

Constitution
of the
Bluff Community Police Sub-Forum

May 8, 2012

The **Forum's** mission is to provide an effective and influential interface between the **community** and the **police** in the specified **area** to facilitate a strong and open partnership in reducing crime and improving delivery of **police** services.

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1. PREAMBLE

The Bluff Community Police Sub-Forum is an independent, non-political and autonomous statutory body established as contemplated in chapter 7 the South African Police Service Act 68 of 1995 and constituted in compliance with the regulations contained in the interim Regulations of Community Police Forums and Boards, 2001, under section 22(2) of Act 68 to serve as the interface between the community and the South African Police Service and Durban Metropolitan Police Service.

2. NAME

The name of this forum shall be Bluff Community Police Sub-Forum.

3. DEFINITIONS

The definitions below shall apply to this Constitution and are italicised when used in the defined context throughout this document only to indicate that the term is defined in section 3. The italics are used for convenience only and are not to be taken into account for the purposes of interpreting the constitution.

<i>Act</i>	means the South African Police Service Act 68 of 1995.
<i>AGM</i>	means Annual General Meeting.
<i>area</i>	means the areas of sectors 1 and 2 of the Brighton Beach policing precinct.
<i>Area Cluster</i>	means the Durban South Area Community Police Cluster and its structure.
<i>Area Commander</i>	means the Area Commander of the SAPS Durban South Area.
<i>BBCPF</i>	means the Brighton Beach Community Police Form.
<i>community</i>	means the community in sectors one and two of the Brighton Beach policing precinct.
<i>delegate</i>	means a member organisation's designated representative.
<i>ExCo</i>	means <i>Executive Committee</i> .
<i>executive committee</i>	means the executive committee of the <i>Forum</i> .
<i>Forum</i>	means the Bluff Community Police Sub-Forum.
<i>Metro Police</i>	means the Durban Metropolitan Police Service.
<i>police</i>	includes the <i>SAPS</i> and the <i>Metro Police</i> .
<i>police station</i>	means the <i>SAPS</i> Brighton Beach Police Station.
<i>regulation</i>	means a regulation contained in the interim Regulations of Community Police Forums and Boards, 2001, under section 22(2) of the <i>Act</i> .
<i>SAPS</i>	means the South African Police Service.
<i>SDIP</i>	means the Service Delivery Improvement Programme.
<i>Station Commander</i>	means the Station Commander of <i>SAPS</i> Brighton Beach.

4. LEGAL STATUS

- 4.1. The **Forum** shall be a distinct and separate legal entity, capable of suing and being sued in its own name, having perpetual succession and with the capacity to acquire rights and obligations.
- 4.2. Provided that the members of the **ExCo**, office bearers of the **Forum** and members of the **Forum** have exercised reasonable care and diligence in discharging their duties and obligations to the **Forum** and provided that they act in accordance with their mandate by the **Forum** then in such an event the **Forum** shall indemnify and keep such executive members, office bearers and members indemnified and hold them harmless against all loss or damage from any cause arising which they may sustain as a result of their conduct and performance as contemplated herein.

5. AREA OF REPRESENTATION

The area of representation comprises sectors two and three of the patrol precinct of the **police station**.

6. TERMS OF REFERENCE

- 6.1. The **Forum's** mission is to provide an effective and influential interface between the **community** and the **police** in the specified **area** to facilitate a strong and open partnership in reducing crime and improving delivery of **police** services.
- 6.2. The primary aims and objectives of the **Forum** are to give effect on a continuous basis to the objectives specified in section 6(1) of the **Regulations** and section 18(1) of the **Act** as follows:
 - 6.2.1. To establish and maintain an enduring partnership between the **community**, the **SAPS** and the **Metro Police**.
 - 6.2.2. To promote communication between the **police** and the **community**.
 - 6.2.3. To promote co-operation between the **police** and the **community** in identifying and fulfilling the needs of the **community** regarding policing.
 - 6.2.4. To promote the improvement of service delivery by the **police** to the **community**.
 - 6.2.5. To ensure transparency and accountability by the **police** to the **community**.
 - 6.2.6. Jointly with the **police** to identify, prioritise and seek solutions for problems related to crime, disorder and fears.
 - 6.2.7. The **SDIP** shall be a primary medium of collaboration in the working relationship between the **Forum** and the **SAPS**.
 - 6.2.8. Evaluate and provide input on visible policing in the **area** including:
 - 6.2.8.1. The procurement, sitting and staffing of police stations.
 - 6.2.8.2. The receiving and processing of complaints and charges.
 - 6.2.8.3. Patrolling of residential and business **areas**.
 - 6.2.8.4. The prosecution of offenders.
 - 6.2.8.5. The provision of protection services at gatherings.
- 6.3. Promote co-operation with business and other organised interest groups in the **area** and encourage joint action in issues of mutual concern relating to law enforcement, safety and security in the **area**.
- 6.4. Make representation to or negotiate with local, provincial or national government bodies, departments, officials or representatives on issues concerning safety and security affecting the **community** and the enforcement of laws, bylaws and regulations in the **area**.

- 6.5. Monitor the processing through the judicial system of serious crimes in the **area** from response, detection and arrest to prosecution in the courts and act in respect of any instances of negligence, dereliction or malpractice.
- 6.6. Act in the best interests of the **community** with regard to bail applications especially in cases of violent crime.
- 6.7. Address all issues of the **community** in respect of safety and security and law enforcement, including corruption of **police** members, by any means deemed necessary.
- 6.8. Negotiate and co-operate with any other body or institution in promoting the interests of the **police** at local level.
- 6.9. The **Forum** may raise funds in order to support or perform its activities.

7. COMPOSITION OF THE FORUM

7.1. Representation

- 7.1.1. The **Forum** shall be an association of representative **community** bodies such as sector policing, neighbourhood watches, **community** associations, business groups and associations, service clubs, schools, churches and religious organisations, special interest groups and any other constituted body in the **area** representing any aspect or sector of the **community**. In addition all elected public representatives, law enforcement agencies and representatives of the National Director of Prosecutions and the Justice Department in the **area** shall, ex officio, be part of this **Forum**.

7.2. Membership

Members of the **Forum** shall include the following:

- 7.2.1. Sector forums in the sector two and sector three **areas** as defined by **SAPS** Brighton Beach.
- 7.2.2. Any bona fide representative bodies as described in section 7.1 on application by the applicant to the **Forum** subject to the acceptance in writing of this **Forum**.
- 7.2.3. Security companies and security service providers which actively service clients in the **area** on application by the applicant to the **Forum** subject to acceptance in writing of this **Forum**.
- 7.2.4. Local media organisations serving the **community** in the **area** upon application by the applicant to the **Forum** subject to acceptance in writing of this **Forum**.
- 7.2.5. Ex officio members:
 - 7.2.5.1. The **Station Commander** and designated members in terms of section 19(3) of the **Act**.
 - 7.2.5.2. Durban **Metro Police** Area Commissioner or nominee whose rank shall not be less than that of Inspector.
 - 7.2.5.3. Designated representatives of all other official law enforcement agencies in the **area**.
 - 7.2.5.4. A designated representative of the Department of Justice.
 - 7.2.5.5. A designated representative of Local Government Municipality.
 - 7.2.5.6. All elected public representatives for the **area**, viz. local government councillors, members of provincial parliament (MPP) and members of national parliament (MP).

7.3. Delegates and Observers

Each registered member of the **Forum** is entitled to one nominated voting delegate to the **Forum** and up to, but not more than, five observers.

7.4. Forfeiture of Membership and Representation.

In the event of any member organisation's nominated delegate failing to attend more than four consecutive meetings without apology, the secretary shall advise the chairperson of such organisation in writing accordingly. If the organisation thereafter is not represented at the next meeting of the **Forum**, such organisation's representation on the **Forum** shall cease to exist.

7.5. Members of the Public

Members of the public residing in the **area** as defined in paragraph 5, providing that the public member has attended the **Forum** meetings and/or sector meetings consistently for at least 6 months or if accepted by the **ExCo**.

7.6. Any member or delegate that has a criminal record or a pending criminal record cannot serve on this **Forum**.

8. MEETINGS

All meetings of the **Forum** shall be conducted in accordance with the rules for the conduct of meetings as laid down in the standard work by A Lewin (The Law, Procedure and Conduct of Meetings).

8.1. Ordinary General Meetings

8.1.1. At least 10 meetings shall be held annually.

8.1.2. Meetings shall, inter alia:

8.1.2.1. Provide for submissions and input on issues from **delegates** to **SAPS, Metro Police**, sector forums, neighbourhood watches and other authorities.

8.1.2.2. Receive reports from **SAPS** on the **SDIP** Sector Policing and the state of policing in the **area**.

8.1.2.3. Receive reports from **Metro Police** and other enforcement agencies on the state of policing in the **area**.

8.1.2.4. Receive reports from other interest groups.

8.1.2.5. Consider reports from the **ExCo** and ratify decisions.

8.1.2.6. Make submissions and give input to the **ExCo**.

8.1.2.7. Adopt campaigns and programs for the **Forum**.

8.1.2.8. Neighbourhood watches shall submit monthly minutes to this **Forum**.

8.1.3. Any person who is not a **delegate** to this **Forum** may, with the approval of the **Forum**, attend any meeting.

8.1.4. All meetings of the **Forum** shall be open to the media unless otherwise decided by the **Forum**.

8.1.5. Whilst it is the policy and practice of the **Forum** that only members may address the **Forum** the Chairperson may, at his/her sole discretion, grant leave to any other party to address the **Forum**.

8.1.6. Ten members shall constitute a quorum at an ordinary general meeting.

8.2. Annual General Meetings

8.2.1. Annual General Meetings shall be held between March and May of each year but not later than six weeks after 31 March and shall, inter alia:

8.2.1.1. Receive and adopt the chairperson's report

8.2.1.2. Receive and adopt the **Station Commander's** report

8.2.1.3. Receive and adopt the treasurer's report

- 8.2.1.4. Elect office-bearers and members of **ExCo** as prescribed in section 9.2.
- 8.2.2. Notice of the **AGM** specifying the matters to be considered as well as the place, day and time of the meeting, which may coincide and merge with an ordinary general meeting, shall be despatched to all persons and organisations entitled to receive such notices at least twenty-one days before the meeting, but non-receipt of such notice by any members shall not invalidate the proceeding of the meeting.
- 8.2.3. Ten members shall constitute a quorum at an **AGM**.
- 8.3. Extraordinary General Meetings
 - 8.3.1. The chairperson may instruct the secretary to convene an extraordinary general meeting of the **Forum** on the request of at least 4 member organisations or other members for the purpose of deliberating and voting on specified matters. These could include, inter alia, matters such as an election to fill a vacancy on the **ExCo**, or to consider a proposal to amend the constitution.
 - 8.3.2. Ten members shall constitute a quorum at an extraordinary general meeting.
- 8.4. Minutes of Meetings

Minutes of all meetings of the **Forum** shall be taken and approved at the next meeting and a proper record thereof shall be kept by the secretary. Minutes of all general meetings shall be distributed to all members within 14 days of the meeting. Minutes of all **ExCo** meetings shall be available to any **Forum** member on request.
- 8.5. Voting
 - 8.5.1. Except for a proposal to amend the Constitution of the **Forum** which shall be handled in terms of section 14, at any ordinary general meeting, extraordinary general meeting, annual general meeting or executive committee meeting, a simple majority shall decide a resolution properly seconded and put to the vote of the meeting.
 - 8.5.2. Only registered members as defined in section 7.2 shall be allowed to vote and shall have only one vote each.
 - 8.5.3. Ex officio members shall have full voting rights at all meetings.

9. EXECUTIVE COMMITTEE (**ExCo**)

9.1. Functions and Authority of **ExCo**

The **ExCo** shall be responsible for the management, administration and control of the affairs of the **Forum** and for the adherence to all codes and provisions of this constitution. **ExCo** shall report to the membership of the **Forum** on all matters referred to it by the **Forum**.

9.1.1. The **ExCo** is mandated and empowered:

- 9.1.1.1. To ensure that the mission, aims and objectives of the **Forum** as contained in section 6 of this constitution are achieved on an ongoing basis.
- 9.1.1.2. To set policy and direct and manage the affairs of the **Forum**.
- 9.1.1.3. To manage the financial affairs of the **Forum** including the raising of funds.
- 9.1.1.4. To appoint sub-committees as deemed necessary to deal with issues, to co-opt members of the **Forum** or the **community** to serve on these committees and to allocate tasks to these committees.
- 9.1.1.5. To deal with sensitive issues and determine how they should be resolved.
- 9.1.1.6. To maintain standards of conduct, dignity and discipline in all aspects of the **Forum's** activities.

- 9.1.2. All mandated actions by **ExCo** or any of its members or subcommittees, in the bona fide performance of their duties, shall be deemed to have been performed by the entire **Forum**.
 - 9.1.3. The chairperson is authorised and empowered to make necessary or urgent rulings and decisions on a day-to-day basis in the context of this constitution and such rulings and decisions shall be deemed to have been taken by the entire **ExCo**.
 - 9.1.4. Only the chairperson or nominee may liaise with the media.
 - 9.1.5. The chairperson shall preside over all meetings of the **Forum** and the **ExCo**.
 - 9.1.6. In the absence of the chairperson the vice-chairperson shall assume the duties of the chairperson.
 - 9.1.7. Nominated members of the **ExCo** will attend the Brighton Beach Community Policing Forum and other relevant meetings on a regular basis.
 - 9.1.8. Any person nominated to serve on the **ExCo** shall provide an affidavit to certify that he/she has no criminal record.
- 9.2. **ExCo** Election Procedures
- 9.2.1. Members of **ExCo** shall be registered members of the **Forum** at the annual meeting of the **Forum**. **ExCo** shall comprise the following:
 - 9.2.1.1. Chairperson, who may not be a member of **SAPS** or the **Metro Police** or an office bearer of any political party.
 - 9.2.1.2. Vice-chairperson
 - 9.2.1.3. Secretary
 - 9.2.1.4. Treasurer
 - 9.2.1.5. At least three additional members but not more than six. In the event of there being more than six candidates, the six candidates with the most votes will be elected. In the event of a tie, further ballots will be held until one is eliminated. Notwithstanding the aforementioned, to be elected a candidate must in any event receive at least 50% of the votes of members present.
 - 9.2.2. Where more than one candidate is proposed for any office voting will be by ballot. In the event of a tie, further ballots will be held until one is eliminated
 - 9.2.3. Candidates must be proposed and seconded in writing by registered members of the **Forum** and must sign acceptance of the nomination. Nominations must be called for not later than the meeting preceding the **AGM** and valid nominations must reach the secretary not later than seven days before the **AGM**.
 - 9.2.4. **ExCo** may approve or discontinue the office of assistant secretary should it be deemed necessary.
- 9.3. Terms of Office of Elected Members
- 9.3.1. The chairperson's term shall be three financial years and the chairperson shall be eligible for re-election.
 - 9.3.2. The term of other **ExCo** office-bearers and members shall be two financial years subject to half of the members, excluding the chairperson, retiring annually in rotation but who shall be eligible for re-election. Should there be an odd number of **ExCo** members, the number that shall retire shall be rounded down.
- 9.4. Ex Officio Members
- 9.4.1. The **Station Commander**, ex officio, shall automatically be a member of the **ExCo**.
 - 9.4.2. In addition, the following shall be, ex officio members of the **ExCo**:

9.4.2.1. The Divisional Commander of the Durban **Metro Police** in the **area**

9.4.2.2. The chairpersons of all sectors constituted in terms of Section 19(2) of the **Act** and the **regulations**.

9.5. Co-Opted Members

The **ExCo** may co-opt additional members to the **ExCo** and may in its sole discretion terminate such appointments.

9.6. ExCo Meetings

9.6.1. The **ExCo** will convene at least every two months and more frequently as deemed appropriate.

9.6.2. All resolutions at **ExCo** meetings shall be passed by consensus unless a request is tabled by a member that a vote should be taken. In such case the resolution will be carried by a simple majority and the chairperson shall have a casting vote as well as a deliberative vote.

9.6.3. At least four members of **ExCo** including the secretary and the chairperson or the vice-chairperson provided the chairperson has formally tendered apologies shall constitute a quorum.

9.6.4. Ex officio and co-opted members are eligible to vote at **ExCo** meetings

9.6.5. If an **ExCo** member is absent without valid apology for three consecutive meetings his/her seat shall be declared vacant. If an **ExCo** member does not attend at least 70% of the scheduled meetings during his/her term, he/she will automatically become ineligible for re-election.

9.6.6. Only **ExCo** members specified in terms of sections 9.2.1, 9.4 and 9.5 may attend **ExCo** meetings and may not deputise any other person to attend on their behalf without the prior consent of the chairperson, or the vice-chairperson as provided for in 9.6.3.

9.6.7. **ExCo** members may, only with the prior consent of the chairperson, be accompanied at an **ExCo** meeting by other persons if considered necessary to deal with matters to be deliberated on in that meeting. The chairperson may ask such persons to leave the meeting once such matter has been concluded.

9.6.8. **ExCo** or the chairperson may invite persons to attend or address an **ExCo** meeting if considered necessary or desirable to deal with matters to be deliberated on in that meeting. The chairperson may ask such persons to leave the meeting once such matters have been concluded.

10. FINANCIAL AFFAIRS

10.1. The financial year of the **Forum** shall be from 1 April to 31 March.

10.2. Banking accounts

10.2.1. The **ExCo** is authorised to open and operate banking accounts and investment accounts in the name of the **Forum**.

10.2.2. Signatories for the bank account and investment accounts shall be:

10.2.2.1. the chairperson,

10.2.2.2. the treasurer

10.2.2.3. one other member of the **ExCo**.

10.2.3. Any two of the three signatories as contemplated in 10.2.2 shall sign all bank, investment and negotiable instruments

- 10.3. The **Forum** shall manage its financial affairs in accordance with generally accepted accounting practices applicable in the Republic of South Africa. An income and expenditure statement shall be presented at each general meeting of the **Forum**. All financial records of the **Forum** shall be audited by an independent auditor on an annual basis and presented at the **AGM**. The financial affairs of the **Forum** shall further be managed in compliance with the requirements of **regulation 12**.
- 10.4. All assets belonging to this **Forum** or in the care of this **Forum** shall be documented and safely stored.

11. AFFILIATIONS

- 11.1. The **Forum** shall be affiliated in free association with the **BBCPF** and **Area Cluster**.
- 11.2. In consequence of section 11.1 the chairperson of the **Forum** is, ex officio, a member of the **BBCPF** and **Area Cluster**.
- 11.3. The **Forum** shall recognise the **BBCPF** and **Area Cluster** as the primary facility to channel issues and concerns which cannot be resolved or dealt with at local **police station** level to the office of the Area Commander for attention and feedback.
- 11.4. The **Forum** shall reserve the right to approach the Cluster Commander's office directly at any time the **ExCo** or the chairperson deems it necessary to do so due to the urgency of the matter or due to inadequate facilitation by the **Area Cluster** as noted in section 11.2.
- 11.5. The **Forum** shall recognise the **BBCPF** and the **Area Cluster's** function to provide support and advice when requested by the **Forum**.
- 11.6. The **BBCPF** and **Area Cluster** members shall be entitled to attend meetings of the **Forum** at the invitation of the **ExCo**. **Area Cluster** members will attend such meetings as guests subject to section 8.1.3 but shall not have voting rights.
- 11.7. The **Forum** shall participate in the activities of the **BBCPF** and **Area Cluster** at the discretion of **ExCo** and to the extent as it is deemed useful and beneficial and in the interests of the **community** to do so.

12. CONDUCT AND DISCIPLINE

- 12.1. Members and their delegates shall at all times act in a manner that will uphold and promote the objectives and principles of the **Forum** as codified in this constitution.
- 12.2. Members and delegates shall at all times serve the **Forum** in an unbiased and objective manner.
- 12.3. Neither members nor their delegates shall address the media nor make public statements or announcements on behalf of or with regard to matters connected with the business of the **Forum** without the prior authority of the **ExCo**.
- 12.4. The **Forum** shall not be aligned to any political party and members shall not use their membership to promote the aims and objectives of any political party by word or by the distribution of material of any description and no debate of a political nature will be permitted at any **Forum** meeting.
- 12.5. No member or delegate shall accept any payment, commission or gratuity in connection with their membership of the **Forum** unless authorised to do so by the **ExCo**.
- 12.6. Any member or delegate to the **Forum** who in any way by word or actions brings the **Forum** into disrepute, contravenes the aims and objectives of the **Forum** or behaves in an unruly or unseemly manner at any **Forum** meeting may be suspended or expelled from the **Forum** by the **ExCo** which, being the highest executive authority, shall be the sole adjudicating body provided such decision is ratified at the next general meeting of the **Forum** where the offender will be permitted the opportunity to present his/her case without legal representation. The decision of the **Forum** shall then be final.

13. DISPUTE RESOLUTION

Disputes will be resolved by the **ExCo** by ruling of a two-thirds majority. Should the dispute concern an independent executive action taken by the chairperson then the vice-chairperson shall take the chair for the duration of the deliberation and the chairperson shall not be entitled to vote on the issue. Should the dispute not be capable of resolution at the **Forum** then the procedure prescribed in **regulation 14** of the **Act** shall apply.

14. ALTERATIONS TO CONSTITUTION

The constitution shall be in force from the date of adoption hereof at an extraordinary general meeting or **AGM** by a two-thirds majority of members present and entitled to vote. No alteration, deletion or addition thereto shall be made except at an extraordinary general meeting called for the purpose or an **AGM** by a two thirds majority vote of members present and entitled to vote.

15. DISSOLUTION

This **Forum** shall continue in existence for as long as it continues to serve its desired purpose but may be dissolved should a two-thirds majority of members in good standing be in favour of such dissolution. In the event of the dissolution of the **Forum** for any reason, any assets accruing to the **Forum** shall not be distributed amongst the members but shall devolve upon an appropriate public or community institution in the area deemed fit and as voted by the members of the **Forum**. Should there be no quorum of members **ExCo** shall have the authority to decide and should there be no quorum of **ExCo** members the **Station Commander** shall have the authority to decide on the beneficiaries of any assets.

Accepted and signed at Brighton Beach Police Station on the _____ day of _____ 2012 by

Station Commander

and

Forum Chairperson

Witness

Witness