieved, the SS2CF shall vote on the matter.
- 13.3 The chairperson has a deliberative vote but must cast a deciding vote when there are an equal number of votes on each side of the question.
- 13.4 Voting during general annual and special meetings will be by a show of hands.
- 13.5 Voting during the election of the executive committee will be by ballot paper, the ballot paper shall be drawn up by an independent electoral body.

14. RECORD MANAGEMENT

The Secretary shall cause:

- 14.1 A record to be kept of the members of the executive committee present at any meeting and minutes to be kept of all resolutions taken and all proceedings at such a meeting
- 14.2 Minutes to be kept of all resolutions taken by the SS2CF to be adopted by the SS2CF prior the signature of the chairperson and secretary shall be *Prima facie evidence* of the matters therein stated.
- 14.3 A resolution, in writing, which is signed by all the members of the executive committee and inserted in the minute book of the executive committee, shall be as valid and effective as if passed at a meeting of the executive committee. Any such resolution may consist of several documents in the same form, each of which is signed by one or more of the members of the executive committee and shall be deemed (unless the contrary appears from the resolution) to have been passed on the date it was signed by the last member of the executive committee entitled to sign it.

15. MEETINGS OF THE SS2CF

- 15.1 The Executive Committee shall meet at least once a month
- 15.2 The SS2CF shall meet once each quarter or as determined by the SS2CF.
- 15.3 The SS2CF shall determine its own procedures and shall conduct its meetings with equality of opportunity and fairness.
- 15.4 The persons indicated in sub-paragraphs 15.3 and SS2CF SS2CF chairpersons must attend the SS2CF meetings.
- 15.5 Apart from the sub-paragraphs 15.3 and 15.4 persons, the SS2CF may extend invitations to any internal or external role player to attend the annual general meeting.
- 15.6 The SS2CF may once a year convene a broad SS2CF meeting where the executive committees of all the SS2CF Community Police SS2CFs also attend.
- 15.7 The SS2CF may also once a year convene an extended broader SS2CF meeting where the chairpersons of all the Community Police Forums also attend.
- 15.8 Minutes and other documents of meetings must be distributed within 7 working days after receipt.
- 15.9 Year planner with all meetings should be circulated to all members of the Executive Committee.
- 15.10 The Chairperson of the SS2CF shall convene a special meeting SS2CF meeting when requested by at least 50% of the SS2CF members and the notice for such meeting must include the agenda.

16. NOTICE OF MEETINGS

- 16.1 The secretary shall, in writing, give notice to all members of executive meetings at least 7 days prior to the date of the meeting concerned.

16.2 The secretary shall, in writing, give notice to all members, of a special general meeting at least 30 days prior to the date of the meeting. The notice shall include the Agenda for such special meeting and the purpose.

17. QUORUM

17.1 During all meetings a quorum will be constituted by the presence of 50% plus one of all SS2CF members plus one.

17.2 Should the SS2CF members present at a meeting not form a quorum, the meeting shall be adjourned and reconvened within seven days.

18. CORRESPONDENCE

18.1 All documents and correspondence on behalf of the SS2CF shall be signed by the secretary or deputy secretary or a duly authorised person.

18.2 Notwithstanding the diversity of languages in the Republic of South Africa, English, where appropriate, shall be the medium of communication.

19. CODE OF CONDUCT AND DISCIPLINARY PROCEDURES

19.1 The SS2CF shall adopt a code of conduct and disciplinary procedures which shall become annexures to this Constitution.

19.2 All SS2CF members shall undergo a security clearance which shall be carried out by the Local Criminal Records Centre (LCRC).

20. DISPUTE RESOLUTION

20.1 The resolution of disputes relating to the SS2CF which cannot be resolved by the Provincial Commissioner in consultation with the MEC, shall be dealt with in terms of paragraph 14 (3) of the 2001 Interim Regulations.

21. DISSOLUTION OF THE SS2CF

21.1 The SS2CF Commander and GPCPB may dissolve the SS2CF, with reasons, and put in place an interim statutory structure, subject to the direction of MEC and GPCPB. An AGM must be held within 90 days to elect a new SS2CF

21.2 In the event of the SS2CF being dissolved in terms of clause 21.1 the statutory interim structure will manage the assets and liabilities of the SS2CF.

22. AMENDMENTS TO THE CONSTITUTION

22.1 The constitution of the SS2CF can only be amended during an annual general meeting or Special General Meeting called by GPCPB where all Gauteng SAPS stations are invited;

22.2 Intention to amend the constitution, as well as the proposed amendments, must be circulated to all members of the SS2CF and Gauteng SAPS Stations at least 21 days prior to the meeting;

22.3 The Constitution can only be amended by a two-thirds majority of the required quorum for an annual general meeting.

23. ELIGIBILITY TO BE IN THE EXECUTIVE OF THE SS2CF

23.1 All SS2CF members in good standing shall be eligible to be voted into the executive of the SS2CF;

23.2 The following cannot hold elected positions in the SS2CF:

23.2.1 Employees of Law Enforcement Agencies including but not limited to the SAPS, SANDF, Metro Police and Correctional Services.

23.2.2 SAPS Reservists;

23.2.3 People with a criminal record;

23.2.4 Owners and employees of security companies;

23.2.5 People who are not RSA citizens;

23.2.6 No person under the age of 18.

23.2.7 People holding political positions and responsibilities in public office.

23.2.8 Employees of the Provincial Secretariat responsible for police oversight

24. APPROVAL OF THE CONSTITUTION

This Constitution is adopted at Germiston by Gauteng's 135 Station CPF's, 22 Clusters on the 16th of October 2010 and Aligned to Cluster, Station CPF's and Sector Crime Forum/Sub-Forum level.

CHAIRPERSON OF THE GPCPB /
CLUSTER / CPF / SCF

PROVINCIAL COMMISISONER: GAUTENG

WITNESS 1
(HOD : Community Safety)

WITNESS 2
(DPC TS Mpembe)

ANNEXURE A

CODE OF CONDUCT

1. Members of the SS2CF and its structures shall not promote any party politics when dealing with SS2CF matters.
2. Members must not use any abusive language or make sexist or racist remarks
3. No member shall utilize the CPF or SAPS logo or emblem for personal or private gain.
4. Members of the SAPS working with the SS2CF shall behave and act in a manner that promote community police relations and, if such members are expected to carry out duties which will enable the SS2CF to perform its function, do so without fail.
5. Members of the SS2CF shall agree to have their fingerprints taken for the purpose of security clearance.
6. Members of the SS2CF must declare any conflict of interest and not participate on matters where there is a conflict of interest.
7. Members must behave in a diplomatic, professional, controlled and dignified manner when dealing with each other and with the general public.
8. SS2CF members and members of the Service shall not be actively involved in SS2CF and CPF matters whilst under the influence of liquor, drugs and all other illegal intoxicating substances.
9. Members of the SS2CF and Service shall not abuse their positions to bring the SS2CF and its sub structures into disrepute.
10. Any member who contravenes the Code of Conduct and SS2CF Constitution shall be dealt with in accordance with the disciplinary process referred to in annexure C and may be suspended pending a disciplinary hearing.

ANNEXURE B

MISCONDUCT

1. Misuse of organizations property.
2. Disclosing confidential information of the SS2CF to the public, individuals or institutions without the prior written consent of the Executive.
3. Refusal to carry out instructions of the SS2CF or any office bearer acting on behalf of the SS2CF.
4. Drinking liquor and being under the influence of liquor or any intoxicating substance whilst performing duties of the SS2CF.
5. Acting in a manner that exposes the SS2CF members to a dangerous environment and or criminals.
6. Intentionally disregarding the constitution and direction provided by leadership of the SS2CF.
7. Sabotaging activities of the SS2CF.
8. Theft, fraud, insults or use of inappropriate language against members of the SS2CF and the Community.
9. Refusal to execute tasks enabling the SS2CF to function efficiently and effectively.
10. Acting in a manner that disrupts the activities, programmes and projects of the SS2CF.
11. Using the SS2CF to advance personal political interests.

ANNEXURE C

DISCIPLINARY PROCEDURE

1. A disciplinary Committee shall be established to address a reported misconduct.
2. The accused person shall be afforded a fair hearing by being informed of charges against him/her and be afforded an opportunity to state his/her case and appoint a representative of his own choice within the SS2CF.
3. Outside or external legal representation shall not be allowed whilst the matter is being dealt with internally.
4. A disciplinary committee will consist of two executive committee members, one SAPS member, one member of the forum or SS2CF who does not serve on the executive committee.
5. The disciplinary committee may hear and decide on the matter or refer the matter to the higher level if it is of the view that the matter is beyond its jurisdiction.
6. The DC may take the following decisions: reprimand the accused person, suspend, expel or order any of the penalties as stipulated under the penalties clause.
7. The accused person has the right to appeal to the next, higher level structure, and shall file a notice of appeal within five days after judgment.
8. The disciplinary hearing can take place in the absence of the accused person in the event that the DC is satisfied that the accused person was properly informed and no valid excuse for the absence was tendered.

Should a member of the SAPS commit any misconduct, the matter shall be dealt with through SAPS disciplinary procedure and the relevant Station or Area Commissioner shall institute such an action.

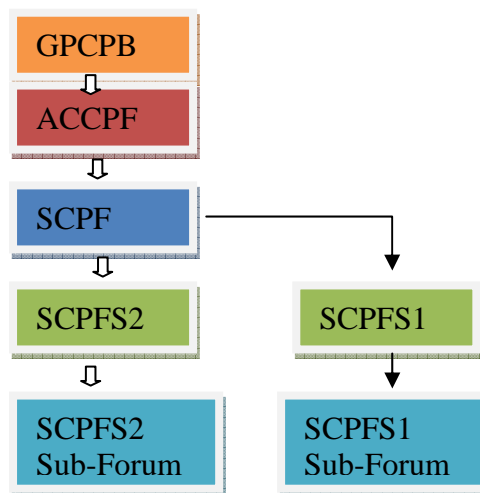
ANNEXURE D

PENALTIES

1. Warning (Verbal or Written)
2. Suspension
3. Expulsion
4. Refund or Payback (in cases of theft or fraud)
5. Laying of a criminal charge against the accused member.
6. Instituting a civil claim against the accused member
7. Some of the penalties may be imposed simultaneously

ANNEXURE- E

STRUCTURE



**CONSTITUTION OF THE ALEXANDRA CLUSTER FORUM ALIGNED TO THAT OF
GAUTENG PROVINCIAL COMMUNITY POLICE BOARD
16 OCTOBER 2010 : GERMISTON SAPS HALL**

1. INTRODUCTION

The Board is established in terms of the South African Police Service Act, No 68 of 1995, as amended and the Interim Regulations, 2001, with the aim ensure effective liaison between the South African Police Service, Gauteng Provincial Community Police Board, Cluster Community Police Boards, Community Police Forums and Sector Crime Forums in Gauteng as envisaged by section 18 of the South African Police Service Act.

2. DEFINITIONS

Unless the general context requires otherwise, the following words shall bear the corresponding meanings assigned to them:

"Act"	shall mean the South African Police Service Act, 68 of 1995, as amended, read in conjunction with the Constitution of the Republic of South Africa;
"MEC"	shall mean the Member of the Executive Council responsible for Policing in Gauteng;
"Board"	shall mean the Gauteng Provincial Community Police Board (GPCPB)
Cluster	Alexandra Cluster Community Police Forum (ACCPF)
"Constitution"	shall mean the GPCPB / ACCPF constitution, approved/adopted and or amended during an Annual General Meeting or Special General Meeting of the Board;
"Executive Committee"	shall mean the executive committee elected by ACCPB.
"Financial Year"	shall mean the annual period commencing on the 1 April until 31 March.
"Interim Regulations"	shall mean the Interim Regulations of 2001 as promulgated in terms of the Act.
"CPF"	shall mean Community Police Forum
"SCF"	Sector Crime Forum for focused Policing
Sub-Forum	Level down from SAPS Station Level CPF (One or more SCF's)
CPF Projects	shall refer to Victim Empowerment, Patrollers, Youth, Block Committees, Street Committees etc.
DCS	Department of Community Safety
Cluster	3 or more SAPS station

3. NAME

The Cluster will officially be known as the Alexandra Cluster Community Police Board (ACCPB), hereafter referred to as the Board.

4. OBJECTIVES

The Objectives of the Board are the following:

- 4.1 To establish, promote and maintain public participation and private partnership between the community and the South African Police Service.
- 4.2 To promote effective communication and cooperation between the South African Police Service and the community in fulfilment of policing needs.
- 4.3 To improve transparency and accountability of the South African Police Service to the Community.
- 4.4 To ensure joint problem identification and resolution by the SAPS and the community.
- 4.5 To support and develop projects which will improve the rendering of policing Services to the community at provincial, cluster, station and sub-forum / sector levels.
- 4.6 To support and coordinate the programmes of Provincial Community Police Boards and Community Police Forums.
- 4.7 To consult with and advise the Cluster Commander or his or her delegates with regards to all matters

pertaining to community policing.

- 4.8 The Board shall function within the principles contained in the Act, Interim Regulations for Community Police Forums and Boards and any other regulatory framework mentioned in this Constitution.

5. FUNCTIONS

The functions of the Board are as follows:

- 5.1 To promote the accountability of the South African Police Service to communities and encourage cooperation between communities and the South African Police Service.
- 5.2 To advise the Provincial Commissioner, Cluster Commander, GPCPB and the Department of Community Safety regarding local policing priorities.
- 5.3 To report results of any evaluation regarding service delivery to the community and relevant managers within the service at provincial level.
 - 5.4 To facilitate the resolution of concerns, problems and complaints from CPF Executive.
- 5.5 Inform CPF's about activities of the DCS and Provincial Board and engage them in these activities
- 5.6 Promote and monitor the effective management of CPF's;
- 5.7 Monitor and request reports on activities of the CPF's and ensure the sharing of good practices;
- 5.8 Co-ordinate and support the implementation of cluster community safety plans;
- 5.9 Submit quarterly reports to the MEC and the Provincial Commissioner

6. COMPOSITION OF THE CLUSTER

The Cluster shall consist of:

- 6.1 Two Executive representatives from each Station's Community Police Forum within the Cluster elected by the CPF. *(Any member of the Community Police Forum Executive Committee is eligible to be nominated for a position in the Executive of the Provincial Board).*
- 6.2 The Cluster Commander or a Deputy mandated by the Cluster Commander as Ex Officio Member (no voting power).
- 6.3 The Cluster may whenever it is deemed necessary, co-opt any other person(s) to serve on the Cluster in an advisory capacity.
- 6.4 During the AGM the Board shall further elect an agreed number of members to handle designated portfolios as may be determined by the Cluster.
- 6.5 Heads of other SAPS units, other government departments and local government may be invited as and when deemed necessary by the Cluster.

7. ANNUAL GENERAL MEETING (N/A)

- 7.1 An Annual General Meeting shall be held each year within three months after the end of the financial year, with a view to approving the minutes of the preceding annual general meeting, the certified financial report and to consider the keynote address of the chairperson and the annual report of the secretary.
- 7.2 The secretary shall, in writing, give notice to all members of an annual general meeting at least 30 days prior to the date of the meeting.

8. TERMS OF OFFICE

The term of office in the Cluster is determined in respect of:

- 8.1 Elected Executive members and members of the Cluster – a period of five years aligned to GCPB.

9. ELECTION OF THE EXECUTIVE COMMITTEE

- 9.1 The Cluster shall elect an Executive Committee during its first meeting, assisted the DCS Assigned Delegate (the Cluster will guide);
 - 9.2 The members of the executive shall be the following office bearers:
 - 9.2.1 Chairperson
 - 9.2.2 Deputy Chairperson
 - 9.2.3 Secretary

- 9.2.4 Deputy Secretary
- 9.2.5 Treasurer
- 9.2.6 Public Relations Officer
- 9.2.7 The person(s) designated by the Department of Community Safety shall oversee the electoral process.
- 9.3 The electoral process for the Cluster shall, as far as possible, be sensitive towards gender representivity. In the event that the democratic process does not result in the adequate representation of both genders, the Cluster may co-opt members to address such representation.

10. FUNCTIONING OF THE EXECUTIVE COMMITTEE

10.1 Administrative Support

The executive committee will have the power to manage and control the affairs of the Cluster, including the power and authority to attend to any matter that could or might be attended to by the Cluster, except where a matter is specifically reserved in this constitution to be dealt with by a general meeting of the members of the Cluster.

An administrator, designated by the South African Police Service, may be appointed to assist the executive committee in the administrative management of the Cluster.

10.2 Committee Decisions

The Executive Committee shall report to the Cluster on a quarterly basis and that the Cluster shall have the power to convene an extra-ordinary elective AGM in the event that it has lost confidence in the Executive Committee;.

Without limiting the powers and authority of the executive committee, the committee will have the following decision- making powers;

To pass any resolution or take any decision, that may be necessary or expedient in order to achieve the objects of the Cluster, provided that the executive committee may not pass a resolution or take a decision that is inconsistent with this constitution, or any resolutions or decisions of a general meeting of the Cluster taken prior to the date of the resolution or decision by the executive committee.

10.3 Establishment of sub committees

The Cluster shall form or appoint sub-committees for designated Portfolios as may be determined e.g. youth, community patrollers, victim empowerment, crime etc.)

10.4 Financial Management

The Executive Committee shall:

- 10.4.1 In each financial year, cause the accounting records of the Cluster to be certified in accordance with generally accepted accounting practices and as a true reflection of the income, expenditure, assets and liabilities of the Cluster by a duly appointed accounting officer (as contemplated in section 60 of the close Corporations Act, 1984 (Act No. 69 of 1984))
- 10.4.2 Appoint one or more persons, who need not be a member(s) of the Cluster, to take charge of and administer any funds of the Cluster.
- 10.4.3 Institute, conduct, defend, oppose, settle or abandon any legal proceedings by and against the Cluster, or otherwise concerning the affairs of the Cluster and also to settle and allow time for payment in satisfaction of any debts due, and of any claims or demands by or against the Cluster.
- 10.4.4 invest, re-invest and deal with any moneys of the Cluster, not immediately required for the purpose of the Cluster, upon such securities and on such terms as it may deem fit, and from time to time to vary or realise such investments

- 10.4.5 sell, lease, alienate or otherwise dispose of part of the movable or immovable properties of the Cluster, as it may think most beneficial to the Cluster, and to apply the consideration arising there from as it may think most advantageous to the Cluster.
- 10.4.6 purchase, hire or take in exchange or otherwise acquire any movable or immovable property or rights for the Cluster, and to sell, dispose of, turn to account or otherwise deal with all or any of the movable property or rights of the Cluster.
- 10.4.7 utilise the assets and funds of the board for the objects of the Cluster, as set out in this constitution and
- 10.4.8 do all such other things as may be necessary for the proper carrying out of the objects of the board.

10.5 Removal from office

An executive committee member shall cease to hold office as such if he or she:

- 10.5.1 Resigns his or her office by notice in writing to the Cluster.
- 10.5.2 Is convicted of a criminal offence while in office;
- 10.5.3 Is absent from three (3) consecutive meetings of the executive committee without just or reasonable cause given to the executive committee
- 10.5.4 The executive committee shall have the right to co-opt any member of the Cluster into the Executive Committee for a period of no longer than 90 days to fill the vacancy; a special election shall be held within 90 days;
- 10.5.6 The Cluster may, at a meeting of the Cluster specifically convened for that purpose, remove any executive committee member from office before the expiry of his/her term of office and elect another member in his/her place.
- 10.5.7 The removal of an Executive Committee member from office in terms of the above provision shall be possible only if at least 75% of the members of the Cluster vote in favour of it.

11 LEGAL STATUS AND ASSETS OF THE CLUSTER.

- 11.1 The Cluster is a distinct and separate legal entity with the power to acquire, to hold and to alienate property of every description whatsoever and with the capacity to acquire rights and obligations and having perpetual succession.
- 11.2 The Cluster is and will be a juristic person and can act and be acted against in its own name.
- 11.3 The property and funds of the Cluster vest in the Cluster as a juristic person and no member of the Cluster will be liable for the debts of the Cluster.
- 11.4 All assets of the Cluster of whatsoever nature will be applied solely towards the promotion of its objects, and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise however, to the members of the Cluster; Provided that nothing herein contained shall prevent the payment in good faith of reasonable remuneration to any member for any service actually rendered to the Cluster.
- 11.5 Any act or deed carried out by any member of the Cluster or the Executive Committee pursuant to any power being conferred to such member by the Cluster shall, once the same has been carried out pursuant thereto, not be invalidated by any subsequent meeting or decision of the board; Provided that the Cluster in this sole and absolute discretion, is satisfied that any act or deed was not performed:
 - 11.5.1 in a grossly negligent manner;
 - 11.5.2 Outside the power conferred upon such person or individual or body under the constitution or
 - 11.5.3 Outside of such powers as have been determined by the Cluster either in Executive Committee Cluster, annual general meeting or special general meeting.

12. DUTIES OF OFFICE BEARERS

12.1 The chairperson must:

- 12.1.1 Preside over meetings of the Cluster
- 12.1.2 Ensure execution of all decisions of the executive committee and the Cluster
- 12.1.3 Represent the Cluster as and when it is necessary;
- 12.1.4 Report regularly on the functioning of the Cluster to the Provincial Commissioner and the Department of Community Safety and provide feedback and directives received to the Cluster;
- 12.1.5 Render reports reflective of the activities of the work of the Cluster; and
- 12.1.6 Supervise all work of the Cluster in conformity with the constitution, the relevant legislation and procedures agreed upon by the Cluster.

12.2 The deputy chairperson must:

- 12.2.1 In the absence of the Chairperson, act as the chairperson;
- 12.2.2 The deputy chairperson shall, in conjunction with the treasurer, ensure that the funds of the Cluster are administered in accordance with the policy of the Cluster, prepare and circulate the annual report of the activities of the Cluster which will include the audited finance report.

12.3 The secretary must:

- 12.3.1 Take and compile the minutes in accordance with the provisions of this constitution;
- 12.3.2 Receive and dispatch correspondence to and from the Cluster;
- 12.3.3 Arrange all meetings in accordance with the meeting's procedure;
- 12.3.4 Keep originals of letters received and copies of letters dispatched and correspondence;
- 12.3.5 Perform official administrative functions normally associated with the office of the secretary and
- 12.3.6 Further the interests of the Cluster, as directed by the executive committee.

12.4 The Deputy Secretary must

- 12.4.1 In the absence of the secretary, act as the secretary
- 12.4.2 Together with the PRO develop and manage the public relations of the Cluster

12.5 The treasurer must

- 12.5.1 Be responsible for the finances of the Cluster and ensure strict compliance with generally accepted accounting procedures;
- 12.5.2 Together with another designated member of the Cluster, operate a banking account on behalf of the Cluster
- 12.5.3 Keep books of account and other records necessary to clearly reflect the financial position of the Cluster
- 12.5.4 Table a financial report at every general meeting of the Cluster and annual financial report and budget at every annual general meeting.

12.6 The public relations officer must:

- 12.6.1 Act as liaison between the Cluster and the media
- 12.6.2 Promote co-operation between the Cluster and the community and
- 12.6.3 Promote awareness of community policing.

13. DECISION MAKING PROCEDURES

- 13.1 Each member of the Cluster shall be entitled to a single vote.
- 13.2 The Cluster shall, as far as reasonably possible, reach decisions by consensus. If consensus cannot be achieved, the Cluster shall vote on the matter.
- 13.3 The chairperson has a deliberative vote but must cast a deciding vote when there are an equal number of votes on each side of the question.
- 13.4 Voting during general annual and special meetings will be by a show of hands.

13.5 Voting during the election of the executive committee will be by ballot paper, the ballot paper shall be drawn up by an independent electoral body.

14. RECORD MANAGEMENT

The Secretary shall cause:

- 14.1 A record to be kept of the members of the executive committee present at any meeting and minutes to be kept of all resolutions taken and all proceedings at such a meeting
- 14.2 Minutes to be kept of all resolutions taken by the Cluster to be adopted by the Cluster prior the signature of the chairperson and secretary shall be *Prima facie evidence* of the matters therein stated.
- 14.3 A resolution, in writing, which is signed by all the members of the executive committee and inserted in the minute book of the executive committee, shall be as valid and effective as if passed at a meeting of the executive committee. Any such resolution may consist of several documents in the same form, each of which is signed by one or more of the members of the executive committee and shall be deemed (unless the contrary appears from the resolution) to have been passed on the date it was signed by the last member of the executive committee entitled to sign it.

15. MEETINGS OF THE CLUSTER

- 15.1 The Executive Committee shall meet at least once a month
- 15.2 The Cluster shall meet once each quarter or as determined by the Cluster.
- 15.3 The Cluster shall determine its own procedures and shall conduct its meetings with equality of opportunity and fairness.
- 15.4 The persons indicated in sub-paragraphs 15.3 and Cluster Cluster chairpersons must attend the Cluster meetings.
- 15.5 Apart from the sub-paragraphs 15.3 and 15.4 persons, the Cluster may extend invitations to any internal or external role player to attend the annual general meeting.
- 15.6 The Cluster may once a year convene a broad Cluster meeting where the executive committees of all the Cluster Community Police Clusters also attend.
- 15.7 The Cluster may also once a year convene an extended broader Cluster meeting where the chairpersons of all the Community Police Forums also attend.
- 15.8 Minutes and other documents of meetings must be distributed within 7 working days after receipt.
- 15.9 Year planner with all meetings should be circulated to all members of the Executive Committee.
- 15.10 The Chairperson of the Cluster shall convene a special meeting Cluster meeting when requested by at least 50% of the Cluster members and the notice for such meeting must include the agenda.

16. NOTICE OF MEETINGS

- 16.1 The secretary shall, in writing, give notice to all members of executive meetings at least 7 days prior to the date of the meeting concerned.
- 16.2 The secretary shall, in writing, give notice to all members, of a special general meeting at least 30 days prior to the date of the meeting. The notice shall include the Agenda for such special meeting and the purpose.

17. QUORUM

- 17.1 During all meetings a quorum will be constituted by the presence of 50% plus one of all Cluster members plus one.
- 17.2 Should the Cluster members present at a meeting not form a quorum, the meeting shall be adjourned and reconvened within seven days.

18. CORRESPONDENCE

- 18.1 All documents and correspondence on behalf of the Cluster shall be signed by the secretary or deputy secretary or a duly authorised person.
- 18.2 Notwithstanding the diversity of languages in the Republic of South Africa, English, where appropriate, shall be the medium of communication.

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19.1 The Cluster shall adopt a code of conduct and disciplinary procedures which shall become annexures to this Constitution.

19.2 All Cluster members shall undergo a security clearance which shall be carried out by the Local Criminal Records Centre (LCRC).

20. DISPUTE RESOLUTION

20.1 The resolution of disputes relating to the Cluster which cannot be resolved by the Provincial Commissioner in consultation with the MEC, shall be dealt with in terms of paragraph 14 (3) of the 2001 Interim Regulations.

21. DISSOLUTION OF THE CLUSTER

21.1 The Cluster Commander and GPCPB may dissolve the Cluster, with reasons, and put in place an interim statutory structure, subject to the direction of MEC and GPCPB. An AGM must be held within 90 days to elect a new Cluster

21.2 In the event of the Cluster being dissolved in terms of clause 21.1 the statutory interim structure will manage the assets and liabilities of the Cluster.

22. AMENDMENTS TO THE CONSTITUTION

22.1 The constitution of the Cluster can only be amended during an annual general meeting or Special General Meeting called by GPCPB where all Gauteng SAPS stations are invited;

22.2 Intention to amend the constitution, as well as the proposed amendments, must be circulated to all members of the Cluster, GPCPB, MEC @ DCS and Gauteng SAPS Stations at least 21 days prior to the meeting;

22.3 The Constitution can only be amended by a two-thirds majority of the required quorum for an annual general meeting.

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23.1 All CPF members in good standing shall be eligible to be voted into the executive of the Cluster;

23.2 The following cannot hold elected positions in the Cluster:

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23.4 SAPS Reservists;

23.5 People with a criminal record;

23.6 Owners and employees of security companies;

23.7 People who are not RSA citizens;

23.8 No person under the age of 18.

23.9 People holding political positions and responsibilities in public office.

23.10 Employees of the Provincial Secretariat responsible for police oversight

24. APPROVAL OF THE CONSTITUTION

This Constitution is adopted at Germiston by Gauteng's 138 Station CPF's, 22 Clusters on the 16th of October 2010 and Aligned to Cluster, Station CPF and Sector Crime Forum/Sub-Forum level.

CHAIRPERSON OF THE GPCPB

PROVINCIAL COMMISSIONER: GAUTENG

WITNESS 1

WITNESS 2

ANNEXURE A

CODE OF CONDUCT

1. Members of the Cluster and its structures shall not promote any party politics when dealing with Cluster matters.
2. Members must not use any abusive language or make sexist or racist remarks
3. No member shall utilize the Cluster or SAPS logo or emblem for personal or private gain.
4. Members of the SAPS working with the Cluster shall behave and act in a manner that promote community police relations and, if such members are expected to carry out duties which will enable the Cluster to perform its function, do so without fail.
5. Members of the Cluster shall agree to have their fingerprints taken for the purpose of security clearance.
6. Members of the Cluster must declare any conflict of interest and not participate on matters where there is a conflict of interest.
7. Members must behave in a diplomatic, professional, controlled and dignified manner when dealing with each other and with the general public.
8. Cluster members and members of the Service shall not be actively involved in Cluster and CPF matters whilst under the influence of liquor, drugs and all other illegal intoxicating substances.
9. Members of the Cluster and Service shall not abuse their positions to bring the Cluster and its sub structures into disrepute.
10. Any member who contravenes the Code of Conduct and Cluster Constitution shall be dealt with in accordance with the disciplinary process referred to in annexure C and may be suspended pending a disciplinary hearing.

ANNEXURE B

MISCONDUCT

1. Misuse of organizations property.
2. Disclosing confidential information of the Cluster to the public, individuals or institutions without the prior written consent of the Executive.
3. Refusal to carry out instructions of the Cluster or any office bearer acting on behalf of the Cluster.
4. Drinking liquor and being under the influence of liquor or any intoxicating substance whilst performing duties of the CPF.
5. Acting in a manner that exposes the Cluster members to a dangerous environment and or criminals.
6. Intentionally disregarding the constitution and direction provided by leadership of the Cluster.
7. Sabotaging activities of the Cluster.
8. Theft, fraud, insults or use of inappropriate language against members of the CPF and the Community.
9. Refusal to execute tasks enabling the Cluster to function efficiently and effectively.
10. Acting in a manner that disrupts the activities, programmes and projects of the CPF.
11. Using the Cluster to advance personal political interests.

ANNEXURE C

DISCIPLINARY PROCEDURE

1. A disciplinary Committee shall be established to address a reported misconduct.
2. The accused person shall be afforded a fair hearing by being informed of charges against him/her and be afforded an opportunity to state his/her case and appoint a representative of his own choice within the Cluster.
3. Outside or external legal representation shall not be allowed whilst the matter is being dealt with internally.
4. A disciplinary committee will consist of two executive committee members, one SAPS member, one member of the forum or Cluster who does not serve on the executive. committee.
5. The disciplinary committee may hear and decide on the matter or refer the matter to the higher level if it is of the view that the matter is beyond its jurisdiction.
6. The DC may take the following decisions: reprimand the accused person, suspend, expel or order any of the penalties as stipulated under the penalties clause.
7. The accused person has the right to appeal to the next, higher level structure, and shall file a notice of appeal within five days after judgment.
8. The disciplinary hearing can take place in the absence of the accused person in the event that the DC is satisfied that the accused person was properly informed and no valid excuse for the absence was tendered.

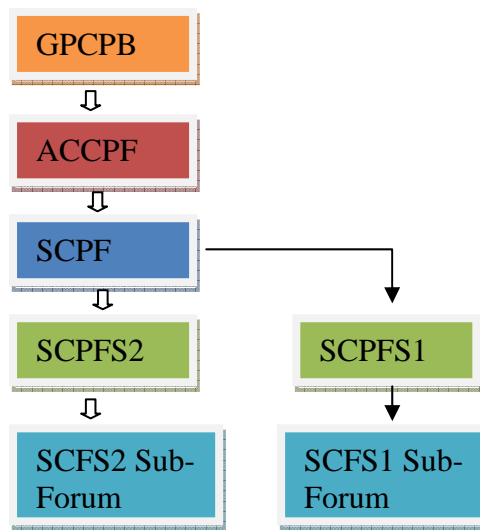
Should a member of the SAPS commit any misconduct, the matter shall be dealt with through SAPS disciplinary procedure and the relevant Station or Area Commissioner shall institute such an action.

ANNEXURE D

PENALTIES

1. Warning (Verbal or Written)
2. Suspension
3. Expulsion
4. Refund or Payback (in cases of theft or fraud)
5. Laying of a criminal charge against the accused member.
6. Instituting a civil claim against the accused member
7. Some of the penalties may be imposed simultaneously.

ANNEXURE- E
STRUCTURE



CONSTITUTION OF THE GAUTENG PROVINCIAL COMMUNITY POLICE BOARD

16 OCTOBER 2010 : GERMISTON SAPS HALL

1. INTRODUCTION

The Board is established in terms of the South African Police Service Act, No 68 of 1995, as amended and the Interim Regulations, 2001, with the aim ensure effective liaison between the South African Police Service, Cluster Community Police Boards and Community Police Forums in Gauteng as envisaged by section 18 of the South African Police Service Act.

2. DEFINITIONS

Unless the general context requires otherwise, the following words shall bear the corresponding meanings assigned to them:

"Act"	shall mean the South African Police Service Act, 68 of 1995, as amended, read in conjunction with the Constitution of the Republic of South Africa;
"MEC"	shall mean the Member of the Executive Council responsible for Policing in Gauteng;
"Board"	shall mean the Gauteng Provincial Community Police Board (GPCPB);
"Constitution"	shall mean the GPCPB constitution, approved/adopted and or amended during an Annual General Meeting or Special General Meeting of the Board;
"Executive Committee"	shall mean the executive committee elected by GPCPB.
"Financial Year"	shall mean the annual period commencing on the 1 April until 31 March.
"Interim Regulations"	shall mean the Interim Regulations of 2001 as promulgated in terms of the Act

3. NAME

The board will officially be known as the Gauteng Provincial Community Police Board (GPCPB), hereafter referred to as the Board.

4. OBJECTIVES

The Objectives of the Board are the following:

- 4.1 To establish, promote and maintain public participation and private partnership between the community and the South African Police Service.
- 4.2 To promote effective communication and cooperation between the South African Police Service and the community in fulfilment of policing needs.
- 4.3 To improve transparency and accountability of the South African Police Service to the Community.
- 4.4 To ensure joint problem identification and resolution by the South African Police Service and the community.
- 4.5 To support and develop projects which will improve the rendering of policing Services to the community at provincial, cluster and station levels.
- 4.6 To support and coordinate the programmes of Cluster Community Police Boards and Community Police Forums.
- 4.7 To consult with and advise the Provincial Commissioner or his or her delegates with regards to all matters pertaining to community policing.
- 4.8 The Board shall function within the principles contained in the Act, Interim Regulations for Community Police Forums and Boards and any other regulatory framework mentioned in this Constitution.

5. FUNCTIONS

The functions of the Board are as follows:

- 5.1 To promote the accountability of the South African Police Service to communities and encourage cooperation between communities and the South African Police Service.
- 5.2 To advise the Provincial Commissioner and the Department of Community Safety regarding local policing priorities.
- 5.3 To report results of any evaluation regarding service delivery to the community and relevant managers within the service at provincial level.
- 5.4 To facilitate the resolution of concerns, problems and complaints from Cluster Boards;
- 5.5 Inform Cluster Boards and CPF's about activities of the Provincial Board and engage them in these activities
- 5.6 Promote and monitor the effective management of Cluster Boards;

- 5.7 Monitor and request reports on activities of the Cluster Boards and ensure the sharing of good practices;
- 5.8 Co-ordinate and support the implementation of cluster community safety plans;
- 5.9 Submit quarterly reports to the MEC and the Provincial Commissioner

6. COMPOSITION OF THE BOARD

The board shall consist of:

- 6.1 One representative from each Cluster Community Police Board within the province elected by the Cluster. *(Any member of the Cluster Board Executive Committee is eligible to be nominated for a position in the Executive of the Provincial Board).*
- 6.2 The Provincial Commissioner or a Deputy Provincial Commissioner mandated by the Provincial Commissioner as Ex Officio Member (no voting power).
- 6.3 The Board may whenever it is deemed necessary, co-opt any other person(s) to serve on the Board in an advisory capacity.
- 6.4 During the AGM the Board shall further elect an agreed number of members to handle designated portfolios as may be determined by the Board
- 6.5 Heads of other SAPS units, other government departments and local government may be invited as and when deemed necessary by the Board.

7. ANNUAL GENERAL MEETING

- 7.1 An Annual General Meeting shall be held each year within three months after the end of the financial year, with a view to approving the minutes of the preceding annual general meeting, the certified financial report and to consider the keynote address of the chairperson and the annual report of the secretary.
- 7.2 The secretary shall, in writing, give notice to all members of an annual general meeting at least 30 days prior to the date of the meeting.

8. TERMS OF OFFICE

The term of office in the Board is determined in respect of:

- 8.1 Elected Executive members and members of the Board – a period of five years.

9. ELECTION OF THE EXECUTIVE COMMITTEE

- 9.1 The Board shall elect an Executive Committee during its first meeting, assisted by an independent electoral body (the Board will guide this body);

9.2 The members of the executive shall be the following office bearers:

9.2.1 Chairperson

9.2.2 Deputy Chairperson

9.2.3 Secretary

9.2.4 Deputy Secretary

9.2.5 Treasurer

9.2.6 Public Relations Officer

9.2.7 The person(s) designated by the Department of Community Safety shall oversee the electoral process.

9.3 The electoral process for the Board shall, as far as possible, be sensitive towards gender representivity. In the event that the democratic process does not result in the adequate representation of both genders, the Board may co-opt members to address such representation.

10. FUNCTIONING OF THE EXECUTIVE COMMITTEE

10.1 Administrative Support

The executive committee will have the power to manage and control the affairs of the Board, including the power and authority to attend to any matter that could or might be attended to by the Board, except where a matter is specifically reserved in this constitution to be dealt with by a general meeting of the members of the Board.

An administrator, designated by the South African Police Service, may be appointed to assist the executive committee in the administrative management of the Board.

10.2 Committee Decisions

The Executive Committee shall report to the Board on a quarterly basis and that the Board shall have the power to convene an extra-ordinary elective AGM in the event that it has lost confidence in the Executive Committee;

Without limiting the powers and authority of the executive committee, the committee will have the following decision- making powers;

To pass any resolution or take any decision, that may be necessary or expedient in order to achieve the objects of the Board, provided that the executive committee may not pass a resolution or take a decision that is inconsistent with this constitution, or any resolutions or decisions of a general meeting of the Board taken prior to the date of the resolution or decision by the executive committee.

10.3 Establishment of sub committees

The Board shall form or appoint sub-committees for designated Portfolios as may be determined e.g. youth, community patrollers, victim empowerment, crime etc.)

10.4 Financial Management

The Executive Committee shall:

- 10.4.1 In each financial year, cause the accounting records of the Board to be certified in accordance with generally accepted accounting practices and as a true reflection of the income, expenditure, assets and liabilities of the Board by a duly appointed accounting officer (as contemplated in section 60 of the close Corporations Act, 1984 (Act No. 69 of 1984))
- 10.4.2 Appoint one or more persons, who need not be a member(s) of the board, to take charge of and administer any funds of the Board.
- 10.4.3 Institute, conduct, defend, oppose, settle or abandon any legal proceedings by and against the Board, or otherwise concerning the affairs of the Board and also to settle and allow time for payment in satisfaction of any debts due, and of any claims or demands by or against the Board
- 10.4.4 invest, re-invest and deal with any moneys of the Board, not immediately required for the purpose of the Board, upon such securities and on such terms as it may deem fit, and from time to time to vary or realise such investments
- 10.4.5 sell, lease, alienate or otherwise dispose of part of the movable or immovable properties of the Board, as it may think most beneficial to the Board, and to apply the consideration arising there from as it may think most advantageous to the Board
- 10.4.6 purchase, hire or take in exchange or otherwise acquire any movable or immovable property or rights for the Board, and to sell, dispose of, turn to account or otherwise deal with all or any of the movable property or rights of the Board
- 10.4.7 utilise the assets and funds of the board for the objects of the Board, as set out in this constitution and
- 10.4.8 do all such other things as may be necessary for the proper carrying out of the objects of the board.

10.5 Removal from office

An executive committee member shall cease to hold office as such if he or she:

- 10.5.1 Resigns his or her office by notice in writing to the Board
- 10.5.2 Is convicted of a criminal offence while in office;
- 10.5.3 Is absent from three (3) consecutive meetings of the executive committee without just or reasonable cause given to the executive committee
- 10.5.4 The executive committee shall have the right to co-opt any member of the Board into the Executive Committee for a period of no longer than 90 days to fill the vacancy; a special election shall be held within 90 days;
- 10.5.6 The Board may, at a meeting of the Board specifically convened for that purpose, remove any executive committee member from office before the expiry of his/her term of office and elect another member in his/her place.
- 10.5.7 The removal of an Executive Committee member from office in terms of the above provision shall be possible only if at least 75% of the members of the Board vote in favour of it.

11 LEGAL STATUS AND ASSETS OF THE BOARD.

- 11.1 The Board is a distinct and separate legal entity with the power to acquire, to hold and to alienate property of every description whatsoever and with the capacity to acquire rights and obligations and having perpetual succession.
- 11.2 The Board is and will be a juristic person and can act and be acted against in its own name.
- 11.3 The property and funds of the Board vest in the Board as a juristic person and no member of the Board will be liable for the debts of the Board.
- 11.4 All assets of the Board of whatsoever nature will be applied solely towards the promotion of its objects, and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise however, to the members of the board; Provided that nothing herein contained shall prevent the payment in good faith of reasonable remuneration to any member for any service actually rendered to the Board.
- 11.5 Any act or deed carried out by any member of the Board or the Executive Committee pursuant to any power being conferred to such member by the Board shall, once the same has been carried out pursuant thereto, not be invalidated by any subsequent meeting or decision of the board; Provided that the Board in this sole and absolute discretion, is satisfied that any act or deed was not performed:
 - 11.5.1 in a grossly negligent manner;
 - 11.5.2 Outside the power conferred upon such person or individual or body under the constitution or

11.5.3 Outside of such powers as have been determined by the Board either in Executive Committee Board, annual general meeting or special general meeting.

12. DUTIES OF OFFICE BEARERS

12.1 The chairperson must:

- 12.1.1 Preside over meetings of the Board
- 12.1.2 Ensure execution of all decisions of the executive committee and the Board
- 12.1.3 Represent the Board as and when it is necessary;
- 12.1.4 Report regularly on the functioning of the Board to the Provincial Commissioner and the Department of Community Safety and provide feedback and directives received to the Board;
- 12.1.5 Render reports reflective of the activities of the work of the Board; and
- 12.1.6 Supervise all work of the Board in conformity with the constitution, the relevant legislation and procedures agreed upon by the Board.

12.2 The deputy chairperson must:

- 11.2.1 In the absence of the Chairperson, act as the chairperson;
- 11.2.2 The deputy chairperson shall, in conjunction with the treasurer, ensure that the funds of the Board are administered in accordance with the policy of the Board, prepare and circulate the annual report of the activities of the Board which will include the audited finance report.

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CHAIRPERSON OF THE GPCPB

PROVINCIAL COMMISSONER: GAUTENG

WITNESS 1
(HOD : Community Safety)

WITNESS 2
(DPC TS Mpembe)

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7. Members must behave in a diplomatic, professional, controlled and dignified manner when dealing with each other and with the general public.
8. Board members and members of the Service shall not be actively involved in Board and CPF matters whilst under the influence of liquor, drugs and all other illegal intoxicating substances.
9. Members of the Board and Service shall not abuse their positions to bring the Board and its sub structures into disrepute.
10. Any member who contravenes the Code of Conduct and Board Constitution shall be dealt with in accordance with the disciplinary process referred to in annexure C and may be suspended pending a disciplinary hearing.

ANNEXURE B

MISCONDUCT

1. Misuse of organizations property.
2. Disclosing confidential information of the Board to the public, individuals or institutions without the prior written consent of the Executive.
3. Refusal to carry out instructions of the Board or any office bearer acting on behalf of the Board.
4. Drinking liquor and being under the influence of liquor or any intoxicating substance whilst performing duties of the CPF.
5. Acting in a manner that exposes the Board members to a dangerous environment and or criminals.
6. Intentionally disregarding the constitution and direction provided by leadership of the Board.
7. Sabotaging activities of the Board.
8. Theft, fraud, insults or use of inappropriate language against members of the CPF and the Community.
9. Refusal to execute tasks enabling the Board to function efficiently and effectively.
10. Acting in a manner that disrupts the activities, programmes and projects of the CPF.
11. Using the Board to advance personal political interests.

ANNEXURE C

DISCIPLINARY PROCEDURE

1. A disciplinary Committee shall be established to address a reported misconduct.
2. The accused person shall be afforded a fair hearing by being informed of charges against him/her and be afforded an opportunity to state his/her case and appoint a representative of his own choice within the Board.
3. Outside or external legal representation shall not be allowed whilst the matter is being dealt with internally.
4. A disciplinary committee will consist of two executive committee members, one SAPS member, one member of the forum or board who does not serve on the executive. committee.
5. The disciplinary committee may hear and decide on the matter or refer the matter to the higher level if it is of the view that the matter is beyond its jurisdiction.
6. The DC may take the following decisions: reprimand the accused person, suspend, expel or order any of the penalties as stipulated under the penalties clause.
7. The accused person has the right to appeal to the next, higher level structure, and shall file a notice of appeal within five days after judgment.
8. The disciplinary hearing can take place in the absence of the accused person in the event that the DC is satisfied that the accused person was properly informed and no valid excuse for the absence was tendered.

Should a member of the SAPS commit any misconduct, the matter shall be dealt with through SAPS disciplinary procedure and the relevant Station or Area Commissioner shall institute such an action.

ANNEXURE D

PENALTIES

1. Warning (Verbal or Written)
2. Suspension
3. Expulsion
4. Refund or Payback (in cases of theft or fraud)
5. Laying of a criminal charge against the accused member.
6. Instituting a civil claim against the accused member
7. Some of the penalties may be imposed simultaneously