

# LYTTELTON SECTOR 4 COMMUNITY POLICE SUB-FORUM



## CONSTITUTION

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## **PREAMBLE**

The Lyttelton Sector 4 Community Police Sub-Forum (LS4 CPSF) is established in terms of Chapter 7 of the South African Police Service Act (Act 68 of 1995), as amended (hereinafter referred to as the SAPS Act), providing a framework for the establishment, functions and control of Community Police Forums; and the South African Police Service Interim Regulations of Community Police Forums and Boards, 2001 (hereinafter referred to as the Interim Regulations 2001), with the aim of ensuring effective liaison between the South African Police Service (SAPS), Community Police Forums (CPF) and Community Police Sub-Forums (CPSF) in Gauteng as envisaged by section 18 of the SAPS Act.

Due regard shall be taken of the implications of various legislation, regulations, and government policies.

It is recognized that all members of the SAPS and the community share the responsibility and are interdependent on each other to ensure a safe and secure environment for all of the people in Sector 4 of SAPS Lyttelton Precinct.

It is incumbent on every member of LS4 CPSF and the SAPS operating in the LS4 CPSF area of responsibility to ensure that the partnership between the community and the police is maintained in area mentioned.

## **INTRODUCTION**

The CPSF is a legal community structure, established in terms of the South African Police Service Act and is mandated to facilitate community-police relations within a specific police station precinct and to serve as the mouthpiece of the Community in its dealings with the SAPS and vice versa on police matters and other relevant safety issues. The CPSF does not aim to replace the SAPS but is meant to assist in maintaining a safe and secure environment for the community it is serving.

Members of the CPSF are elected during a formal election process, and the CPSF gets its mandate from the relevant Acts as listed in Annexure C to this Constitution.

Each CPSF has its own Constitution, aligned with that of the respective Provincial Police Boards. This Constitution is a basic set of principles and laws informing the Community on the functioning of the CPSF. It describes the organization of the government, regulation, distribution, and limitations on the functions of this CPSF.

## DEFINITIONS

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

Act	Means the South African Police Service Act, Act 68 of 1995, as amended, read in conjunction with The Constitution of the Republic of South Africa, 1996.
AGM	Means an Annual General Meeting.
<i>Audi alteram partem (or audiatur et altera pars)</i>	is a Latin phrase meaning "listen to the other side", or "let the other side be heard as well". It is the principle that no person should be judged without a fair hearing in which each party is given the opportunity to face their accusers and to respond to the evidence against them.
Board	Means the Gauteng Provincial Community Police Board.
Cluster Board	Means the replacement of the Area Board in terms of the Act, Section 18 to 23 of the same Act.
Confidential Information	Any information to which the common law 'duty of confidence' applies as described in Annexure A to this Constitution and as applied in terms of the Protection of Personal Information Act, Act No 4 of 2013.
Constitution	Means the LT CPSF Constitution, including annexures approved/adopted and or amended during an Annual General Meeting or Special General Meeting and or amended in terms of stipulated requirements in this Constitution.
Community Meeting	A consultative meeting between the Community, CPSF EXCO, SAPS and Security Companies.
CPF	Means the Community Police Forum at the SAPS precinct/station level.
CPS	Means the Crime Prevention Strategy.
CPSF	Means the Lyttelton Community Police Sub-forum 2 which is subordinate to the CPF at the SAPS precinct/station.
Crime Prevention Strategy	Means the strategy as required in terms of the National Crime Prevention Strategy document of May 1996, as amended.
Day	Means a calendar day.
DCS	Means the Gauteng Department of Community Safety.
Directive	Means a constitutional act of the CPSF which requires members to achieve a particular result without dictating the means of achieving that result. It can be distinguished from regulations that are self-executing and do not require any implementing measures. Directives normally leave members with a certain amount of leeway as to the exact rules to be adopted.
Electoral Meeting	Means a meeting to be held every 5 years for the election of Exco members
Annexures	Means a supporting document that is enclosed in this Constitution.
EXCO	Means the Executive Management Committee as elected by registered community members.
ex officio	Means holding the role because of one's status or position.
EXCO meeting	Means a monthly meeting of the CPSF EXCO.
Financial Year	Means the annual period commencing on 01 April and ending

	on until 31 March of the following year.
Guidelines	Means rules that govern all other procedures not included in the Constitution.
HOD	Means the Head of Department of Community Safety in the province.
Individual Membership	Individual membership means membership through the CPSF, and the respective Neighbourhood Watches as described and qualified in this Constitution.
Interim Regulations	Means the SAPS Interim Regulations for Community Police Forums and Boards.
MEC	Means the Member of the Executive Council responsible for police in the province.
Neighbourhood Watches	Means a collective community member in a designated neighbourhood functioning subordinate to CPSF and in support of the CPSF safety initiatives.
NGO's	Means Non-Governmental Organizations.
Provincial CPB	Means the Provincial Community Police Board.
Provincial Commissioner	Means the Provincial Commissioner appointed in term of the SAPS Act, Act 68 of 1995.
PSIRA Act	Means the Private Security Industry Regulatory Act of 2001 (as amended).
Precinct	Means the territory/area of responsibility of the Lyttelton Police station.
Registered community member	Means a community member registered with the CPSF and /or one of the affiliated Neighbourhood Watches within the LS 2 area.
Sector Forums	Means the Community Police Sector Forums at each SAPS precinct/ station level established in terms of the SAPS act.
South African Police Service / SAPS	Means the South African Police Services establish and regulated in terms of the SAPS Act, Act 68.
Special General Meeting	Meeting arranged for constitutional amendments and/or filling of vacancies on EXCO and the proposal of a vote of no confidence.
VEP	Means the Victim Empowerment Programme.
White Paper	Means the White Paper on Safety and Security of 1998 as amended.
Written communication	Means any document, letter, notice including electronic written notice(s).

## 1. NAME AND LOGO

1.1 LS4 CPSF will officially be known as the Lyttelton Sector 4 Community Police Sub Forum, hereafter referred to as LS4 CPSF and is subordinate to the Lyttelton Community Police Forum hereafter referred to as Lyttelton CPF.

1.2 The Logo and Letterhead:

1.1.1. the logo shall be a handshake under the aloe in a circle, and surrounded by the words; "LYTTELTON" and "COMMUNITY POLICE"

FORUM” at the top, and “Partners in Policing” and “SECTOR 4” at the bottom.



1.1.2. the logo may only be used for official LS4 CPSF activities and correspondence.

## **2. LEGAL STATUS AND ASSETS OF LS4 CPSF**

- 2.1. LS4 CPSF is a distinct legal entity (subordinate to Lyttelton CPF), in line with the SAPS Act and the Interim Regulations 2001, 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.
- 2.2. LS4 CPSF is and will be a juristic person and can act and be acted against in its own name.
- 2.3. Any property and funds of LS4 CPSF vest in LS4 CPSF as a juristic person and no member of LS4 CPSF will be liable for the debts of LS4 CPSF.
- 2.4. All assets of LS4 CPSF of whatsoever nature will be applied solely towards the promotion of its objectives, and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise, to any member of LS4 CPSF.
- 2.5. Any act or deed carried out by any member of LS4 CPSF or the LS4 EXCO pursuant to any power being conferred to such member by LS4 CPSF shall, once the same has been carried out pursuant thereto, not be invalidated by any subsequent meeting or decision of LS4 CPSF; provided that LS4 CPSF in

its sole and absolute discretion, is satisfied that any act or deed was not performed:

2.5.1. in a grossly negligent manner.

2.5.2. outside the power conferred upon such person or individual or body under the constitution.

2.5.3. outside of such powers, as has been determined by LS4 CPSF either in a meeting of the LS4 EXCO, Annual General Meeting (AGM) or Special General Meeting (SGM).

2.5.4. No member or member's dependants will have any claims against CPSF, its office bearers, the Management Committee or its members for any damages or losses suffered because of the death or of an injury to that member or damage to his/her property, stemming from any activities, steps or initiatives taken in terms of or in the execution of this Constitution.

2.5.5. The CPSF will neither be responsible for civil and/or criminal behaviour or negligence committed by a member of a NW, nor civil and/or criminal behaviour or negligence against its members. All and any criminal and/or civil action instituted against a member of a NW, will be instituted against the member in question and not against the CPSF.

2.5.6. The CPSF carries no insurance whatsoever for members, their families, or dependants. Members of the NW's must personally take all necessary steps to insure against personal/accident/medical/vehicle loss.

2.6. LS4 CPSF has no power of command and control over the SAPS or any part or member thereof, and the policing of the LS4 CPSF area of responsibility. Such functions remain the responsibility of the SAPS.

### **3. AREA OR RESPONSIBILITY**

The Area of Responsibility is that of Sector 4 of the SAPS Lyttelton Precinct as subdivided in terms of the SAPS National Instruction for Sector Policing providing sector areas and defined in Annexure A of this constitution. This area of responsibility may be adapted and or amended as circumstances may require. These effected regional amendments will not require an AGM or SGM to affect an

amendment of Annexure A.

## **4. OBJECTIVES**

The Objectives of LS4 CPSF are the following:

- 4.1. to establish, promote and maintain public participation and private partnership between the community and the SAPS in the fight against crime;
- 4.2. to promote effective communication and cooperation between the SAPS and the community in fulfillment of policing needs;
- 4.3. to improve the transparency and accountability of the SAPS to the community;
- 4.4. to ensure joint problem identification and resolution by the SAPS and the community;
- 4.5. to direct, support and develop projects which shall improve the rendering of policing services to the community in the LS4 CPSF area of responsibility;
- 4.6. to support and coordinate the programs of the Gauteng PCB and Lyttelton CPF, within the LS4 CPSF area of responsibility;
- 4.7. to consult with and advise the Sector Commander or Relieve Commander with regards to all matters pertaining to community policing within the LS4 CPSF area of responsibility;
- 4.8. LS4 CPSF shall function within the principles contained in the SAPS Act, Interim Regulations 2001 and any other applicable Act, regulatory and/or policy framework, Strategies and SAPS National Instructions mentioned in this Constitution. A list of relevant Acts, Regulations, Policies, Strategies and SAPS National Instructions for easy reference (which doesn't requires amendment of the constitution when reviewed and or amended) are included as Annexure B (which doesn't require amendment of the constitution when reviewed and or amended).

## **5. FUNCTIONS**

The functions of LS4 CPSF are as follows:

- 5.1. Monitor the effectiveness and efficiency of the SAPS at local level and evaluate the provision of police services.



- 5.2. Advise on police needs and priorities at local level.
- 5.3. Ensure effective communication and foster closer cooperation between the SAPS and the community.
- 5.4. Improve relations by promoting and building cooperative relations and partnerships between the police and the community.
- 5.5. Propose crime prevention projects that will improve the safety of communities in line with the police priorities of a local community.
- 5.6. Participate and mobilize communities in crime prevention programmes and initiatives.
- 5.7. Promote joint problem solving between the SAPS and communities.
- 5.8. Work in collaboration with other safety structures.
- 5.9. Ensure sustained community support and participation in community policing.
- 5.10. Build sustainable forums for community engagement, partnership, and participation.
- 5.11. Comply with governance requirements, as may be prescribed, including holding monthly executive meetings, production of minutes and issuing of financial statements; and
- 5.12. Hold community meetings and ensure effective communication with the community.
- 5.13. Involve other community structures which have an interest in crime-related issues, such as the broader drug problem in communities and integration of parolees into the community.

## **6. CRITERIA FOR MEMBERSHIP OF THE CPSF**

- 6.1. Membership of a CPSF is open to all members of the Community residing or operating a business in the area of the CPSF, who comply with the following prerequisites:
  - 6.1.1. Must be registered with the CPSF directly.
  - 6.1.2. Be a citizen of the Republic of South Africa or have the right of permanent residence and be at least 18 years old.

- 6.1.3. Be a law-abiding citizen; in that at the discretion of the CPSF Management Committee, they are fit and proper i.e., that, based on his/her character, demeanor, and conduct, he/she can reasonably be expected and anticipated to abide by the provisions of this Constitution and Code of Conduct, as they exist or are revised from time to time.
- 6.2. Government officials serving in the State Security Agency, Traffic Departments, members of the SAPS or (if applicable) a municipal police service are precluded from membership in their private capacity.
- 6.3. The CPSF may reject an application for membership or terminate membership due to:
  - 6.3.1. Involvement and/or alleged involvement in criminal activities.
  - 6.3.2. Failure to make a criminal record known at the time of applying for membership.
  - 6.3.3. Being deemed as psychologically unhealthy.
  - 6.3.4. Refusal to be subjected to a security screening process within 30 days (thirty days) after election as a member of the CPSF EXCO.
  - 6.3.5. Serious misconduct; and
  - 6.3.6. Being or becoming a security official and/or who is involved in any remunerated activities of security companies.
- 6.4. The CPSF Deputy Chairperson must keep a central list indicating all registered members within the CPSF LS 2
- 6.5. All patrollers must be registered as such and must provide all the requested information and complete all the required documentation necessary for this process, including those required for criminal profiling. This registration process is subject to EXCO approval.

## **7. COMPOSITION OF LS4 CPSF**

LS4 CPSF shall consist of:

- 7.1. The Executive Management (para 9.1 and 9.2).
- 7.2. CPSF community members within the demarcated areas of responsibility (Section 2.1) who are registered as members of the CPSF.

- 7.3. The station commander and the members designated by him/her from time to time for that purpose, shall be ex officio members of the community police sub-forum, with no voting rights.
- 7.4. The Superintendent designated by the respective Municipal Police Heads from Tshwane Municipal Council, with no voting rights.
- 7.5. A Department of Community Safety Liaison Official as ex officio member without voting rights.
- 7.6. The CPSF shall at its discretion invite and co-opt any official representative of a Provincial and or Municipal Department Office within the precinct, to serve on the CPSF as an ex officio member, with no voting rights.
- 7.7. All elected Ward Councilors within the LS 2 area (para 2.1) as ex officio members.
- 7.8. The CPSF shall, whenever it is deemed necessary, co-opt any other person(s) to serve on the CPSF in an advisory capacity, with no voting rights.
- 7.9. Heads of other Provincial SAPS units and Law Enforcement Agencies within the precinct shall be invited to participate, with no voting rights.
- 7.10. Co-opt any NGO's and other role players without voting rights.

## **8. MEETINGS**

### **8.1. Notice of Meetings:**

- 8.1.1. The Secretary shall give notice electronically by e-mail and other electronic media of an EXCO meeting to all members of EXCO at least 7 days prior to the date of the meeting concerned, as determined in the year planner for all meetings.
- 8.1.2. The Secretary shall give notice electronically by e-mail and other electronic media to all members of a community meeting at least 14 days prior to the date of the meeting.
- 8.1.3. The Secretary shall, in writing, give notice electronically by e-mail and other electronic media to all members to all members, of an AGM, a SGM and EGM at least 21 days prior to the date of the meeting. The

notice shall include the agenda for such special meeting.

8.1.4. The Secretary shall give notice electronically by e-mail and other electronic media to all members, for a Special Meeting called for by the MEC representative and or Station Commander, at least 14 days prior to the date of the meeting. The notice shall include the agenda for such special meeting and the purpose.

8.1.5. Notice of meetings to include:

8.1.5.1. Agenda.

8.1.5.2. Minutes of previous meeting (this may be made available electronically on the LS4 CPSF website).

8.1.5.3. Confirmation of venue, date and time.

## 8.2. **Quorum**

A quorum at all these meetings, except an EXCO meeting, shall be constituted by the presence of least 75% of the members of the LS4 EXCO, as well as representative members of at least 50% of the total number of sub-sectors within LS4 CPSF's area of responsibility (i.e. if there are 8 sub-sectors, at least one member from 4 different sub-sectors need to be present). In the case of an EXCO meeting, a quorum shall be constituted by the presence of least 75% of the members of the LS4 EXCO

## 8.3. **Annual General Meetings**

8.3.1. All Annual General Meetings (AGMs) shall be held each year before the end of September, with a view to approving the minutes of the preceding AGM and to consider the new annual report of the Chairperson.

8.3.2. If this quorum is not attained, that meeting will be postponed to a date no less than seven days, but within 14 days, from the said meeting, at which occasion no quorum will be required. Notice of the date, time and venue of the postponed meeting is to be dispatched to members at their e-mail address/addresses and/or other mediums as recorded in the records of KROC by no later than seven days before the date thereof.

8.3.3. Apart from the persons mentioned in sub-paragraph 8.1.2 above, the

CPSF EXCO may extend invitations to any internal or external role player to attend the AGM.

- 8.3.4. Voting at an AGM shall be by secret ballot paper or digital ballot, unless requested by more than 50% of the members in attendance for a show of hands.
- 8.3.5. Voting at an AGM will be decided by a simple majority, that is by 50% plus 1 vote.
- 8.3.6. The notice of an AGM must specify the purpose of the meeting and must include the agenda.
- 8.3.7. The Chairperson has a deliberative vote and shall cast a deciding vote, when there are an equal number of votes cast on each side of a question.
- 8.3.8. The Secretary shall, in writing, give notice to all members of an AGM at least 14 days prior to the date of the meeting. The notice shall include the agenda, previous minutes, confirmation of the venue, date and time, request for confirmation of attendance. Notice regarding date, time, and venue also to be circulated on WhatsApp or by the way of SMS and radios and/or any other suitable digital platform.

#### 8.4. **Special General Meeting**

- 8.4.1. The Chairperson of the CPSF shall convene a Special General Meeting when requested by a minimum of at least 20 registered community members.
- 8.4.2. A Special General Meeting shall be held to manage constitutional amendments, for the election of new EXCO members when vacancies arise on the EXCO, and if the CPSF has lost confidence in the EXCO and or an EXCO member (Para 11.6.3).
- 8.4.3. Voting at Special General Meetings shall be by secret ballot paper or digital ballot, unless requested by more than 50% of the registered members in attendance for a show of hands.
- 8.4.4. Voting at an AGM will be decided by simple majority, that is by 50% plus 1 vote.
- 8.4.5. The Chairperson has a deliberative vote and shall cast a deciding vote, when there are an equal number of votes cast on each side of a

question.

- 8.4.6. The Secretary shall, in writing, give notice electronically by e-mail and other electronic media to all members, at least 21 days prior to the date of the meeting for a Special General Meeting called for by the MEC's representative and or Station Commander. The notice to include: the purpose of the meeting, agenda, previous minutes (if applicable); confirmation of venue, date and time, request for confirmation of attendance. Notice regarding date, time, and venue also to be circulated on WhatsApp or by the way of SMS and radios and/or any other suitable digital platform.

## **8.5. Electoral Meeting**

- 8.5.1. An EGM shall be held every 5 years before 1 May of that year, in order to elect a new LS4 EXCO;
- 8.5.2. The CPSF shall elect an Executive Committee during the electoral meeting – this meeting will be overseen by the Station Commander of Lyttelton SAPS or his or her duly appointed delegate.
- 8.5.3. The Electoral Meeting shall be held every five years.
- 8.5.4. The Secretary shall, in writing, give notice to all members of an Electoral Meeting at least 21 days prior to the date of the meeting.
- 8.5.5. The notice of such an electoral meeting must specify the purpose of the meeting.
- 8.5.6. The electoral process for the CPSF shall be sensitive towards gender, race, and demographic representation. In the event that the democratic process does not result in the adequate representation of both genders or the demographic profile of the Community, the CPSF may, to redress these imbalances, co-opt suitable eligible members, who will then serve without voting rights to manage specific tasks, as approved by the CPSF.
- 8.5.7. Voting during electoral meeting shall be by secret ballot paper or electronic ballot, which shall be overseen by the Station Commander of Lyttelton SAPS or appointed delegate.
- 8.5.8. Voting for the election of a new EXCO member will be decided by simple majority, that is by 50% plus 1 vote.

- 8.5.9. All persons eligible to be nominated and elected to the EXCO of the CPSF must meet all the qualifying criteria as set out in paragraph 10.2 of the Lyttelton CPSF4 Constitution. Any nominee not meeting these requirements will not be eligible for election.
- 8.5.9.1. The provision of personal details as required on the nomination form is compulsory. If not provided, the form will be deemed invalid
- 8.5.9.2. If a nominated member does not accept the nomination for a specific post, such a nominee will then be excluded on the ballot paper for that post.
- 8.5.9.3. Each nomination must be seconded by a second member to qualify for inclusion on the ballot paper.
- 8.5.9.4. If no nominations are received for a specific management post, then the EXCO should consult with the current post incumbent and or the coopted member requesting him or her to act for a further three-month period to allow for a second round of elections.
- 8.5.10. The outgoing Executive Committee shall have voting rights at an elective AGM or Special General Meeting.
- 8.5.11. In the event of an equal vote for the position of Chairperson of the CPSF at an elective AGM or Special General Meeting, the members representing the CPF at this meeting shall be requested by the electoral officer to re-vote. If the re-vote is still even between the candidates, the Station Commander or his / her duly appointed representative shall be requested to arbitrate between the candidates and resolve the deadlock in whichever way he or she considers appropriate.
- 8.5.12. In the event of an equal vote for other candidates of the Executive being elected at an elective AGM or an elective Special General Meeting, the electoral officer shall request a re-vote. If after the re-vote the outcome remains tied, the newly elected Chairperson shall have the casting vote.

## 8.6. **Executive Management Meeting**

- 8.6.1. The EXCO meeting shall be held monthly.
- 8.6.2. The EXCO meeting shall be attended by the members and representatives indicated in Section 9 of this Constitution.
- 8.6.3. The EXCO meeting will inform attendees and discuss issues regarding crime trends, safety, and security developments, as well as any other progress and matters which may influence the CPSF management plan and activities going forward.
- 8.6.4. The Secretary shall, in writing, give notice to all members of an EXCO meeting at least 7 days prior to the date of the meeting.
- 8.6.5. During EXCO meetings each member of the CPSF EXCO shall be entitled to a single vote, and no proxy votes will be permitted.
- 8.6.6. The CPSF EXCO must, as far as reasonably possible, reach decisions by consensus. If consensus cannot be achieved, the CPSF EXCO shall vote on the matter, with a simple majority (50% plus 1 vote) deciding the matter.
- 8.6.7. The quorum at EXCO meetings will be 75% attendance of the elected EXCO members as indicated in Section 9.1.
- 8.6.8. The notice of an EXCO meeting must specify the purpose of the meeting and must include the agenda.
- 8.6.9. The CPSF must determine its own procedures for EXCO meetings.
- 8.6.10. Minutes and other documents of meetings must be distributed within 21 working days after the respective meetings.
- 8.6.11. A Year Planner for all meetings should be presented, approved, and circulated to all members of the CPSF after the first meeting of every calendar year.
- 8.6.12. The EXCO shall adopt an Integrated Strategic, Operational Plan and Budget for the CPSF for the following financial year.
- 8.6.13. When a newly elected EXCO is appointed, it shall be required to amend and/or ratify the Integrated Strategic and Operational Plan and Budget at the first EXCO meeting after the Elective AGM or Special General Meeting.

8.7. **Community Meeting**

- 8.7.1. The Secretary must, in writing, give notice to all members of a



Community Meeting at least 14 days prior to the date of the meeting.

- 8.7.2. The notice must include the agenda for the meeting, as well as the purpose of meeting, previous minutes (if applicable), confirmation of venue, date and time, and a request for confirmation of attendance.
- 8.7.3. Notice regarding date, time and venue must also be circulated on WhatsApp or by means of SMS radios and/or any other suitable electronic platform.
- 8.7.4. The quorum at a community meeting will be 75% attendance of the members of the EXCO and a minimum of 20 registered community members.

## **8.8. Meetings hosted on digital platforms**

- 8.8.1. In the event that the Government declares a national state of emergency or state of national disaster prohibiting the movement and gathering of persons, and- / or in any other instances as deemed necessary by the CPSF EXCO, the Electoral meeting, AGM meeting and Special AGMs, as well as the monthly EXCO meetings, may take place by means of a digital platform as approved by the CPSF EXCO.
- 8.8.2. The following rules will apply in the event of an electronic nomination- and election process:
  - 8.8.2.1. All the nominees must meet the membership requirements of the CPSF as set out in their Constitutions.
  - 8.8.2.2. All persons eligible to be nominated and elected to the EXCO of the CPSF must meet all the qualifying criteria as set out in paragraph 10.2 of the Lyttelton CPSF2 Constitution. Any nominee not meeting these requirements will not be included on the ballot paper.
  - 8.8.2.3. Only one nomination form may be submitted per registered member
  - 8.8.2.4. The provision of personal details as required on the nomination norm is compulsory. If not provided, the form will be deemed invalid
  - 8.8.2.5. In the event that a nominated member does not accept the nomination for a specific post, such a nominee will then not be

included on the ballot paper for that post.

8.8.2.6. Each nomination must receive a minimum of two votes per specific management position to qualify for inclusion on the ballot paper. This means that the initial nomination will serve as the proposer and the second nomination as the seconder for each nomination for all contested positions.

8.8.3. Access to and distribution of voting and nomination forms will be managed digitally

8.8.4. Submissions will close on a specific date and at a specific time, and no late submissions will be allowed or considered.

8.8.5. The process will be supervised by the Station Commander or his or her duly appointed representative.

8.8.6. All records, both hard copy and electronic, of this process must be archived and preserved for auditing purposes.

8.8.7. No proxy votes will be considered.

8.8.8. The CPSF EXCO must ensure that all information received is handled, processed, and protected in according to the stipulations of Chapter 3 of the Protection of Personal Information Act.

## **9. TERMS OF OFFICE**

The term of office for the CPSF EXCO is as follows:

9.1. Elected EXCO members and members of the CPSF shall serve for a period of five years.

9.2. Any co-opted member as per para 9.2 shall serve for the term and or the period as determined by the EXCO. The term of office of an appointed task team will be terminated once the specific task is completed. In instances where an EXCO member resigns the stipulations as per para 11.6.2 become applicable.

9.3. If a member of the EXCO vacates his/her post before the end of term, LS4 EXCO shall have the right to co-opt any member of LS4 CPSF (without voting

rights) into the LS4 EXCO for a period not longer than 90 days to fill the vacancy (an election shall be held during a SGM within 90 days to fill the vacancy)

## **10. EXECUTIVE MANAGEMENT COMMITTEE (EXCO)**

- 10.1. LS4 CPSF shall elect an EXCO during the Elective General Meeting (EGM), which shall be overseen by the SAPS Lyttelton Station Commander or a delegated representative of Lyttelton SAPS.
- 10.2. The EXCO of the CPSF shall comprise the following office bearers with voting rights elected in the following order:
  - 10.2.1. Chairperson.
  - 10.2.2. Vice Chairperson.
  - 10.2.3. Secretary.
- 10.3. The following office bearers will be co-opted by EXCO with voting rights on the LS4 CPSF EXCO:
  - 10.3.1. Public Relations Officer.
  - 10.3.2. Operational Manager.
  - 10.3.3. Patrol Manager.
  - 10.3.4. Victim Empowerment Coordinator
  - 10.3.5. Joint Operations Centre Manager
- 10.4. Project Coordinators may be co-opted to the LS4 EXCO and/or a specific LS4 EXCO meeting without voting rights.

## **11. ELIGIBILITY TO SERVE ON THE CPSF EXECUTIVE COMMITTEE**

- 11.1. All CPSF community members, residents and, - / or property owners residing in the Lyttelton CPSF 2 precinct or responsibility area, who are in good standing, are not specifically excluded in terms of this Constitution and who are registered as a member of the CPSF, are eligible to be voted onto the EXCO of the CPSF.
- 11.2. The following persons shall not hold elected positions in the CPSF:
  - 11.2.1. Serving employees of SAPS, as regulated in the SAPS Act (including the employees of Metro Police Departments), employees

of both the National and Provincial Secretariats for Police Services, employees of the Independent Police Investigative Department; SAPS Reservists, unless required in an ex-officio capacity.

- 11.2.2. All persons nominated for EXCO positions must undergo a criminal profiling process. Persons with criminal records will be evaluated by the existing EXCO to determine their suitability to serve as a member of the community police sub forum.
- 11.2.3. Owners and management employees of private security companies as regulated by the PSIRA, unless required in ex-officio capacity.
- 11.2.4. Persons who are not citizens of the Republic of South Africa.
- 11.2.5. Persons under the age of 18 years, unless representing an elected CPSF youth desk committee.
- 11.2.6. Any person who may have a direct conflict of interest with the operations and crime intelligence of SAPS, unless required in an ex-officio capacity.

11.3. The CPSF is a non-party-political structure, and all elected members shall serve as community members and not as party-political representatives to advance party interests.

## **12. FUNCTIONING OF THE EXECUTIVE COMMITTEE**

### **12.1. Functioning**

The EXCO shall have the authority to manage and control all the affairs of the CPSF, including the authority to attend to any matter that could or might be attended to by the CPSF, except where a matter is specifically reserved in this Constitution to be dealt with by an AGM or a Special General Meeting of the CPSF. An official, designated by the Station Commander of the SAPS, shall be appointed to assist the EXCO Committee in the administrative management of the CPSF.

### **12.2. Committee Decisions**

- 12.2.1. The EXCO of the CPSF will inform the community on a quarterly basis regarding the functioning of the CPSF.

- 12.2.2. The EXCO has the power to pass any resolution or take any decision that may be necessary or expedient to achieve the objectives of the CPSF
- 12.2.3. The EXCO must not pass a resolution or take a decision that is inconsistent with this Constitution, or conflicts with any resolutions or decisions of a general meeting of the CPSF and/or any decision that may have adverse financial implications for the CPSF.

### **12.3. Establishment of Sub Committees**

- 12.3.1. The EXCO must form or appoint sub-committees for designated portfolios as it may be determined and, - / or required.
- 12.3.2. Guidelines to regulate the management and functions of all sub-committees must be approved by the EXCO.
- 12.3.3. All established sub committees will report directly to the EXCO.

### **12.4. Safety Plan**

- 12.4.1. The EXCO must review the safety plan annually, - and, before the end of every financial year, formulate a new annual safety plan with a programme of action, and a budget (where applicable) which is to be presented and approved by the EXCO
- 12.4.2. The annually reviewed and approved Safety Plan must be integrated in the CPF Safety Plan, where-after it must be integrated in the Cluster Safety Plan and be managed during the forthcoming financial year.

### **12.5. Financial Management**

LS4 CPSF does not have any assets.

### **12.6. Removal from office of EXCO members**

- 12.6.1. An EXCO member will cease to hold office as such if he or she:
  - 12.6.1.1. Resigns his or her office by way of written notice to, and by acceptance by the CPSF and the CPSF is satisfied that all relevant information and responsibilities have been duly handed over to the CPSF and/or successor.

- 12.6.1.2. Becomes or is elected as a political office bearer.
- 12.6.1.3. Has made a false declaration on his or - / her nomination and/or acceptance form.
- 12.6.1.4. Is convicted of an offense listed in Schedule 1 and 2 of the Criminal Procedure Act, Act 51 of 1997 and has been sentenced to a period of one year or longer in prison without the option of a fine.
- 12.6.1.5. Has been subjected to a vote of no confidence and it has been accepted according to the prescripts of this Constitution.
- 12.6.1.6. After a duly constituted and executed disciplinary hearing, has been found guilty of a dismissible offense as per the Code of Conduct.
- 12.6.1.7. Ceases to be a registered member of a CPSF for whatever reason; including taking up employment as a registered PSIRA security official.
- 12.6.1.8. Is absent from three (3) consecutive meetings of the EXCO meetings without just or reasonable cause provided to the Chairperson.
- 12.6.1.9. Does not attend or excuse himself or herself for 50% or more of the scheduled EXCO meetings in a calendar year.
- 12.6.1.10. The EXCO has the right to co-opt any CPSF member (without voting rights) into the EXCO for a period not longer than 90 days to fill the vacancy. A special election must be held within 90 days to fill the vacancy.
- 12.6.1.11. The CPSF has the authority to convene a Special General Meeting if it has lost confidence in the EXCO and has been requested to do so in writing by a minimum of fifty percent (50%) of each of the executive committees of the respective five (5) Neighbourhood Watches. The quorum for this Special General Meeting will be 100 registered CPSF/affiliated NW members. This vote of no confidence in the EXCO must be

supported by more than two thirds (66,67%) of the registered CPSF members in attendance at the meeting to carry, and to authorize the arranging of a special election to elect new EXCO members.

## **12.7. Decision Making Procedures**

- 12.7.1. Each member of LS4 CPSF shall be entitled to a single vote and no proxy votes are allowed.
- 12.7.2. LS4 CPSF shall, as far as reasonably possible, reach decisions by consensus. If consensus cannot be achieved, the members present shall vote on the matter.
- 12.7.3. The chairperson has a deliberative vote and shall cast a deciding vote, when there are an equal number of votes on each side of the question.
- 12.7.4. Except when a vacancy is uncontested (only one suitable candidate), when voting for a candidate to fill a vacancy on the EXCO, voting during an EGM and SGM shall be by ballot paper, overseen by the Station Commander of Lyttelton SAPS or his/her appointed delegate or the Chairperson or representative of Lyttelton CPF.
- 12.7.5. The outgoing LS4 EXCO shall have voting rights at an EGM or SGM.
- 12.7.6. Voting at Annual General Meetings, Special General Meetings and CPSF meetings shall be by ballot paper, unless requested by more than 50% of the members in attendance for a show of hands.
- 12.7.7. In the event of an equal vote for the position of Chairperson of LS4 CPSF, at an EGM or Special General Meeting, the electoral officer shall request a re-vote by the members present. In the event that the recount is still even between the candidates, the Station Commissioner and MEC or the HOD representative shall be requested to arbitrate between the candidates and resolve the impasse in whichever way they consider appropriate.

12.7.8. In the event of an equal vote for other candidates of the EXCO, the electoral officer shall request a re-vote and if the outcome continues to be even between the candidates, then the newly elected Chairperson shall have the casting vote.

## **13. DUTIES OF OFFICE BEARERS**

### **13.1. The Chairperson must:**

- 13.1.1. Preside over meetings of the CPSF.
- 13.1.2. Ensure the execution of all decisions of the Executive Committee, the CPF, AGM and Special AGM and general meetings.
- 13.1.3. Represent the CPSF as and when it is necessary.
- 13.1.4. Report regularly on the functioning of the CPSF to the Station Commander and the DCS representative and provide feedback on activities and directives to the CPF and CPSF.
- 13.1.5. Report regularly to the CPSF EXCO on instances where the CPSF was represented.
- 13.1.6. Supervise all work of the CPSF in conformity and compliance with the Constitution, relevant legislation, regulations, policies, and procedures agreed upon by the CPF or CPSF, inclusive of the efficient achievement and sustainment of the objectives of the CPSF, and inclusive of adherence, compilation, update/review, and execution of the annual Safety Plan; and
- 13.1.7. All outgoing correspondence of the CPSF must be signed by the Chairperson or a person duly authorized.

### **13.2. The Vice Chairperson must:**

- 13.2.1. In the absence of the Chairperson, act as the Chairperson.
- 13.2.2. Act as the disciplinary process coordinator.
- 13.2.3. Represent the CPSF as a director on the NPO and or Trust.
- 13.2.4. Integrate, compose, and finalize the CPSF Plan and Program of Action.
- 13.2.5. Manage and execute all reasonable additional tasks defined by the CPSF EXCO; and
- 13.2.6. Ensure that the Constitution and Code of Conduct are updated



and relevant.

**13.3. The Secretary must:**

- 13.3.1. Take and compile the minutes in accordance with the provisions of this Constitution.
- 13.3.2. Receive and dispatch correspondence to and from the CPSF.
- 13.3.3. Arrange all meetings in accordance with the meeting's procedure.
- 13.3.4. Keep originals of hard copy and or electronic letters received, and copies of letters dispatched, as well as of all other correspondence.
- 13.3.5. Perform official administrative functions normally associated with the office of the secretary.
- 13.3.6. Further the interests of the CPSF, as directed by the EXCO.
- 13.3.7. Compile and maintain the CPSF Annual Calendar; and
- 13.3.8. Manage and execute all reasonable additional tasks defined by the CPSF EXCO.

## **14. RECORD MANAGEMENT**

14.1. The Secretary shall cause:

14.1.1. a record to be kept of the members of the LS4 EXCO and LS4 CPSF members present at any meeting, and minutes to be kept of all resolutions and proceedings at such meetings;

14.1.2. minutes to be kept of all resolutions taken by LS4 CPSF, which must be adopted by LS4 CPSF prior to the signatures of the chairperson and secretary. Such adopted minutes shall be prima facie evidence of the matters therein stated.

14.2. A resolution, in writing, which is signed by all the members of the LS4 EXCO and inserted in the minute book of the LS4 EXCO, shall be as valid and effective from the date signed by them, even though it could be approved, ex-post facto at LS4 CPSF's next meeting.

14.3. Minutes and other documents of meetings must be distributed within 21

working days after the respective meeting.

14.4. Records needs to be maintained and archived (electronically and with backup) for a period of 10 years.

14.5. Management of the membership database to be aligned to the requirements of the appropriate acts (inclusive of the Protection of Personal Information Act, No 4 of 2013).

## **15. CORRESPONDENCE**

15.1. All documents and correspondence on behalf of LS4 CPSF shall be signed by the Chairperson or Vice Chairperson, or a person duly authorized by LS4 CPSF.

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

## **16. CODE OF CONDUCT AND DISCIPLINARY PROCEDURES**

- 16.1. The CPSF must adopt a Code of Conduct and disciplinary procedures which must be included as annexures to this Constitution.
- 16.2. All registered members and affiliated members of must always behave in accordance with the CPSF Code of Conduct.
- 16.3. Non-compliance with the Code of Conduct or the execution of any actions which constitutes misconduct (as listed per Annexure E) is subject to disciplinary action as described in the relevant annexure of this Constitution.
- 16.4. CPSF EXCO reserves the right to conduct a criminal profile on any registered members of the NW if deemed necessary. This must be carried out by the Local Criminal Records Centre (LCRC) at no cost.
- 16.5. Any member of the LS4 EXCO, Patrollers, Control Operators or the Welriet Community NPC Radio Group who is found guilty of misconduct as described in Annexure E may be suspended following the suspension procedure as described in Annexure F.

## **17. CONFIDENTIALITY**

All members of LS4 CPSF shall be subject to the LS4 CPSF Confidentiality Policy as set out in Annexure D.

## **18. DISPUTE RESOLUTION**

The resolution of disputes relating to the CPSF, which cannot be resolved by the CPSF chairperson and, or the Station Commander and or the CPF Chairperson, must be dealt with in terms of paragraph 14 (3) of the SAPS Interim Regulations for Community Police Forums and Boards, 2001

## **19. DISSOLUTION OF LS4 CPSF**

- 19.1. The Provincial Commissioner must, in consultation with the DCS, dissolve the CPSF, with reasons, and put in place an interim statutory structure. A special AGM must then be convened within ninety (90) days to elect a new CPSF Executive Committee.
- 19.2. In the event of the CPSF being dissolved in terms of clause 20.1, above, the

statutory interim structure must manage the assets and liabilities of the CPSF.

- 19.3. Similarly, the dissolution of any other sub-fora must be confirmed by the Provincial Commissioner in consultation with the MEC or HOD for Community Safety and the relevant Cluster Commander or Station Commander and the relevant superior Executive of the Community Police Board or Forum.

## **20. AMENDMENTS TO THE CONSTITUTION**

- 20.1. The constitution of LS4 CPSF can only be amended during an AGM or SGM.
- 20.2. This constitution recalls and or replaces any constitution with its enclosures and or annexures as a whole.
- 20.3. Intention to amend the constitution, as well as the proposed amendments, must be circulated to all members of LS4 CPSF at least 21 days prior to the meeting.
- 20.4. The Constitution can only be amended by a two-thirds majority of the required quorum for an AGM and or Special General Meeting.

## **21. APPROVAL OF THE CONSTITUTION**

- 21.1. This revised Constitution recalls and replaces all previously signed CPSF Constitutions and Annexures.
- 21.2. This Revised Constitution, including Annexures A, B, C, D, E, F, G, H, I as amended or notice taken if in development, is duly adopted at Lyttelton on this, the 16th of March 2022.

This Constitution, including all Annexures as is duly adopted at

\_\_\_\_\_ on this, \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

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**CHAIRPERSON: LS4 CPSF**

# ANNEXURES

## ANNEXURE A – LS4 CPSF AREA OF RESPONSIBILITY

Sector 4 of the SAPS Lyttelton precinct is an area with the boundaries as follows:

### Primary area:

- Northern Boundary; Solomon Mahlangu Drive (M10) from the intersection with Nelson Mandela Drive (R21) in the west to the intersection with Rubenstein Road in the East.
- Eastern Boundary. Rubenstein Road southwards until the intersection with the Wolwe Spruit, along the spruit until the boundary of the Garstkloof Landfill Site until it meets De Villebois Mareuil Drive, across the street to the boundary of the proposed hotel, south along the boundary until Delmas Road (R50), along the R50 until the intersection with Nellmapius Drive (M31) (also colloquially known as Dam Road).
- Southern Boundary. Along Nellmapius Road (M31) (also colloquially known as Dam Road) in a westerly direction until the intersection with Nelson Mandela Drive R21.
- Western Boundary. From the intersection Nellmapius Road (M31) (also colloquially known as Dam Road) northward along Nelson Mandela Drive (R21) and the Danie Joubert Freeway (N1) to the intersection with Solomon Mahlangu Drive (M10).

The area is mainly a domestic urban environment with an estimated total in excess of 5 200 households. Many small businesses, religious centres and learning institutions are located in the area. The Route 21 Business Park consists of businesses and light industrial.

The LS4 CPSF area of responsibility includes the following suburbs:

Elarduspark; Rietvalleirand; Wingatepark; Rietvalleipark; the portion of Erasmuskloof south of Solomon Mahlangu Drive; Route 21 Business Park; Garstkloof Nature Reserve; Garstkloof Landfill Site; and the portion of Rietvlei Nature Reserve north of Nelmapius Road (Dam Road).

LS4 CPSF has been divided into ten (10) sub-sectors. See LS4 CPSF Area Map for easy reference.

- **Sub-sector 1:**

Northern Boundary: Solomon Mahlangu Drive (M10).

Western Boundary: Nelson Mandela Drive (R21) and the Danie Joubert Freeway (N1) to the intersection with Solomon Mahlangu Drive (M10) .

Southern Boundary: Piering Road.

Eastern Boundary: Boeing Road (M57).

- **Sub-sector 2:**

Northern Boundary: Solomon Mahlangu Drive (M10).

Western Boundary: Boeing Road (M57).

Southern Boundary: Alandale Street from Boeing Road (M57) to Barnard Street, and Barnard Street to Delmas Road (R50).

Eastern Boundary: Barnard Street from Delmas Road (R50) in a northerly direction.

- **Sub-sector 3:**

Northern Boundary: Alandale Street from Boeing Road (M57) to Barnard Street, and Barnard Street to Delmas Road (R50).

Western Boundary: Boeing Road (M57).

Southern Boundary: Piering road from Boeing Road to in line with Feldspar Street, then along Feldspar Street and in a straight line with Feldspar Street to Delmas Road (R50).

Eastern Boundary: Delmas Road (R50).

- **Sub-sector 4:**

Northern Boundary: Solomon Mahlangu Drive (M10) from in line with Barnard Street to Rubenstein Drive.

Western Boundary: Barnard Street in a southerly direction to Delmas Road (R50), then Delmas Road (R50) in a southerly direction up to and including the Garstkloof Engen Filling Station.

Eastern Boundary: The eastern boundary of Wingate Park.

- **Sub-sector 5:**

Western Boundary: Feldspar Street from Piering Road. Then from Feldspar Street in a straight line to Delmas Road (R50).

Southern Boundary: Piering road from in line with Feldspar Street to Delmas Road (R50).

Eastern Boundary: Delmas Road (R50).

- **Sub-sector 6:**

Northern Boundary: Piering Road to Delmas Road (R50).

Western Boundary: Nelson Mandela Drive (R21).

Southern Boundary: The southern boundary of Rietvalleipark.

Eastern Boundary: Boeing Road (R50) and Goedehoop Road (M57).

- **Sub-sector 7:**

Northern Boundary: Piering Road from Boeing Road (M57) to Manie Street

Western Boundary: Boeing Road (M57) and Goedehoop Road (M57).

Southern Boundary: Border between Waterkloof View Estate and Plot 10 A View Street, then south along View Street to Manie Street, then along Manie Street to Piering Road.

- **Sub-sector 8:**

Northern Boundary: Border between Waterkloof View Estate and Plot 10 A View Street, then south along View Street to Manie Street, then along Manie Street to Piering Road to Delmas Road (R50).

Western Boundary: Goedehoop Road (M57).

Southern Boundary: From Delmas Road (R50) along Nellmapius Road (M31) (also colloquially known as Dam Road) up to Goedehoop Road (M57).

Eastern Boundary: Delmas Road (R50) to Nellmapius Road (M31) (also colloquially known as Dam Road).

- **Sub-sector 9:**

Undeveloped property between Rietvalleipark and Route 21 Business Park.

Northern Boundary: The southern boundary of Rietvalleipark.

Western Boundary: Nelson Mandela Drive (R21).

Southern Boundary: The northern boundary of Route 21 Business Park.

Eastern Boundary: Goedehoop Road (M57).

- **Sub-sector 10:**

Route 21 Business Park.

Northern Boundary: The southern boundary of the undeveloped property between Rietvalleipark and Route 21 Business Park.

Western Boundary: Nelson Mandela Drive (R21).

Southern Boundary: Nellmapius Road (M31).

Eastern Boundary: Goedehoop Road (M57).

**LS4 CPSF Area Map:**





## **ANNEXURE B – LEGAL AND REGULATORY FRAMEWORK**

Policies, Legal and Regulatory Framework guiding and informing LS4 CPSF applicable to this Constitution, which may be supplemented by new Policies, Legislation and or Strategies, are as follows:

1. The Constitution of the Republic of South Africa, Act No 108 of 1996, as revised or amended;
2. The South African Police Service Act, Act No 68 of 1995 as amended;
3. Promotion of Access to Information Act, Act No 2 of 2000;
4. Criminal Procedure Act, Act No 51 of 1977;
5. The Domestic Violence Act, 1998, Act No. 116 of 1998;
6. The Prevention and Combating of Corrupt Activities Act, Act No. 12 of 2004;
7. Second Hands Goods Act, Act No 6 of 2009;
8. Municipal Systems Act, Act No 32 of 2000 as amended;
9. Civil Protection Act, Act No 67 of 1977;
10. Disaster Management Act, Act No 57 of 2002;
11. National Road Traffic Act (Act No 93 of 1996) and National Road Traffic Regulations of 1999;
12. Inter-governmental Relations Framework Act, Act No 13 of 2005;
13. The Private Security-Industry Regulation Act, Act No. 56 of 2001;
14. Gauteng City Improvement Districts Act, Act No 12 of 1997;
15. Safety at Sports and Recreational Events Bill, Bill 7 of 2009;
16. Appropriate Local Government By-Laws;
17. The White Paper on Safety and Security 1998;
18. The White Paper on Local Government 1998;
19. National Policy Frame Work for Public Participation 2005;
20. The National *Crime Prevention Strategy*, 1996as revised;
21. National Policy Guidelines for Victim Empowerment 2009;
22. Government Security Regulator - Minimum Physical Security Standards;
23. The South African Police Service Interim Regulations for Community Police Forums and CPSFs, 2001 promulgated by the Minister of Safety and Security in terms of the SAPS act;
24. South African Police Service Community Policing and Sector Policing Regulations and National Orders or Instructions or Guidelines;
25. Manual for Community Based Crime Prevention - Making South Africa Safe.
26. Protection of Personal Information Act, No 4 of 2013.

## **ANNEXURE C – CODE OF CONDUCT**

1. LS4 CPSF is a non-political entity, and no member of such a forum or board may:
  - 1.1 wear any insignia, or identification mark in respect of any political party, organisation, movement or body while attending a meeting of a community police forum;
  - 1.2 utilize his or her membership of LS4 CPSF to further or prejudice party-political interests.
2. Members of LS4 CPSF and all its structures shall not promote any political party policies when dealing with LS4 CPSF matters at all levels mentioned in this Constitution.
3. Members shall not use any abusive language or make sexist or racist remarks.
4. Members shall refrain from gossiping and or slander.
5. No member shall utilize the LS4 CPSF or SAPS logo or emblem for personal or private gain.
6. Members of the SAPS working with LS4 CPSF 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 LS4 CPSF to perform its function, do so without fail.
7. Designated members of LS4 CPSF and Patrollers shall agree to have their fingerprints taken for the purpose of security clearance without any cost.
8. Members of LS4 CPSF must declare any conflict of interest and not participate on matters where there is a conflict of interest.
9. Members must behave in a professional, controlled, and dignified manner when dealing with each other and with the general public.
10. Community members and members of the SAPS shall not be actively involved in LS4 CPSF matters whilst under the influence of liquor, drugs, and all other illegal intoxicating substances.
11. Members of the Community and/or the SAPS shall not abuse their positions to bring LS4 CPSF and its sub structures into disrepute.
12. Members of the Community and or the SAPS shall not harm the image of LS4 CPSF by any negative act, gesture, written and or vocal announcement publicly.

13. Members of LS4 CPSF shall comply with the Protection of Personal Information Act, No 4 of 2013.
14. Members of the LS4 EXCO must hand over all records and assets of LS4 CPSF their successors within 30 days of leaving office.
15. All members transported in SAPS vehicles shall complete a formal indemnity form, which shall be valid for their term of office.
16. Any member who contravenes the Code of Conduct and or LS4 CPSF Constitution shall be dealt with in accordance with the disciplinary process referred to in Annexure G of this Constitution and may be administratively suspended pending a disciplinary hearing after application of the *Audi Alteram Partem Rule*.
17. Grievances to be managed according to the LS4 CPSF Grievance Policy.
18. **You may under NO circumstances post information received, on any social media, be it a chat group or Facebook, etc, without the permission of the Chairperson/ Vice Chairs express permission.**
19. **You may never, under no circumstances at all, post Facebook posts on the SAPS groups.**

## **ANNEXURE D - CONFIDENTIALITY POLICY**

**This also needs to be read with the Protection of Personal Information Act, No 4 of 2013.**

### ***What is confidential information?***

Confidential information is any information to which the common law 'duty of confidence' applies. A duty of confidence is created when 'private' information has been passed on in such a way that the person receiving the information was aware, or should have been aware, that the information was being imparted on the basis of confidentiality. (The legal test is whether a 'reasonable' person would think the recipient ought to have known that the information was confidential).

Once you have obtained confidential information in this way, you are under a common law obligation not to disclose it or use it without the consent of the person who provided that information, except in very specific circumstances, as set out below.

### ***In what circumstances might I come across confidential information at LS4 CPSF?***

LS4 CPSF routinely holds confidential personal information of its members.

Personal information, as defined in the Promotion of Access to Information Act 2 of 2000 "means information about an identifiable individual, including, but not limited to:

a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the individual;

b) information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved.

All LS4 members who are authorised to access those records are under an obligation not to inappropriately disclose confidential information.

Except for LS4 CPSF EXCO members, LS4 CPSF members should not normally have access to such records except their own records.

Persons performing a supporting role in a professional capacity (e.g. medical staff, chaplains and counsellors) will be bound by their professional codes of practice in respect of the maintenance of confidentiality.

## ***DISCLOSURE OF CONFIDENTIAL INFORMATION***

### ***Nature of the information***

Occasionally you may be asked to keep something confidential that seems to you not to be truly confidential or very important. Unless the information is of a very trivial nature or has already been made public by the subject of that information, you should treat it as confidential and not disclose it inappropriately. There may be good reasons that you do not know about for the information to be kept confidential.

### ***When can I disclose confidential information?***

Confidential information can be discussed with those who are already party to it, and may also be disclosed where the person who provided the confidential information agrees to such a disclosure.

If the person who provided the confidential information does not agree to the disclosure, a disclosure can still be made without consent under the following circumstances:

- when the vital interests of any person are threatened and the disclosure is made to a relevant, appropriate person;
- when it is in the public interest to do so and the disclosure is made to a relevant, appropriate person.

Whenever an obligation of confidence is to be broken without consent, the other party should be informed, unless the grounds are the protection of the other party's vital interests and this would further endanger them.

## **ANNEXURE E – MISCONDUCT**

### **The following acts constitute misconduct:**

1. Misuse of property belonging to the LS4 Community Police Sub-Forum.
2. Disclosing confidential information of LS4 CPSF to the public, individuals or institutions without the prior written consent of the LS4 EXCO.
3. Disclosing and or dissemination false information and or rumours.
4. Refusal to carry out instructions of the LS4 EXCO or any office bearer acting on behalf of LS4 CPSF.
5. Drinking liquor and being under the influence of liquor or any intoxicating substance whilst performing duties of LS4 CPSF.
6. Acting in a manner that exposes LS4 CPSF members to a dangerous environment and or criminals.
7. Intentionally disregarding the constitution and direction provided by leadership of LS4 CPSF.
8. Acts for a group and/or person who seek to disrupt the activities of LS4 CPSF or prevent it from fulfilling its set Aims and Objectives.
9. Theft, fraud, insults or use of inappropriate language against members of LS4 CPSF and the Community.
10. Refusal to execute tasks enabling LS4 CPSF to function efficiently and effectively.
11. Acting in a manner that disrupts the activities, programs and projects of LS4 CPSF.
12. Using LS4 CPSF to advance personal and political interests.
13. Using membership of LS4 CPSF to promote personal financial gain.
14. Any member charged by SAPS for any serious crime shall be suspended until the outcome of the investigation and or court finding. Only LS4 CPSF shall have discretion if representation is made by the member accused of such serious crime. Dispute resolution procedures to be followed.

15. Any adverse conduct, act or omission, any form of publication, utterances or any other matter which potentially has the effect of bringing LS4 CPSF into disrepute, including but not restricted to political utterances or acts, disobedience to the law and incitement and or damages the image of LS4 CPSF and or negatively influences achievement and or attainment of the objectives and functions of LS4 CPSF.
16. Inappropriate use of the logo and not in accordance with the LS4 CPSF Constitution.
17. Un-authorized use of the SAPS logo.

## **ANNEXURE F – SUSPENSION POLICY**

### **1. GENERAL**

- 1.1. A member may be suspended pending the completion of an investigation, subject to the conditions and procedures contained in this annexure.
- 1.2. A decision to suspend should be taken with care and in the light of the circumstances involved.
- 1.3. Amongst others the essential aspects to consider when suspending a member shall be:
  - 1.3.1. reasonable suspicion of misconduct;
  - 1.3.2. the seriousness of the alleged misconduct or transgression;
  - 1.3.3. the possibility of potential witnesses being intimidated should the person/s not be suspended;
  - 1.3.4. the possibility that evidence may be lost or tampered with, should the person/s not be suspended;
  - 1.3.5. the possibility that the good name and standing of LS4 CPSF, and or any of its members be jeopardized;
  - 1.3.6. ideally, suspension should be reasonable and justifiable and for a period not longer than thirty (30) days, unless the circumstances of each case, determined on its own merits, suggests otherwise;
  - 1.3.7. in the event where a person is under suspension for a period longer than 30 (thirty) days, for whatever reason, such suspension shall automatically be reconsidered by the LS4 EXCO at each subsequent monthly LS4 EXCO meeting following the expiry of the initial 30 (thirty) days from date of suspension.
- 1.4. Any member of the LS4 EXCO or a member of LS4 CPSF charged with a misconduct as defined in the Code of Conduct may voluntarily step down from his/her position as a member of the LS4 CPSF and all other activities and structures of LS4 CPSF he/she serve in or represent until the disciplinary process had been completed.
- 1.5. A LS4 EXCO member who voluntarily elect to step down must do so in writing and this notice must be handed to the Chairperson of the LS4 EXCO, or in the event of the Chairperson to the Secretary of the LS4 EXCO, before



the Suspension Panel convene to hear the matter.

- 1.6. In the event where a person refuses to step down voluntarily, he/she may be suspended by a Suspension Panel, but only after the due process as set out below has been followed.
- 1.7. Once a written complaint for alleged misconduct had been received by the Secretary, the Secretary shall, within three (3) days forward such complaint to the Chairperson of the LS4 EXCO.

## **2. AUTOMATIC APPEARANCE BEFORE SUSPENSION PANEL**

Where a criminal charge has been laid against any member of the LS4 EXCO or any LS4 CPSF office bearer, and such criminal charge comes to the attention of the LS4 EXCO, then such person shall be required to appear before the relevant Suspension Panel as set out in paragraph 3 below, provided that the Suspension Panel must be convened within 72 hours after such criminal charge came to the attention of the LS4 EXCO.

## **3. SUSPENSION PANEL**

- 3.1. In the event of a complaint against a member of the LS4 EXCO or any LS4 CPSF office bearer, the Suspension Panel shall consist of:
  - 3.1.1. a member of the LS4 EXCO, appointed by the LS4 EXCO; and
  - 3.1.2. at least two members of LS4 CPSF, appointed by the LS4 EXCO.The Chairperson of the Suspension Panel shall be the member of the LS4 EXCO appointed by the LS4 EXCO.
- 3.2. In the event of a complaint against any other member of a sub-Forum, the suspension policy of such sub-Forum shall apply, and if the relevant sub-Forum does not have a suspension policy, this Suspension Policy shall apply and in such instance the Suspension Panel shall consist of:
  - 3.2.1. Any two members of the Management of the relevant sub-Forum and
  - 3.2.2. Any member of the Executive Committee appointed by the Executive Committee
  - 3.2.3. The chairperson of the sub- forum to act as chairperson of the panel
- 3.3. In the event of a Suspension Panel as per paragraph 3.2 the Chairperson of the Suspension panel shall be the member of the Executive Committee

appointed by the Executive Committee, normally the chairperson of the sub forum.

#### **4. NOTICE OF THE MEETING BY THE SUSPENSION PANEL**

- 4.1. The member whose suspension is under consideration should be informed in writing of the following:
  - 4.1.1. the date, time and venue of the meeting, provided that the member whose suspension is under consideration, as well as the members of the Suspension Panel, shall be given at least 48 hours' notice of such meeting;
  - 4.1.2. the allegations that gave rise to the proposed action;
  - 4.1.3. that the member whose suspension is under consideration will be afforded the opportunity to make representations in respect as to his/her possible suspension, provided that such person may only make such representations in person and will not be allowed any other person to assist him/her in making such representations.
- 4.2. Should the member whose suspension is under consideration fail to avail him/herself of the opportunity to make representation at the hearing, the hearing can also take place in the absence of the member if the Suspension Panel is satisfied that the member was properly informed and no valid excuse for the absence was tendered.

#### **5. MEETING OF THE SUSPENSION PANEL**

- 5.1. During the meeting the person whose possible suspension is under consideration will have the right to make such representation as set out above, as to why he/she should not be suspended.
- 5.2. The Suspension Panel should carefully consider the evidence against the person whose possible suspension is under consideration to ensure there is sufficient evidence or legitimate reasons for the suspension, or otherwise.
- 5.3. Once a final decision has been made, the decision should be conveyed to the person in writing and the notice should contain the following:
  - 5.3.1. the decision of the Suspension Panel, including the reason/s why the Suspension Panel saw it fit to suspend the member;
  - 5.3.2. that the suspension will only be uplifted once the Independent

Investigator or the Disciplinary Panel as referred to in the Disciplinary Procedure has exonerated the member or, if referred to a Disciplinary Panel, the Disciplinary Panel finds the person not guilty.

**6. TERMINATION OF SUSPENSION**

Should the investigation into the alleged misconduct find no reason for a charge of misconduct or if the member whose suspension is under consideration has been found not guilty at subsequent disciplinary processes, including an appeal, a written notice of termination of suspension, effective from a specified date, must be given to the accused member by the Chairperson of the Suspension Panel within 72 hours after such finding, and the member must be reinstated to the same situation/post which prevailed before the suspension.

**7. NO APPEAL AGAINST A SUSPENSION**

A member suspended in terms of this annexure may not appeal against his/her suspension.

# ANNEXURE G – DISCIPLINARY PRINCIPLES, PROCESSES AND PROCEDURES

## DISCIPLINARY AND ADMINISTRATIVE PRINCIPLES

1. The common law requires all persons accused of wrong doing to be heard before guilt and or administrative procedures are decided and or implemented.
2. **“Audi Alteram Partem** (or **audiatur et altera pars**)” rule must be applied.
3. There may well be a very good explanation by the accused which must be aired before the decision on guilt is made (innocence, misunderstanding, self-defense – all of which determine not only whether he is guilty of the wrongdoing but also how he should be punished, if at all).
4. Like in all disputes there are always two sides to the story, and one cannot get to the truth of the matter without hearing both sides. So not only is it a legal requirement but also as a matter of logic and for the feasibility of the result of a disciplinary hearing, that the accused’s version must be known to the person deciding his fate.
5. Inappropriate conduct or misconduct to be investigated independently.
6. If the accused is a member of LS4 EXCO, the matter will be handled by Lyttelton CPF.
7. A procedurally fair notice (10 days) with all evidence together with the charge sheet, to be made available to the accused.
8. Trial to be conducted by an objective Disciplinary Panel composed of at least two appointed members from the LS4 EXCO and at least one representative of Lyttelton CPF EXCO.
9. Both the charge and disciplinary process needs to be elevated to the higher level if any member of the tribunal deciding on the matter may have a conflict of interest and or be biased (e.g. if member to be heard is an LS4 EXCO member or if a member of the Disciplinary Panel is also the complainant).
10. The functions of investigator, judge, jury and prosecutor must always be separated.
11. All disciplinary hearings shall be administratively reviewed and ratified or rejected by the higher level.

## **DISCIPLINARY PROCEDURE**

1. These Disciplinary Procedures are binding on all LS4 CPSF members.
2. An investigation shall be conducted with the application of the *Audi Alteram Partem* rule to determine and recommend to the LS4 CPSF EXCO whether a disciplinary hearing is to be conducted, a criminal charge to be registered/laid or a civil claim need to be processed.
3. The following are the underlying fundamentals of the disciplinary process:
  - 3.1. the proceedings are formal in nature;
  - 3.2. each disciplinary matter shall be procedurally and substantially fair;
  - 3.3. any individual subjected to the disciplinary process shall be presumed innocent until proven guilty;
  - 3.4. any person subjected to the disciplinary process shall have the right to defend himself or herself which shall include the right to be represented by a fellow member of LS4 CPSF during the disciplinary process;
  - 3.5. a person subjected to a disciplinary hearing, has a right to appeal the outcome of a disciplinary hearing to a higher level as stipulated in this Constitution;
  - 3.6. reasons shall be given for any decision taken in respect of a disciplinary process;
  - 3.7. any person acting as a Chairperson or member of a Disciplinary Panel or Disciplinary Appeal Panel shall perform his/her duties in an objective and unbiased matter;
  - 3.8. where LS4 CPSF fails to act against any person, or fails to institute disciplinary proceedings against any of its members who contravene this Constitution and/or its Code of Conduct, Lyttelton CPF shall have the right to institute disciplinary proceedings as provided for in this Constitution, against such person or persons.

## **THE DISCIPLINARY PROCESS**

1. Any complaint of alleged unacceptable behaviour must be made in writing to the LS4 CPSF Secretary setting out the name(s) of the person(s) referred to in the complaint, as well as full details of such unacceptable behaviour with detail of witnesses.

2. The Secretary shall provide the complainant with a reference number for the complaint.
3. The Secretary shall, excluding in the case of a LS4 EXCO member, refer such complaint to the LS4 EXCO forthwith.
4. Where the complaint is against a LS4 EXCO member, the Secretary must elevate such complaint and refer the complaint to the Secretary of Lyttelton CPF forthwith.

**Complaint against a person, excluding a LS4 EXCO member**

1. Upon receipt of the complaint from the Secretary, the Chairperson, together with the Vice-Chairperson and any other member of the LS4 EXCO must, without having to convene a full LS4 EXCO meeting, appoint an objective person, who need not necessarily be a LS4 EXCO member to investigate the complaint. Provided that the Chairperson shall inform all other LS4 EXCO members of the decision to appoint such person forthwith.
2. The Chairperson, together with the Vice-Chairperson and any other member of the LS4 EXCO, may, without having to convene a full management Committee meeting, apply the suspension process.
3. The appointed investigator shall report back in writing on his findings to the LS4 EXCO within 10 (ten) days.
4. If the appointed investigator's report is not available within the initial 10 (ten) day period, the Chairperson, together with the Vice-Chairperson and the other member of LS4 EXCO, may, without having to convene a full LS4 EXCO meeting, extend the period of the initial investigation for a further period not exceeding 10 days.
5. After the initial 10 (ten) days and further extension thereof, if any, the appointed investigator shall report back in writing on his findings to the LS4 EXCO.
6. If the appointed investigator cannot, for whatever reason, report back in writing on his findings to the LS4 EXCO within the initial 10 days and further extension, the LS4 EXCO must refer the matter to Lyttelton CPF.
7. The LS4 EXCO will consider the findings of the appointed investigator and may thereupon perform the following:
  - 7.1. Dismiss the complaint; or
  - 7.2. Recommend that the matter be referred to a full disciplinary process.

- 7.3. Where the Management Committee has dismissed the complaint, the Management Committee must provide reasons for dismissing the complaint and the complainant may then refer the matter to the CPF.

### **Proceedings by and before the Disciplinary Panel**

1. Where the LS4 CPSF recommended that the matter be referred to a full disciplinary process the following process will apply.
2. The LS4 CPSF shall appoint a Disciplinary Panel to hear the disciplinary matter.
3. The Disciplinary Panel shall consist of:
  - 3.1. Two members of LS4 EXCO and a member of Lyttelton CPF, who shall elect a Chairperson of the Disciplinary Panel between themselves.
  - 3.2. A person that was part of the Suspension Panel as per the Suspension Policy may not act as a member of the Disciplinary Panel in the disciplinary proceedings of the same member.
4. The LS4 EXCO shall appoint a Prosecutor who shall be responsible to lay the complaint before the Disciplinary Panel.
  - 4.1. The Prosecutor shall have the right to call any witness, including the complainant to come and testify before the Disciplinary Panel.
  - 4.2. The Prosecutor shall also have the right to place any evidence before the Disciplinary Panel, provided that such evidence was obtained in a lawful manner.
  - 4.3. No hearsay evidence will be permissible.
  - 4.4. The person brought before the Disciplinary Panel shall have the right to cross-examine any witness called to testify or to challenge the validity of the evidence presented.
  - 4.5. The Prosecutor shall declare his/her case closed where-after no further witnesses may be called or evidence presented for the prosecution.
  - 4.6. The person brought before the Disciplinary Panel shall then present his/her case, and shall have the right to call any witness to testify before the Disciplinary Panel and also have the right to place any evidence before the Disciplinary Panel, provided that such evidence was obtained in a lawful manner.

- 4.7. The Prosecutor shall have the right to cross-examine any witness called to testify for the person brought before the Disciplinary Panel or to challenge the validity of the evidence presented.
- 4.8. After hearing both sides, the Disciplinary Panel will retire to consider the evidence presented.
- 4.9. The members of the Disciplinary Panel may request such time necessary as to consider before announcing their decision.
- 4.10. After consideration with regards to the evidence presented, the Disciplinary Panel will return to the place where the hearing has taken place to announce their verdict or postpone the verdict to such date, time and place as they deem necessary.
- 4.11. In the event of a finding of not-guilty the Chairperson of the Disciplinary Panel will convey the decision to the Secretary and the latter must minute such decision at the next LS4 EXCO meeting.
- 4.12. The Chairperson of the Disciplinary Panel shall give reasons for the decision of the Disciplinary Panel.
- 4.13. In the event of a verdict of guilty, the Prosecutor shall have the right, but is not obliged, to address the Disciplinary Panel on aggravating circumstances.
- 4.14. The pro-forma prosecutor may call any victim of the action/neglect for which the member was found guilty, to address the Disciplinary Panel on aggravating circumstances.
- 4.15. The person found guilty will then have the right, but is not obliged, to address the Disciplinary Panel on mitigating circumstances.
- 4.16. The person found guilty may call any person to testify on mitigating circumstances on his behalf.
- 4.17. After having heard both the Prosecutor and the person found guilty as well as persons testifying in aggravation and mitigation, the Disciplinary Panel will apply its mind as to an appropriate sanction, taking into account:
  - 4.17.1. The sanction/s prescribed by this Constitution for the offence of which the person was found guilty;
  - 4.17.2. evidence presented in aggravation and mitigation.



- 4.18. The members of the Disciplinary Panel may request such time necessary as to consider an appropriate sanction before announcing their decision.
- 4.19. After consideration, the Disciplinary Panel will return to the place where the hearing has taken place or postpone it to such date, time and place as they deem necessary.
- 4.20. The Disciplinary Panel will then announce the sanction and will also provide reasons for their findings.

### **Appeal process**

1. Any person/s found guilty will have the right to appeal against both the verdict and sanction but must do so in writing within seven days of the announcement of the sanction.
2. The appeal must be lodged in writing to the Secretary of LS4 CPSF and to the Lyttelton CPF Secretary within the seven-day period.
3. The Disciplinary Appeal Panel will consider the appeal based on the evidence presented at the disciplinary hearing and no new evidence will be allowed, unless it can be proven by the person who had been found guilty that:
  - 3.1. Such evidence was not available at the time of his / her hearing, and
  - 3.2. that such new evidence may cause him / her likely to be found not guilty or
  - 3.3. may result in a lesser sanction being imposed.

### **Disciplinary Appeal Panel**

1. In the event of an appeal a Disciplinary Appeal Panel will be appointed on the next hierarchical level namely Lyttelton CPF and thereafter GP CPB.
2. A person may also elect to take the decision of any body, including a Disciplinary Appeal Panel on review to a competent Court, provided that all internal avenues have been exhausted.

## **ANNEXURE H – PENALTIES**

1. A penalty may take the form of:
  - 1.1. Suspension for a period not exceeding six months, withholding privileges to participate in any LS4 CPSF meeting.
  - 1.2. Suspend such member's membership of that LS4 CPSF for a period not exceeding six months and that during this period he/she may not be involved in any LS4 CPSF activities whatsoever.
  - 1.3. Give a final written warning that shall be valid for a period of six months since date of issue, provided that if the person is found guilty of the same or another offence as per the Code of Conduct within the six months, the Disciplinary Panel may impose any of the sanctions as set out above or below.
  - 1.4. Withdraw, revoke, or cancel the membership of the member.
  - 1.5. Terminate the member's position on the LS4 EXCO with immediate effect, together with any of the sanctions mentioned above.
  - 1.6. Where an individual has been found guilty of any contravention of the Code of Conduct on three occasions, his LS4 CPSF membership shall be terminated with immediate effect for a period not exceeding 12 months.
2. In addition to the above-mentioned sanctions the LS4 CPSF has the right to pursue civil or criminal actions against the individual(s) concerned.
3. In the case of an expulsion or suspension the person is not electable to any Committee for a period not more than 12 months.
4. Refund or payback (in cases of theft or fraud) with permanent suspension, in which case the person is not eligible for election to an EXCO or Committee in the SAPS Lyttelton Precinct.

## **ANNEXURE I – LS4 CPSF EXCO ELECTION**

In terms of Clause 4.13 of the GPCPB Constitution for CPSF / SECTOR FORUMS

1. The LS4 CPSF elections shall be completed at an Elective AGM before the end of May of the year during which the term of the LS4 EXCO ends.
2. The elections shall be overseen by the SAPS Lyttelton Station Commander or delegated representative and a representative from Lyttelton CPF.
3. Each LS4 CPSF member present shall have one single vote and proxy votes will be allowed for each of the Executive positions.
4. Nominations for all positions shall be requested and shall be submitted in writing 21 days before the election date, with a copy of the nominees ID, proof of residence and both a proposer and a seconder signatures and contact details. The nominee shall declare his or her acceptance for the position nominated as well as confirm a clean record and acceptance to evacuate when information to the contrary became available.
5. Nominees shall be resident in the LS4 CPSF area of responsibility and shall have the responsibility to provide authorisation for a SAPS clearance (at no cost to the nominee) before the elections, taking due cognizance of Clause 7.4 of the Constitution of LS4 CPSF.
6. The membership shall cast their vote by ballot paper unless a position is uncontested, in which case a vote is not required, providing there are no objections. If there are objections, then a vote shall take place by ballot paper.
7. The presiding officer with the assistance from the Station Commander or delegate shall announce the appointees with the highest vote.
8. The newly elected EXCO shall hold an EXCO Meeting within the first 21 days to perform their duties and responsibilities in terms of Constitution.