



Milnerton Central Neighbourhood Watch

Constitution November 2019

1. Name

The name of the Neighbourhood Watch shall be MILNERTON CENTRAL NEIGHBOURHOOD WATCH (MCNW)

2. Nature of the Organisation and its members

- 2.1. The MCNW is a non-profit organisation.
- 2.2. The MCNW is an association of voluntary members.

3. Geographic Area of Operation

The MCNW shall operate within part of the precinct of the Milnerton South African Police Service, in particular in the suburb of Milnerton Central, as more specifically depicted by the map in Annexure A hereto.

4. The main aims and objectives of MCNW are:

- 4.1. Nurturing a sense of unity, dedication and good neighbourly relations among the residents of Milnerton Central;
- 4.2. To serve as a watchdog for the community and the local police services, thereby assisting the local police to safeguard the community against criminal activities and strive for a safe and secure environment.
- 4.3. Providing a channel for the local community to play a meaningful role in crime prevention;
- 4.4. Creating public awareness with regard to safety, crime prevention and the protection of families and their property;
- 4.5. Encouraging the community to work in close co-operation with the South African Police Service and other structures, such as local authorities who are involved in law enforcement;
- 4.6. Ensuring that the members of the MCNW act within the framework of the law;
- 4.7. Seeking to unite a diverse residency that is dedicated to creating a stable and crime-free environment.

5. Powers of MCNW:

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

- 5.2. Lobby National, Provincial and City Government on all issues of Public Safety under the Codes contained in WCNWS;
- 5.3. Seek and obtain funding and resources (including SAPS reinforcement) through the Community Police Forum from any available governmental or departmental source
- 5.4. Arrange and provide for or join in arranging and providing for the holding of exhibitions, meetings, lectures, classes, seminars and training courses;
- 5.5. Promote and carry out or assist in promoting and carrying out research, surveys and investigations and publish results thereof;
- 5.6. Collect and disseminate information on all matters affecting the above purposes and exchange such information with other bodies having similar purposes whether in this country or overseas;
- 5.7. Procure to be written and print, publish, issue and circulate gratuitously or otherwise such papers, books, periodicals, pamphlets or other documents or films or recorded tapes as shall further the above purposes;
- 5.8. Accept gifts in such a manner as MCNW shall think fit, subject to such consents as required by law;
- 5.9. Procure contributions to MCNW by personal or written appeals, public meetings or otherwise, subject to such consents as required by law;
- 5.10. Appoint and constitute such advisory committees as the Executive Committee may think fit;
- 5.11. Do all such other lawful things as are necessary for the attainment of the said purposes.

6. Indemnity

- 6.1. MCNW is not a legal person and functions within the guidelines provided by and set out in the Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures.
- 6.2. An acknowledgement to this effect must be signed by all members of MCNW clearly indemnifying the Neighbourhood Watch Structure.
- 6.3. The acknowledgement must clearly state that MCNW is a voluntary association.

7. Liability

- 7.1. MCNW is not a legal person and as such does not have powers of whatever nature which might be in law to act or be acted upon.
- 7.2. All individual members act in their own capacity as individuals and liability will be in that capacity.
- 7.3. MCNW will not be responsible for civil and or criminal actions or omissions that are perpetrated by a member of MCNW nor responsible for civil and or criminal actions or omissions against its members.
- 7.4. All and any criminal and civil actions that are instituted against a member of MCNW will be against the member concerned and not MCNW.
- 7.5. The above clauses shall also apply equally to elected and appointed officers of the MCNW.
- 7.6. MCNW continues to exist even when its membership changes and there are different office bearers.
- 7.7. Members or office bearers of the organisation do not have rights over things that belong to MCNW.
- 7.8. Body Corporate



- 7.8.1. MCNW shall:
Exist in its own right, separately from its members.
Be able to own property and other possessions.
Be able to sue and be sued in its own name.

8. Membership:

- 8.1. Membership of MCNW is based upon the principles of non-racism, non-sexism, non-sectarianism and democracy. Accordingly, membership of MCNW is open to all irrespective of race, colour, religion, disability, age or sexual orientation, subject to the criteria as set out in this section below.
- 8.2. Membership of MCNW shall be open to any person living, working or owning property in Milnerton Central;
- 8.3. Membership shall be for those persons who wish to participate in the objectives of MCNW and shall be by registration on the MCNW register. This membership register shall be kept by the neighbourhood watch structure and updated annually. The register must contain the full name, address, identity number, telephone and e-mail address details of the members. This information is confidential and will not be made available to the general public. The register will also contain the indemnity forms signed by the members.
- 8.4. The Committee may request reasonable information from an applicant before granting membership;
- 8.5. The Committee shall not reject an applicant without sufficient reason.
- 8.6. Any person wishing to join the MCNW shall be obliged to sign any indemnity or other form required of members in terms of this Constitution, and a failure or refusal to do so shall be sufficient cause to deny membership.
- 8.7. Only those who have registered as members in accordance with 8.3 hereof shall be entitled to vote at General Meetings of the MCNW.
- 8.8. Membership must be validated annually.
- 8.9. Membership is granted to members because of their own particular eligibility factors and is thus not transferable to any other person by proxy or otherwise.
- 8.10. Termination and/or suspension of Membership:
- 8.10.1. A member may resign by email notice to the MCNW Secretary;
- 8.10.2. The Committee may in their absolute discretion terminate membership of any member provided that ten days' notice is given to any member of the Committee's intentions and that such notice contains full reasons for the Committee's intended action. Any written reply shall be considered by the Committee.
- 8.10.3. A member may be suspended from active membership by the Executive Committee, pending full investigation, in the event that there is:
- 8.10.3.1. prima facie evidence of a committal by the member of any offence listed in Schedule 1 or Schedule 2 of the Criminal Procedure Act; and/or
- 8.10.3.2. prima facie evidence of a committal by the member of a gross breach of the MCNW Code of Conduct;
- 8.10.3.3. any other alleged action or conduct by the member, deemed by the Executive Committee to be a gross violation of the member's general obligation toward the organisation, that, if subsequently found to be true, would in all likelihood result in termination of the member's membership.



9. Elected Officers

- 9.1. The elected officers of the MCNW shall be:
 - 9.1.1. Chairperson
 - 9.1.2. Treasurer
 - 9.1.3. Secretary
 - 9.1.4. Operations Officer
 - 9.1.5. Membership Officer
 - 9.1.6. Communications Officer
- 9.2. Elected officers shall be elected at the Annual General Meeting (AGM) of the MCNW and, unless removed in terms of this Constitution, shall serve until the next AGM, or until their successor is elected, whichever is the later.
- 9.3. Elected officers are eligible for re-election at each AGM, provided they qualify in all other respects laid out herein.
- 9.4. Members of the MCNW who are under suspension pending possible termination of membership, or who have been found guilty of a serious violation of the MCNW Code of Conduct, are not eligible for the position of an elected officer.

10. Structure and Proceedings of Committees

- 10.1. Executive Committee
 - 10.1.1. Membership of the Executive Committee shall consist of:
 - 10.1.1.1. all the Elected Officers of the MCNW and
 - 10.1.1.2. those Appointed Officers that the Executive Committee considers appropriate to properly manage the organisation.
 - 10.1.2. Other than powers that are more generally vested in members in terms of this Constitution, the Executive Officers are, by their election, mandated to carry out all duties and responsibilities necessary for the effective running of the organisation.
 - 10.1.3. The Executive Committee shall meet not less than 11 times a year.
 - 10.1.4. The number of members on the Executive Committee shall not exceed 8.
 - 10.1.5. The quorum at a meeting of the Executive Committee shall be 50% +1 of the members of the committee, provided that at any meetings the Elected Officers must be in the majority.
 - 10.1.6. The Chairperson of the Executive Committee shall be the Chairperson of the MCNW for the duration of his or her term of office.
 - 10.1.7. Each member of the Executive Committee shall be entitled to one vote at meetings of the Committee.
 - 10.1.8. No voting by proxy shall be permitted.
 - 10.1.9. The Executive Committee shall endeavour to decide every issue considered by it by means of consensus, failing which by vote.
 - 10.1.10. All voting shall be by show of hands.
 - 10.1.11. The simple majority of those present and voting shall carry.
 - 10.1.12. In the event of a tie in the voting, the Chairman shall have a casting vote in addition to a deliberative one.
 - 10.1.13. The Minutes and Resolutions arising out of Meetings shall be prima facie confirmation of the matters stated therein and must be signed by the Chairperson and the Secretary or the Treasurer.



- 10.1.14. A round robin resolution signed by all the members of the Executive Committee and inserted in the Minutes file shall be regarded as valid and effective as if passed at a meeting of the Executive Committee. Any such Resolution may consist of several documents in the same or similar form, each of which is signed by one or more of the members of the Executive Committee and shall be deemed to have been passed on the date it was signed by the last member of the Executive Committee (unless stated to the contrary in the document(s)).
- 10.1.15. Any casual vacancy in the Executive Committee may be filled up by the Committee, and any person appointed to fill such a casual vacancy shall hold such office for the term that was applicable to the vacancy being filled.
- 10.1.16. The proceedings of the Executive Committee shall not be invalidated by any accidental failure to elect or any accidental defect in the election, appointment, co-option or qualification of any member.
- 10.1.17. In addition to the Ad Hoc Committees specified in this Constitution, the Executive Committee may appoint such special or Standing Committees as may be deemed necessary, and shall determine their scope and terms of reference, powers, duration and composition. All acts and proceedings of such special or Standing Committees shall be reported back to the Committee for ratification.
- 10.1.18. The Senior Police Officer of the Milnerton Police Service shall be entitled to ex-officio non-voting representation at a meeting of the Executive Committee.
- 10.1.19. The Executive Committee may at any Executive Committee meeting vote to allow any other Senior Police Officer or any senior official or politician concerned in Public Safety or Neighbourhood Watch Association to have ex-officio non-voting representation at a meeting of Executive Committee.
- 10.1.20. The Executive Committee is not precluded from inviting to any of its meetings any representatives of the various tiers of government, specific government departments, legal services, communities or organisations from such communities, or partners or companies on the basis that they share objectives or interests similar or common to those of MCNW organisations, provided that such invite may only be extended on the decision of a majority of the Executive Committee members. In the event that any invitee has a commercial interest in a relationship or a potential relationship with the MCNW, then the Executive Committee shall ensure that, should procurement be envisaged, competitive fairness and integrity of the procurement process shall ensue.
- 10.1.21. The membership of an Executive Committee member who is an elected officer of the MCNW can be terminated, either:
 - 10.1.21.1. By resignation from office by notice given in writing to the Secretary (or to the Chairman if the member resigning is the Secretary); or
 - 10.1.21.2. Automatically, if the member is absent from three (3) consecutive meetings of the Executive Committee without just or reasonable cause given in writing and acceptable to the Executive Committee; or
 - 10.1.21.3. Automatically, if the Elected Officer's membership of the MCNW is terminated in terms of Clause 9; or
 - 10.1.21.4. Automatically if the Elected Officer is removed from office by means of a motion passed at a duly constituted general meeting of members.
- 10.1.22. The membership of an Executive member who is an appointed officer of the MCNW can be terminated, either

- 10.1.22.1. Upon resignation from office by notice given in writing to the Secretary; or
 - 10.1.22.2. Automatically, if the member is absent from three (3) consecutive meetings of the Executive Committee, to which he or she has been invited, without just or reasonable cause given in writing and acceptable to the Executive Committee; or
 - 10.1.22.3. Automatically, if the Appointed Officer's membership of the MCNW is terminated in terms of Clause 9; or
 - 10.1.22.4. For good cause, by the majority vote of the members of the Executive Committee.
- 10.2. Standing and Ad Hoc Committees:
- 10.2.1. The Executive Committee may appoint and/or dissolve such special or Standing Committees as may be deemed necessary by the Executive Committee from time to time.
 - 10.2.2. The Executive Committee shall determine or amend the terms of reference, powers, duration and composition of all Standing and Ad Hoc Committees.
 - 10.2.3. All acts and proceedings of such special or Standing Committees shall be reported back to the Committee for ratification.
 - 10.2.4. Sample committees are:
 - 10.2.4.1. Sector Leaders Committee
 - 10.2.4.2. Disciplinary Committee
 - 10.2.4.3. Projects Committee
 - 10.2.4.4. Crime statistics committee

11. Annual General Meeting

- 11.1. There shall be an Annual General Meeting (AGM) of the MCNW held by no later than the last Thursday in October, held at such time and at such place as the Executive Committee shall determine.
- 11.2. Notice of at least fourteen (14) clear calendar days shall be given to members, and publication of such notice on the MCNW website, social media platforms, in local newspapers and/or via email shall be deemed sufficient communication.
- 11.3. Quorum and proxies:
 - 11.3.1. The quorum at an AGM of the MCNW shall be fifty (50) members or one quarter (25%) of the membership of the MCNW, whichever is the lesser.
 - 11.3.2. Members are entitled to attend and exercise their right to speak and vote in person only.
 - 11.3.3. No proxies are allowed for any part of the meeting.
 - 11.3.4. In the event that a quorum is not present, the meeting, with the same agenda, shall be adjourned to a date not more than 10 days later, and the members attending at such reconvened meeting shall be the quorum, even if conditions as laid out in Clause 12.3.1 are not met.
- 11.4. The Agenda at the AGM shall include:
 - 11.4.1. The election of the Elected Officers (per Clause 10);
 - 11.4.2. The consideration of a report by the Chairman;
 - 11.4.3. The consideration and adoption of Annual Audited Accounts;
 - 11.4.4. Appointment of accountants/auditors for the forthcoming year;



- 11.4.5. Proposals submitted by the Executive Committee or members for consideration;
- 11.4.6. Any other relevant general business.
- 11.5. Nominations for election as an Elected Officers
 - 11.5.1. must be proposed and seconded by members of the MCNW;
 - 11.5.2. must be in the hands of the Committee at least ten days before the AGM;
 - 11.5.3. notwithstanding Clause 12.5.2, further nominations may be made from the floor;
 - 11.5.4. Nominated members must be given the opportunity to address the meeting before the election is put to the vote.
- 11.6. Voting for Elected Officers shall be decided
 - 11.6.1. on an officer by officer basis;
 - 11.6.2. by show of hands, with candidates absent from the room at the time of the vote;
 - 11.6.3. only in the event that nominations exceed vacancies, failing which those nominated are deemed to be elected, unless objections are made. Should any members object to the election of any member in this manner, then a vote shall be taken, and under such circumstances the nominated member must receive at least 50% +1 approval of the members present and voting;
 - 11.6.4. by a simple majority of those present and voting;
 - 11.6.5. In the event of there being more than one nominee for an officer position, then voting shall continue on a round by round basis, with the nominee garnering the fewest votes dropping out for subsequent rounds, until one nominee shall gain at least 50% +1 of the votes cast.
- 11.7. All questions requiring a decision shall be decided by a simple majority of those present and voting. No person shall exercise more than one vote, but in the case of any equality of votes, the chairperson of the meeting may have a second or casting vote, which he or she may or may not exercise.
- 11.8. Minutes of the AGM shall be recorded and published in the member section of the MCNW website and sent to any member formally requesting such.

12. Special General Meetings

- 12.1. The Secretary of the MCNW shall call a Special General Meeting of
 - 12.1.1. the MCNW within 28 days of the instruction of the Executive committee, such instruction to contain the reason for such meeting;
 - 12.1.2. a written request, containing the reason for such meeting, by twenty-five (25) members in good standing acting in concert.
 - 12.1.3. Notice of at least fourteen (14) clear days shall be given to members. Publication of such notice on the MCNW website, social media platforms, in local newspapers and/or via email shall be deemed sufficient communication.
- 12.2. Quorum and proxies:
 - 12.2.1. The quorum at a Special General Meeting of the MCNW shall be fifty (50) members or one quarter (25%) of the membership of the MCNW, whichever is the lesser.
 - 12.2.2. Members are entitled to attend and exercise their right to speak and vote in person only.
 - 12.2.3. No proxies are allowed for any part of the meeting.
 - 12.2.4. In the event that a quorum is not present, the meeting, with the same agenda, shall be adjourned to a date not more than ten (10) days later and the members

attending at such reconvened meeting shall be the quorum, even if conditions as laid out in Clause 13.2.1 are not met.

13. Standing Orders/ Policies and Codes of Conduct

- 13.1. The Executive Committee may make such rules for the conduct of its activities as it may deem necessary from time to time, provided that such shall be consistent with the requirements of this Constitution;
- 13.2. The Executive Committee may make such rules for the conduct of its members as it may deem necessary, provided that such shall be consistent with the requirements of this Constitution.
- 13.3. Members of the media may only attend a meeting of the MCNW organisation when invited by the agreement of the Executive Committee.
- 13.4. The Executive Committee shall have the power to make, repeal and amend such rules as they may consider necessary from time to time, for the well-being of the MCNW, provided that such rules are consistent with the requirements of this Constitution.
- 13.5. Any rules, repeals and amendments shall have effect until set aside by the Executive Committee or by the majority vote of members present and voting in a general meeting.
- 13.6. Notwithstanding the generality of this main clause, in the event that the Executive Committee are of the opinion that the main Code of Conduct of the MCNW requires repeal or amendment, it shall:
 - 13.6.1. Distribute to members, to their last e-mail address of record with the organisation (together with a link to a copy of the document on any MCNW website the organisation may have) a copy of the proposed new Code of Conduct document;
 - 13.6.2. Simultaneously issue an invite to members to respond in writing within 21 calendar days with any comments they may have;
 - 13.6.3. Review all comments received and, if deemed appropriate by a simple majority of the Executive Committee, amend the Code of Conduct;
 - 13.6.4. Cause the Code of Conduct (amended or otherwise) to be signed by the Chairman and Secretary of the MCNW and distribute such signed document to the membership with an implementation date chosen by the Executive Committee;
 - 13.6.5. Such Code of Conduct shall stand until further amended or set aside, in terms of this Constitution or by the Executive Committee by majority vote of members present and voting in a general meeting.

14. Finance

- 14.1. The financial year of the organisation ends at the end of February each year.
- 14.2. All monies raised by or on behalf of the MCNW shall be applied to further the aims, objectives and purposes of the MCNW and not otherwise, including payment in good faith of preapproved reasonable and proper repayment of reasonable out-of-pocket expenses.
- 14.3. The neighbourhood watch structure shall keep a proper accounting record that accurately reflects all its income and expenditure, assets and liabilities.
- 14.4. The neighbourhood watch structure shall have its financial accounts audited annually.
- 14.5. The MCNW is permitted to hold fund-raising campaigns, provided that:
 - 14.5.1. Funds raised are for the purposes of furthering its stated aims and objectives;

- 14.5.2. Funds acquired from other sources shall be controlled and administered by the MCNW;
- 14.5.3. Prior to implementing such a campaign, the local Community Police Forum and/the South African Police Service shall be consulted.
- 14.6. Nothing within this Constitution shall prevent committee members or any other member of the MCNW from collecting or raising funds for the benefit of individuals, provided that:
 - 14.6.1. The MCNW is not to be used as the name behind any such collection;
 - 14.6.2. Any funds so raised and any expenditure, surplus or goods acquired shall be the sole responsibility of individuals;
 - 14.6.3. The MCNW shall and will remain a non-profit-making organisation.
- 14.7. All government funding must be controlled by the local Community Police Forum and the South African Police Service and where applicable accounted for through the MCNW accounting systems.
- 14.8. All funds collected shall be deposited in a registered bank account with a banking institution registered and recognized by the South African Merchant Bank Act No 90 of 1994:
 - 14.8.1. Said bank account must be registered in the name of the MCNW; and
 - 14.8.2. a signatory mandate must be given to the banks of a minimum of two signatories to transact, or if an electronic banking transaction, one user to load payments and a second user to authorise such payments.
- 14.9. The MCNW shall ensure that one or more members of the structure shall be appointed as custodian/s of the various MCNW equipment whose prime function shall be, upon handing over of equipment in the event of dissolution/ change of office/ change of portfolios, to provide a fully completed inventory signed by the custodian and, where necessary, be filed by the Chairperson of the MCNW or the Secretary of the MCNW.

15. Dispute Resolution

- 15.1. Any dispute relating to the MCNW, which cannot be resolved by the Executive Committee, or by the members in a general meeting, may be:
 - 15.1.1. referred to the Officer Commanding Milnerton SAPS; or
 - 15.1.2. the local Community Police Forum; or
 - 15.1.3. if the local Community Police Forum cannot resolve the dispute, the dispute shall be referred to the Area Community Police Board; or
 - 15.1.4. Failure to resolve such dispute will lead to the dispute being taken to the Provincial Community Police Forum who must attempt to resolve it, failing which any decision of the Provincial Community Police Forum shall be final and binding.

16. Alterations to the Constitution

- 16.1. Any alteration to this Constitution shall receive the assent of not less than two-thirds (66.67%) of the members of the MCNW present and voting at an Annual General Meeting or a Special General Meeting.
- 16.2. Notice of any such proposed alteration, not initiated by the Executive Committee, shall have first been submitted to the Executive Committee, in writing, not less than

twenty-one (21) clear days before the meeting at which the alteration is to be proposed.

- 16.3. No alteration shall be made to Clauses 3 and 4 or this Clause 16 until the approval in writing of the Community Police Forum or other authority having jurisdiction shall have been obtained, and no alteration shall be made, which would have the effect of causing the MCNW to cease to apply the principles of the WCPC.

17. Continued Existence and Dissolution

- 17.1. **Continue to exist even when its membership changes and there are different office bearers.**
- 17.2. The MCNW may be dissolved by a two-thirds (66.67%) majority vote of members present and voting at a duly constituted special general meeting of members.
- 17.3. Notice of such meeting must be given not less than fourteen (14) days before such meeting.
- 17.4. The notice shall set out the resolution to be debated and voted on.
- 17.5. Notice shall be by publication on the MCNW website, social media platforms, a local newspaper and via email, and notice in this manner shall be deemed sufficient communication.
- 17.6. The quorum for this special meeting shall be fifty (50) members or one quarter (25%) of the total membership of the MCNW, whichever is the lesser.
- 17.7. In the event that a quorum is not present, then the meeting, with the same agenda, shall be adjourned to a date not more than ten (10) days later, and the members attending at such reconvened meeting shall be the quorum, even if conditions as laid out in Clause 17.5 are not met.
- 17.8. Members are entitled to attend and exercise their right to speak and vote in person only.
- 17.9. No proxies are allowed for any part of the meeting.
- 17.10. The meeting will be chaired by the chairperson of the local Community Police Forum or an independent person agreed on by the majority of members present and voting at the meeting.
- 17.11. Reference to the mandate given to the chairperson shall be made and duly recorded in the minutes of the meeting.
- 17.12. The MCNW shall invite the following people to be present at the meeting
- 17.12.1. the local Community Police Forum; and
 - 17.12.2. the local Station Commander of the South African Police Service; and
 - 17.12.3. a representative from the Department of Community Safety.
- 17.13. For the purpose of this meeting all elected and appointed officers may attend only as an ordinary member.
- 17.14. In the event that the MCNW is dissolved, then the local Community Police Forum shall have the power to:
- 17.14.1. become the custodian of all equipment, other assets, funds and documentation pertaining to the MCNW;
 - 17.14.2. obtain a copy of the statement of accounts, or account and statement, for the previous and final accounting period of the MCNW, which the last elected officers of the MCNW are obliged to provide;
 - 17.14.3. immediately cancel the mandate as recorded that the MCNW holds with any banking institution;

- 17.14.4. appoint members from its executive as signatories to the said banking account/s;
 - 17.14.5. hold all funds and assets in trust until such time that the community again organises themselves in a neighbourhood watch;
 - 17.14.6. In the interim sustain any and all current project/s and attend to the administration of the dissolved MCNW structure, including the payments to creditors, if any.
- 17.15. If, after an agreed time period for restructuring of the neighbourhood watch structure and all efforts to the effect has failed, the local Community Police Forum may donate the assets of the dissolved MCNW to any organization provided that such organisation:
- 17.15.1. Is a neighbourhood watch with similar aims and objectives as that of the MCNW; and/or
 - 17.15.2. Is a charitable institution or institutions having objectives similar to the objectives of the MCNW; and/or
 - 17.15.3. Is a non-profit organisation (registered or not); and
 - 17.15.4. Preferably operates within the same geographic area as the MCNW.

Thus done and approved by at least 66.67% of members present and voting at the AGM of the Milnerton Central Neighbourhood Watch held at Milnerton on xxx 2019.



Chairman (signature)

Anya Ragaller
(Print name)



Secretary (signature)

Angela Chandler
(Print name)