

GAUTENG PROVINCIAL COMMUNITY POLICE BOARD



CONSTITUTION OF THE GAUTENG COMMUNITY POLICE BOARD (GPCPB)

PREAMBLE

Be it therefore acknowledged that the Gauteng Provincial Community Police Board (GPCPB) is established in terms of Chapter 7 of the South African Police Service Act, Act 68 of 1995 (the principal Act), and as amended on 28th October 1998 providing a framework for the establishment, functions and control of municipal police services 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), Cluster Community Police Boards and Community Police forums in Gauteng as envisaged by section 18 of the principal Act.

Due regard shall be taken of the implications of various legislations, regulations and government policies, for example Section 30 of the Income Tax Act and related regulations, Regulations for Safety Measures at Public Schools of 10th November, 2006.

It is recognized that all members of the South African Police Service 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 the Gauteng Province; and,

It is incumbent on every member of a Community Police Forum and Board to ensure that the partnership between the Community and the Police is maintained in all the Police precincts in the Gauteng Province and that all Community Safety- and Victim Support Structures are directed, monitored and guided to act within the Law.

INTRODUCTION

The Board is established in terms of Chapter 7 of the South African Police Service Act, Act 68 of 1995 (the principal Act), and as amended on 28th October 1998 providing a framework for the establishment, functions and control of municipal police services 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), Cluster Community Police Boards and Community Police forums in Gauteng as envisaged by section 18 of the principal Act.

Due regard shall be taken of the implications of various legislations, regulations and government policies, for example Section 30 of the Income Tax Act and related regulations, Regulations for Safety Measures at Public Schools of 10th November, 2006.

1. DEFINITIONS

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

- “Act”** shall mean the South African Police Service Act, Act 68 of 1995, as amended, read in conjunction with The Constitution of the Republic of South Africa, 1996;
- “Annexure A”** shall mean the annexure relating to the Code of Conduct,
- “Annexure B”** shall mean the annexure relating to Misconduct
- “Annexure C”** shall mean the annexure relating to Disciplinary Procedures
- “Annexure D”** shall mean the election procedures and timelines for elections
- “Board”** shall mean the Gauteng Provincial Community Police Board (GPCPB);
- “Cluster Board”** shall mean the replacement of the Area Board in terms of the Act, Section 18 to 23 of the same Act;
- “Constitution”** shall mean the GPCPB Constitution, including Annexures A, B, C and D approved/adopted and or amended during an Annual General Meeting or Special General Meeting of the Board;
- “CPF”** shall mean the Community Police Forums at the SAPS precinct / station level’
- “CPS”** shall mean the Crime Prevention Strategy
- “CPSF”** shall mean the Community Police Sub-forum subordinate to the CPF at the precinct / station level
- SAPS**
- “Crime Prevention Strategy”** as required in terms of the National Crime Prevention Strategy Document of 22nd May 1996, as amended.
- “Executive Committee”** shall mean the executive committee elected by GPCPB.
- “Financial Year”** shall mean the annual period commencing on the 1st April until 31st March of the following year.
- “Guidelines”** shall mean rules that govern all other procedures not included in the

Constitution, ensuring compliance to all principles enshrined in this will be applicable to all sub-ordinate structures of the Board.

- “HOD”** shall mean the Head of Department of Community Safety in the province
- “Interim Regulations”** shall mean the Interim Regulations of 2001 as promulgated in terms of the Act.
- “MEC”** shall mean the Member of the Executive Council responsible for policing in the province;
- “Membership”** shall mean the members representing each Cluster Board.
- “Provincial Commissioner”** shall mean the Provincial Commissioner appointed in term of the SAPS Act, Act 68 of 1995.
- “PSIRA”** shall mean the Private Security Industry Regulatory Act of 2001
- “Sector Forums”** shall mean the Community Police Sector Forums at each SAPS precinct/ station level in terms a SAPS National Instruction
- “SAPS”** shall mean the South African Police Services in terms of the SAPS Act, Act 69 of 1995, as amended, which includes the Municipal Police;
- “VEP”** shall mean the Victim Empowerment Program;
- “White Paper”** shall mean the White Paper of Safety and Security of 1998
- “Youth”** shall mean the Youth Representative from the youth committee of the Board constituting members up to the age of twenty five years;

2. NAME AND LOGO

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

2.2 The Logo and Letterhead:

2.2.1 The Logo shall be seen as:

A handshake under the Aloe in a circle, and surrounded by the words; ‘Community Police Forum’ and ‘Partners in Policing’ on the top and bottom” respectively.

2.2.2 For the purpose of identification, the name of the Forum or Board should be added above the Aloe, for example:

“FAIRLAND COMMUNITY POLICE FORUM”,

“ HONEYDEW COMMUNITY CLUSTER BOARD”,

“ GAUTENG PROVINCIAL COMMUNITY POLICE BOARD”

and shall be used on all correspondence of the Boards ,Forums, and Sector Forums.

2.2.4 The Logo should only be used for official Board, Cluster Board, CPF, CPSF and Sector Forum activities and correspondence.



3. OBJECTIVES

The Objectives of the Board are the following:

- 3.1 To establish, promote and maintain public participation and private partnership between the community and the SAPS in the fight against crime;
- 3.2 To promote effective communication and cooperation between the SAPS and the community in fulfillment of policing needs;
- 3.3 To improve the transparency and accountability of the SAPS to the Community;
- 3.4 To ensure joint problem identification and resolution by the SAPS and the community;
- 3.5 To direct, support and develop projects which shall improve the rendering of policing services to the community at provincial, cluster, station and sector levels;
- 3.6 To support and coordinate the programmes of Cluster Community Police Boards, who shall support and co-ordinate the programmes of CPFs;
- 3.7 To consult with and advise the Provincial Commissioner or his or her delegates with regards to all matters pertaining to community policing;
- 3.8 The Board shall function within the principles contained in the principal Act, Interim Regulations, 2001 and any other regulatory and/or policy framework mentioned in this Constitution;

4. FUNCTIONS

The functions of the Board are as follows:

- 4.1. To promote the accountability of the SAPS to communities and encourage cooperation between communities and the Police Service;
- 4.2. To advise the Provincial Commissioner and the Department of Community Safety regarding local policing priorities;
- 4.3 To report results of any evaluation regarding service delivery to the community and relevant managers within the service at provincial level;
- 4.4 To facilitate the resolution of concerns, problems and complaints from Cluster Boards;
- 4.5 To inform Cluster Boards and CPFs about activities of the Provincial Board and engage them in these activities.
- 4.6 To promote and monitor the effective management of Cluster Boards;
- 4.7 To monitor and request reports on activities of the Cluster Boards and ensure/promote the sharing of good practices;
- 4.8 To co-ordinate and support the Provincial Commissioner in establishing and sustaining functionally constituted Cluster Boards and to ensure that the Cluster Board Constitutions are aligned to the Board;
- 4.9 To receive and evaluate quarterly reports from Cluster Boards and provide and submit integrated quarterly reports from the Boards to the MEC, the Provincial Commissioner and

- the National Community Police Board;
- 4.10 To participate and inform the relevant provincial legislature committee in their evaluation of the policing services in the province;
 - 4.11 To formalize community safety policies in line with the CPS, appropriate policies, the Community Safety Plans and to direct and evaluate the implementation thereof at all stations in the province;
 - 4.12 In line with the hierarchical arrangements, the Board shall function and liaise through the Cluster Boards, Cluster Boards to CPFs, CPFs to CPSFs and Sector Forums as appropriately required;
 - 4.13 To develop, approve and amend all Addendums / Regulations, Codes and Policies to regulate and direct Provincial Board Committees, Cluster Boards, Cluster Board Committees, CPFs, CPSFs and Sector Forums and relevant community safety projects and programs.

5. COMPOSITION OF THE BOARD

The board shall consist of:

- 5.1. The Chairperson from each Cluster Community Police Board within the province, elected by the Cluster or a person nominated by the Chairperson from the respective Executive Committee Cluster Board;
- 5.2 The Provincial Commissioner or a Deputy Provincial Commissioner designated by the Provincial Commissioner shall serve on the Board as an Ex Officio member, with no voting rights, unless required to do so, in terms of Clause 12.7 of this Constitution;
- 5.3 The Chief or Deputy Chief designated by the respective Municipal Police Head from each of the Gauteng Municipal Councils, with no voting rights, unless required to do so, in Clause 12.7;
- 5.4 The Board shall at its discretion invite and co-opt any Head of a Provincial Department or Deputy as designated by the Heads of Department to serve on the Board as an ex-officio member, with no voting rights;
- 5.5 The Board shall whenever it is deemed necessary, co-opt any other person(s) to serve on the Board in an advisory capacity, with no voting rights;
- 5.6 During the AGM, the Board shall further elect an agreed number of members to handle designated portfolios, as may be determined by the Board with no voting rights; and
- 5.7 Heads of other Provincial SAPS units shall be invited to participate, with no voting rights.

6. ANNUAL GENERAL MEETING

- 6.1 All Annual General Meetings shall be held each year within six months after the end of the financial year, with a view to approving the minutes of the preceding annual general meeting,

the certified financial report and to consider the keynote address of the Chairperson and the annual report of the Secretary;

- 6.2 The Secretary shall, in writing, give notice to all members of an Annual General Meeting at least 30 days prior to the date of the Meeting.

7. TERMS OF OFFICE

The term of office for the Board is determined as follows:

- 7.1 Elected Executive members and members of the Board and all sub-ordinate hierarchical structures shall serve for a period of five years.
- 7.2 Any interim elected executive members shall serve for the remainder of the period up to the next elective AGM.

8. ELECTION OF THE EXECUTIVE COMMITTEE

- 8.1 The Board shall elect an Executive Committee during the elective AGM, which shall be overseen by the Provincial Commissioner of SAPS or the delegated Deputy Provincial Commissioner and the MEC or the HOD;
- 8.2 The Executive Committee of the Board shall comprise the following office bearers:
- 8.2.1 Chairperson
 - 8.2.2 Deputy Chairperson
 - 8.2.3 Secretary
 - 8.2.4 Deputy Secretary
 - 8.2.5 Treasurer
 - 8.2.6 Public Relations Officer
 - 8.2.7 Co-opted members with dedicated tasks as and when required by the Board with no voting rights.
- 8.3 Vacancies for any of the above shall be elected at a duly convened Special General Meeting.
- 8.4 Voting at Elective Annual General Meetings and Special General Meetings shall be by ballot paper overseen by the Provincial Commissioner or Deputy Provincial Commissioner and the MEC or the HOD.
- 8.5 The electoral process for the Board shall be sensitive towards gender, race and demographics representivity. In the event that the democratic process does not result in the adequate representation of both genders, the Board may co-opt members, without voting rights, to manage specific tasks, as approved by the Board.

9. FUNCTIONING OF THE EXECUTIVE COMMITTEE

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9.1 Administrative Support

9.1.1 The Executive Committee shall have the authority to manage and control the affairs of the Board, including the authority to attend to any matter that could or might be attended to by the Board, except where a matter is specifically reserved in this constitution to be dealt with by an Annual General Meeting or a Special General Meeting of the Board.

9.1.2 An officer, designated by the Provincial Commissioner of the SAPS, shall be appointed to assist the Executive Committee in the administrative management of the Board.

9.2 Committee Decisions

9.2.1 The Executive Committee shall report to the Board on a quarterly basis;

9.2.2 The Board shall have the power to convene an Extra-ordinary Special General Meeting in the event that it has lost confidence in the Executive Committee and requested by a minimum of fifty per cent of Board Members plus one and supported by more than two thirds of the Board Members in attendance, to elect new Executive members; and

9.2.3 The Executive Committee shall have the power to pass any resolution or take any decision, that may be necessary or expedient in order to achieve the objectives of the Board, provided that the Executive Committee shall not pass a resolution or take a decision that is inconsistent with this constitution, or in conflict with any resolutions or decisions of a general meeting of the Board taken prior to the date of the resolution or decision by the Executive Committee and/or any decision that may have adverse financial implications to the Board.

9.2.4 All the decisions as determined in Clause 9.2.3 shall be presented at the subsequent Board meeting for ratification or to be condoned.

9.3 Establishment of sub committees

9.3.1 The Board shall form or appoint sub-committees for designated portfolios as it may be determined, e.g. youth, community patrollers, victim empowerment, business, legal and constitutional, crime prevention programs, etc.

9.3.2 Regulations and Policies to regulate all sub-committees established in terms of Clause 9.3.1 shall be promulgated by the Board in terms of Clause 4.13 of this Constitution.

9.4 Financial Management and Income Tax Exemption.

Pursuant to the requirements of Section 30 of the Income Tax Act and related Regulations thereto, as amended from time to time, and pursuant to the requirement for appropriate financial management of the affairs of the Board, the Executive Committee shall:

9.4.1 At the conclusion of each financial year, provide all the financial records of the Board to be certified in accordance with Generally Accepted Recordkeeping Practices and as

a true reflection of the income, expenditure, assets and liabilities of the Board as audited by a duly appointed authorized Auditor or Accountant (as provided for in terms of the Auditors Act 25 of 2004 and relevant Acts and regulations). A copy of such Annual Audit shall be provided to the South African Revenue Service as soon as such audit report is completed and approved each year by the AGM or Special General Meeting.

- 9.4.2 At no time shall the financial affairs of the Board be or be capable of being controlled by any one single person and the Board shall ensure the compliance with all the Financial Management provisions of Clause 9.4.
- 9.4.3 Ensure that save for reasonable professional fees for bona fide services rendered to the Board, members and/or their relatives do not derive any benefit from the funds of the Board whatsoever, other than what has been formally approved by the Board.
- 9.4.4 Ensure that all Board property, whether moveable or immovable, is registered in the name of the Gauteng Provincial Community Policing Board and is administered solely for the purpose and furtherance of its objectives and principles.
- 9.4.5 Under no circumstances, permit any or participate in any speculative financial transactions with Board assets, without the approval of the Board.
- 9.4.6 Institute, conduct, defend, oppose, settle or abandon any legal proceedings by or against the Board or otherwise concerning the affairs of the Board and also to settle a and allow time for payment in satisfaction of any debt or obligations due and/or any claims and demands by or against the Board.
- 9.4.7 Invest, re-invest and deal with any monies of the Board not immediately required for the purposes of the Board, upon such securities and on such terms as the Board may deem fit and from time to time vary such investments, provided that at all times funds available for investment shall only be invested in registered financial institutions as defined in Section 1 of the Financial Institutions (Protection of Funds Act 28 of 2001).
- 9.4.8 Sell, lease, alienate or otherwise dispose of the moveable or immovable property of the Board, as it deems beneficial to the Board and to apply the consideration arising therefrom pursuant to the objectives of the Board.
- 9.4.9 Purchase, hire or take in exchange or otherwise acquire any moveable or immovable property or rights for or on behalf of the Board or otherwise deal with all or any of the assets of the Board.
- 9.4.10 Ensure at all times, that the assets of the Board shall be registered in the name of the Board and that Board assets shall not be held in any nominee capacity or in the name of any other individual or entity at any time.
- 9.4.11 Ensure that no more than five thousand rands (R5000) per annum shall be utilized or expended outside the borders of the Republic of South Africa without the prior written consent of the South African Revenue Service.

- 9.4.12 A copy of all future proposed amendments to this Constitution must be submitted to the South African Revenue Service for approval.
- 9.4.13 Any trading activities which may be undertaken shall not exceed Fifteen Per Centum (15%) of the total income of the Board in any one financial year.
- 9.4.14 Accept or make donations provided that in the acceptance or making of any donation, no conditions shall be imposed enabling the donor or any connected person to the donor, to receive or derive a direct or indirect benefit from such donation.
- 9.4.15 In the event of the dissolution or winding up of the Gauteng Provincial Community Police Board, for any reason whatsoever, then all moveable and immoveable property registered in the name of the Board shall be given and transferred to another organization with the same or similar objectives within the Republic of South Africa which itself is also qualified for exemption for payment of income and donations tax in terms of Section 30 of the Income Tax Act.
- 9.4.17 Any expenditure or commitment that shall have financial implications not declared or authorized in the Approved Annual Budget shall be presented for approval to a Special General Meeting of the Board.

9.5 Removal from office

An Executive Committee member shall cease to hold office as such if he or she:

- 9.5.1 Resigns his or her office by notice in writing to and by acceptance by the Board and the Board is satisfied that all relevant information and responsibilities have been duly handed over to the Board and/or successor;
- 9.5.2 Is convicted of a criminal offence while in office;
- 9.5.3 Is absent from three (3) consecutive meetings of the Executive Committee without just, or reasonable cause given to the Executive Committee;
- 9.5.4 The Executive Committee shall have the right to co-opt any member of the Board into the Executive Committee for a period not longer than 90 days to fill the vacancy (a special election shall be held within 90 days to fill the vacancy);
- 9.5.5 The Board may, at a meeting of the Board specifically convened for that purpose, remove any executive committee member from office before the expiry of his/her term of office and elect another member in his/her place; and
- 9.5.6 The removal of an Executive Committee member from office in terms of the above provision (9.5.5) shall be possible only if at least two thirds of the members of the Board in attendance vote in favour of it.

10. LEGAL STATUS AND ASSETS OF THE BOARD

- 10.1 The Board is a distinct legal entity, in line with the SAPS Act and regulations, 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.

- 10.2 The Board is and will be a juristic person and can act and be acted against in its own name.
- 10.3 The property and funds of the Board vest in the Board as a juristic person and no member of the Board will be liable for the debts of the Board.
- 10.4 All assets of the Board 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 the members of the board; Provided that nothing herein contained shall prevent the payment in good faith of reasonable remuneration to any member for any service actually rendered to the Board.
- 10.5 Any act or deed carried out by any member of the Board or the Executive Committee pursuant to any power being conferred to such member by the Board shall, once the same has been carried out pursuant thereto, not be invalidated by any subsequent meeting or decision of the board; Provided that the Board in its sole and absolute discretion, is satisfied that any act or deed was not performed:
 - 10.5.1 In a grossly negligent manner;
 - 10.5.2 Outside the power conferred upon such person or individual or body under the constitution, or,
 - 10.5.3 Outside of such powers, as has been determined by the Board either in a meeting of the Executive Committee, Annual General Meeting or Special General Meeting.

11. DUTIES OF OFFICE BEARERS

11.1 The Chairperson must:

- 11.1.1 Preside over meetings of the board;
- 11.1.2 Ensure the execution of all decisions of the Executive Committee and the Board;
- 11.1.3 Represent the Board as and when it is necessary;
- 11.1.4 Report regularly on the functioning of the Board to the Provincial Commissioner and the MEC and provide feedback and directives to the Board;
- 11.1.5 Submit reports reflective of the activities or the work of the Board; and,
- 11.1.6 Supervise all work of the Board in conformity with the constitution, the relevant legislation and procedures agreed upon by the Board.

11.2 The Deputy Chairperson must:

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

11.3 The Secretary must:

- 11.3.1 Take and compile the minutes in accordance with the provisions of this Constitution;
- 11.3.2 Receive and dispatch correspondence to and from the Board;
- 11.3.3 Arrange all meetings in accordance with the meeting's procedure;
- 11.3.4 Keep originals of letters received and copies of letters dispatched and correspondence.
- 11.3.5 Perform official administrative functions normally associated with the office of the secretary; and,
- 11.3.6 Further the interests of the Board, as directed by the Executive Committee.

11.4 The Deputy Secretary must:

- 11.4.1 In the absence of the Secretary, act as the Secretary; and,
- 11.4.2 Together with the PRO develop and manage the public relations of the Board.

11.5 The Treasurer must

- 11.5.1 Be responsible for the finances of the Board and ensure strict compliance with generally accepted accounting procedures in accordance with Clause 9.4 of this Constitution ;
- 11.5.2 Together with another designated member of the Board, operate a banking account on behalf of the Board;
- 11.5.3 Keep books of account and other records necessary to clearly reflect the financial position of the Board; and,
- 11.5.4 Table a financial report at every general meeting of the Board and Annual Financial Report and Budget for the subsequent year at every Annual General Meeting.

11.6 The Public Relations officer must:

- 11.6.1 Act as liaison between the Board and the media;
- 11.6.2 Promote cooperation between the Board and the community; and,
- 11.6.3 Promote awareness of community policing.

12. DECISION MAKING PROCEDURES

- 12.1 Each member of the Board shall be entitled to a single vote as stipulated in Clause 5 of this Constitution.
- 12.2 The Board shall, as far as reasonably possible, reach decisions by consensus. If consensus cannot be achieved, the Board shall vote on the matter.
- 12.3 The chairperson has a deliberative vote and shall cast a deciding vote, when there is an equal number of votes on each side of the question.
- 12.4 Voting during Elective Annual General Meetings and Elective Special General Meetings shall be by ballot paper, overseen by the Provincial Commissioner or Deputy Provincial Commissioner

and the MEC or the HOD.

- 12.5 The outgoing Executive Committee shall have no voting rights at an Elective AGM or Special General Meeting unless they are representing a Cluster Board.
- 12.6 Voting at Annual General Meetings, Special General meetings and Board meetings shall be by ballot paper, unless requested by more than 50% of the members in attendance for a show of hands.
- 12.7 In the event of an equal vote for the position of Chairperson of the Board, at an Elective AGM or Special General Meeting, the members representing the Cluster Boards, shall be requested by the electoral officer for a revote. In the event that the recount is still even between the candidates, then the Provincial Commissioner or Deputy Provincial Commissioner and MEC or the HOD for shall be requested to arbitrate between the candidates and resolve the impasse in whichever way they consider.
- 12.8 In the event of an equal vote for other candidates of the Executive to be elected at an Elective AGM or an Elective Special General Meeting, 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. RECORD MANAGEMENT

The Secretary shall cause:

- 13.1 A record to be kept of the members of the Executive Committee present at any meeting, and minutes to be kept of all resolutions and proceedings at such meetings;
- 13.2 Minutes to be kept of all resolutions taken by the Board, which must be adopted by the Board prior to the signatures of the chairperson and secretary, shall be prima facie evidence of the matters therein stated; and,
- 13.3 A resolution, in writing, which is signed by all the members of the Executive Committee and inserted in the minute book of the executive committee, shall be as valid and effective from the date signed by them, even though it could be approved, ex-post facto at the Board's next meeting.

14. MEETINGS OF THE BOARD

- 14.1 The Executive Committee shall meet at least once a month.
- 14.2 The Board shall meet once each quarter or as determined by the Board.
- 14.3 The Board shall determine its own procedures and shall conduct its meetings with equality of opportunity and fairness.
- 14.4 The members of the Executive Committee and Cluster Board chairpersons must attend the Board meetings.

- 14.5 Apart from the persons mentioned at sub-paragraph 14.4 above, the Board may extend invitations to any internal or external role player to attend the annual general meeting.
- 14.6 The Board may once a year convene a broad Board meeting where the executive committees of all the Cluster Community Police Boards also attend.
- 14.7 The Board may also once a year convene an extended broader Board meeting where the chairpersons of all the Community Police Forums also attend.
- 14.8 Minutes and other documents of meetings must be distributed within 21 working days after the respective meeting.
- 14.9 A Year planner for all meetings should be presented, approved and circulated to all Members of the Board at the last meeting of the Board of the preceding year.
- 14.10 The Executive Committee shall present an integrated Strategic Plan for the Board for adoption for the next financial year at the last meeting of the Board of the preceding year
- 14.11 When a newly elected Executive Committee succeeds they shall be required to amend and or ratify the Strategic Plan at the first Board Meeting after the Elective AGM or Special General Meeting.
- 14.10 The Chairperson of the Board shall convene a special Board meeting when requested by at least fifty per cent (50%) of the membership of the Board and the notice for such meeting must include an agenda indicating the items to be discussed.

15. NOTICE OF MEETINGS

- 15.1 The secretary shall, in writing, give notice to all members of Executive Committee at least 7 days prior to the date of the meeting concerned, as determined in the Year Planner for all meetings.
- 15.2 The secretary shall, in writing, give notice to all members, of a General and or a Special General Meeting at least 21 days prior to the date of the meeting. The notice shall include the agenda for such special meeting.
- 15.3 The secretary shall in writing, give notice to all members, for a Special Meeting called for by the MEC and or Provincial Commissioner, at least 14 days prior to the date of the meeting. The notice shall include the agenda for such special meeting and the purpose.

16. QUORUM

- 16.1 During all meetings of the Board, a quorum will be constituted by the presence of fifty per cent (50%) of the members of the Board, plus one.
- 16.2 Should the Board members present at a meeting not form a quorum, the meeting shall be adjourned and reconvened within seven days and the members then present shall constitute a quorum to proceed with the meeting, provided that all members have been duly informed in writing.

17. CORRESPONDENCE

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

18. CODE OF CONDUCT AND DISCIPLINARY PROCEDURES

- 18.1 The Board shall adopt a code of conduct and disciplinary procedures which shall become annexures to this Constitution.
- 18.2 All Board members shall undergo a security clearance, which shall be carried out by the Local Criminal Records Centre (LCRC).

19. DISPUTE RESOLUTION

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

20. DISSOLUTION OF THE BOARD

- 20.1 The Provincial Commissioner shall, in consultation with the MEC, dissolve the Board, 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 Board.
- 20.2 In the event of the Board being dissolved in terms of clause 20.1, above, the statutory interim structure shall manage the assets and liabilities of the Board.
- 20.3 Similarly, the dissolution of a Cluster Board, and or any other sub-fora shall be confirmed by the Provincial Commissioner in consultation with the MEC or HOD for Community Safety and the relevant Cluster Commander or Station Commissioner and the relevant superior Executive of the community police board or forum.

21. AMENDMENTS TO THE CONSTITUTION

- 21.1 The constitution of the Board can only be amended during an Annual General Meeting or Special General Meeting;
- 21.2 Intention to amend the constitution, as well as the proposed amendments, must be circulated to all members of the Board at least 21 days prior to the meeting; and,

21.3 The Constitution can only be amended by a two-thirds majority of the required quorum for an AGM.

22. ELIGIBILITY TO BE IN THE EXECUTIVE OF THE BOARD

- 22.1 All CPF members resident and/or employed and/or ratepayers in Gauteng and in good standing, not specifically excluded in terms of this Constitution, shall be eligible to be voted into the Executive of the Board.
- 22.2 The following persons shall not hold elected positions in the Board:
- 22.2.1 Serving employees of SAPS, as regulated in the SAPS Act as amended (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
- 22.2.2 SAPS Reservists, unless required in an ex-officio capacity;
- 22.2.3 Persons with a criminal record, unless expunged in terms of the Criminal Procedures Act or except those related to a political nature committed before the 27th April 1994;
- 22.2.4 Owners and employees of private security companies as regulated by the PSIRA, unless required in an ex-officio capacity;
- 22.2.5 Persons who are not citizens of the Republic of South Africa;
- 22.2.6 Persons under the age of 18 years, unless representing an elected CPF youth desk committee;
- 22.2.7 Persons holding elected political positions in registered political parties with responsibilities in public office;
- 22.2.8 Any person that may have a direct conflict of interest with the operations and crime intelligence of SAPS, unless required in an ex-officio capacity

23. APPROVAL OF THE CONSTITUTION

This amended Constitution, including all Annexures and Regulations approved by the Board, is duly adopted at Johannesburg on this, the 14th day of May 2016

Chairperson of the GPCPB

Date: 14th May 2016

Revision History

Rev 1 Aug 2008 – Constitution approved & Accepted

Rev 2 Dec 2014 – Constitution amended & Accepted

Rev 3 May 2016 – Constitution amended & Accepted

ANNEXURE A

CODE OF CONDUCT

1. Members of the Board and all its structures shall not promote any political party policies when dealing with Board and respective CPF matters at all levels mentioned in this Constitution.
2. Members shall not use any abusive language or make sexist or racist remarks.
3. No member shall utilize the Board or SAPS logo or emblem for personal or private gain.
4. Members of the SAPS working with the Board shall behave and act in a manner that promote community police relations and, if such members are expected to carry out duties which will enable the Board to perform its function, do so without fail.
5. Members of the Board shall agree to have their fingerprints taken for the purpose of security clearance.
6. Members of the Board must declare any conflict of interest and not participate on matters where there is a conflict of interest.
7. Members must behave in a professional, controlled and dignified manner when dealing with each other and with the general public,
8. Board members and members of the Service shall not be actively involved in Board and CPF matters whilst under the influence of liquor, drugs and all other illegal intoxicating substances.
9. Members of the Board and Service shall not abuse their positions to bring the Board and its sub structures into disrepute.
10. Members of the Executive must hand over all records and assets of the respective CPF or Board to the incumbents within 30 days of leaving office.
11. All members transported in SAPS vehicles shall complete a formal indemnity form, which shall be valid for their term of office.
12. Any member who contravenes the Code of Conduct and Board constitution shall be dealt with in accordance with the disciplinary process referred to in Annexure C of this Constitution and may be suspended pending a disciplinary hearing.

ANNEXURE B

MISCONDUCT

1. Misuse of property belonging to the Gauteng Provincial Community Police Board;
2. Disclosing confidential information of the Board to the public, individuals or institutions without the prior written consent of the Executive.
3. Refusal to carry out instructions of the Board or any office bearer acting on behalf of the Board.
4. Drinking liquor and being under the influence of liquor or any intoxicating substance whilst performing duties of the CPF.
5. Acting in a manner that exposes the Board members to a dangerous environment and or criminals.
6. Intentionally disregarding the constitution and direction provided by leadership of the Board.
7. Acts for other group and / or person who seek to disrupt the activities of the Board/Forum or prevent it from fulfilling its set Aims and Objectives.
8. Theft, fraud, insults or use of inappropriate language against members of the CPF and the Community.
9. Refusal to execute tasks enabling the Board to function efficiently and effectively.
10. Acting in a manner that disrupts the activities, programmes and projects of the CPF.
11. Using the Board to advance personal and political interests.
12. Using membership of the Board to promote personal financial gain
13. Any member charged by SAPS for any **serious crime** shall be suspended until the outcome of the investigation and or court finding. Only the Board shall have discretion if representation is made by the member accused of such serious crime.
14. Any adverse conduct, act or omission, any form of publication, utterances or any other matter which potentially has the effect of bringing the Board/Forum in to disrepute, including but not restricted to political utterances or acts, disobedience to the law and incitement.
15. Inappropriate use of the logo and not in accordance with Clause 2.2 of the Constitution.

ANNEXURE C

DISCIPLINARY PROCEDURE

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

PENALTIES

- a. Warning (Verbal or Written)
- b. Suspension
- c. Expulsion
- d. Refund or Payback (in cases of theft or fraud)
- e. Laying of a criminal charge against the accused member.
- f. Instituting a civil claim against the accused member
- g. Some of the penalties may be imposed simultaneously

ANNEXURE D

REGULATIONS AND TIMELINES FOR THE PROVINCIAL BOARD ELECTIONS

1. The Provincial Board elections in terms of Clauses 5, Clause 6, Clause 7, Clause 8 and Clause 9 of the Constitution of the Board shall be completed before the end of September at the end of the term of the Provincial Board.
2. The Elections shall be held before the end of September in the year, at the end of the term of office of the Provincial Board.
3. Elections at Board level shall be directed by the Provincial Commissioner, in terms of the SAPS Act , Act 68 of 1995.
4. At Provincial Board level, the elections shall be overseen, by the Provincial Commissioner or the delegated Deputy Provincial Commissioner and the MEC or the H.O.D of Community Safety.
5. The membership that can participate at elections at Board level are the Cluster Chairpersons or duly authorized member of the respective Cluster Board appointed by the Chairperson of the respective Cluster Board.
6. Each Cluster Board member present shall have one single vote.
7. Nominations for all positions shall be requested by the presiding officer, and shall be submitted in writing by both a proposer and a seconder. The nominee shall declare his or her acceptance for the position nominated.
8. Nominees shall be resident in the province of Gauteng and shall have the responsibility to provide a security clearance at the elections, taking due cognizance of Clause 22 of the Constitution of the Board
9. The membership shall cast their vote by ballot paper.
10. The presiding officer with the assistance from the Provincial Commissioner or the Deputy Provincial Commissioner and the MEC or H.O.D of Community Safety shall announce the appointees with the highest vote.
11. The newly elected Executive shall hold an Executive Meeting within the first 14 days to perform their duties and responsibilities in terms of Constitution, with special reference to Clauses 11, 12, 13, 14, and 15.
12. The Board will ensure that all Cluster Board Elections at cluster level shall be completed before the end of September in the same year before the end of the term of the Provincial Board.
13. The Cluster Boards will ensure that all CPF Elections at precinct level shall be completed before the end of July in the same year before the end of the term of the Provincial Board.
14. The CPFs will ensure that all Sector and Sub-sector Forums at precinct level shall be completed before the end of June in the same year before the end of the term of the Provincial Board.

ANNEXURE E

REGULATIONS FOR ELECTION PROCEDURE AND TIMELINES FOR ELECTIONS in terms of Clause 4.13 of the GPCPB Constitution for **CLUSTER BOARDS**

1. The Cluster Board elections shall be aligned to Clauses 5, Clause 6, Clause 7, Clause 8 and Clause 9 of the Constitution of the Board.
2. The Elections shall be held before the end of August in the year, coinciding with the end of the term of office of the Provincial Board.
3. Elections at Cluster Board level shall be directed on behalf of the Provincial Commissioner, by the Cluster Commander or the Deputy of the Cluster Commander as nominated by the Cluster Commander.
4. At Cluster Board level, the elections shall be overseen by the Cluster Commander, a member of the Provincial Board, as appointed by the Provincial Executive Board and a representative of the H.O.D of Community Safety.
5. The membership that can participate at elections at Cluster Board level are the CPF Chairpersons in the Cluster or a duly authorized member of the respective CPF Executive as appointed by the respective Chairperson.
6. Each Cluster Board member present shall have one single vote.
7. Nominations for all positions shall be requested by the presiding officer.
8. Nominees shall be resident, own property or employed in the Cluster precinct in the province of Gauteng and shall have the responsibility to provide a security clearance at the elections, taking due cognizance of Clause 22 of the Constitution of the Board.
9. Each nominee shall have a proposer and a seconder. The nominee shall declare his or her acceptance for the position nominated.
10. The membership shall cast their vote by ballot paper.
11. The presiding officer with assistance from the Cluster Commander, a Provincial Board member and the representative of the H.O.D of Community Safety shall announce the appointees with the highest vote.
12. The Cluster Board will meet every two months or whenever required to do so.
13. The Cluster Board will ensure that all CPF Elections at precinct level shall be completed before the end of July at the end of the term of the Provincial Board.

ANNEXURE F

REGULATIONS FOR ELECTION PROCEDURE AND TIMELINES FOR ELECTIONS

in terms of Clause 4.13 of the GPCPB Constitution for **COMMUNITY POLICE FORUMS**

1. The CPF elections shall be aligned to Clauses 5, Clause 6, Clause 7, Clause 8 and Clause 9 of the Constitution of the Board.
2. The Elections shall be held before the end of July in the year, coinciding with the end of the term of office of the Provincial Board.
3. Elections at CPF level shall be directed on behalf of the Provincial Commissioner, by the Station Commissioner
4. At CPF level, the elections shall be overseen, by the Station Commissioner, the representative of the Cluster Board and the representative of the H.O.D of Community Safety.
5. Members of the community in the precinct of the respective police station can participate at the elections at CPF level. Each member over the age of 18 years has one single vote.
6. The meeting shall decide on the number of additional members to be elected to the CPF, taking in to consideration that each Sector already has two members elected to the CPF and that a minimum of seven additional members need to be elected at this meeting.
7. In some areas, there may have functional CPSFs and Sub-sector forums, which would require some relevant deviations to ensure representivity. Such deviation must be supported by the Station Commissioner and the CPF and to be approved by the Cluster Commander and the Cluster Board.
8. Nominations for additional members to the CPF shall be requested by the presiding officer.
9. Nominees shall be resident, own property or employed in the respective station policing precinct in the province of Gauteng and shall have the responsibility to provide a security clearance at the elections, taking due cognizance of Clause 22 of the Constitution of the Board.
10. Each nominee shall have a proposer and a seconder
11. If more than the required number of additional members have been nominated then the presiding officer shall prepare a ballot paper with the names of the members duly nominated.
12. The community members shall cast their votes for the number of additional members agreed upon.
13. The presiding officer with the assistance from the Station Commissioner, the representative of the Cluster Board and the representative of the H.O.D of Community Safety shall announce the appointees with the highest vote.
14. The Community meeting will be adjourned and the additional members duly elected and the Sector Forum Chairpersons and one member from each of the Sector Forum Executives will constitute the CPF.

15. Elections of the CPF Executive Committee

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- 15.1 The CPF shall meet immediately after the Community meeting but preferably not later than 7 working days for the elections of the Executive Committee of the CPF.
- 15.2 The CPF elections shall be aligned to Clauses 5, Clause 6, Clause 7, Clause 8 and Clause 9 of the Constitution of the Board.
- 15.3 The presiding officer will inform the CPF of the Executive positions.
- 15.4 All CPF members present will be eligible to be nominated for any of the Executive positions.
- 15.5 Nominees shall be resident, own property or employed in the respective police precinct and shall have the responsibility to provide a security clearance at the elections, taking due cognizance of Clause 22 of the Constitution of the Board.
- 15.6 Each CPF member present shall have one single vote.
- 15.7 The presiding officer will call for nominations for each of the Executive positions.
- 15.8 Each nominee shall have a proposer and a seconder and the nominee will declare his or her acceptance for the position nominated.
- 15.9 The membership shall cast their vote by ballot paper.
- 15.10 The presiding officer with the assistance from the Station Commissioner, a Cluster Board member and the representative of the H.O.D of Community Safety shall announce the appointees with the highest vote.
- 15.11 The CPF will ensure that all Sector Forum Elections at sector level in each respective precinct or station level shall be completed before the end of June of the year coinciding with the end of the term of the Provincial Board.

ANNEXURE G

REGULATIONS FOR ELECTION PROCEDURE AND TIMELINES FOR ELECTIONS

in terms of Clause 4.13 of the GPCPB Constitution for **SECTOR FORUMS**

1. The Sector Forum elections shall be aligned to Clauses 5, Clause 6, Clause 7, Clause 8 and Clause 9 of the Constitution of the Board.
2. The Elections shall be held before the end of June in the year, coinciding with the end of the term of office of the Provincial Board.
3. Elections at Sector level shall be directed on behalf of the Provincial Commissioner, by the Station Commissioner.
4. At Sector level, the elections shall be overseen, by the Station Commissioner, the representative of the respective CPF and the representative of the H.O.D of Community Safety.
5. Members of the community in the sector of the precinct of the respective police station can participate at the elections at CPF level. Each member over the age of 18 years has one single vote.
6. The meeting will elect the Executive Committee for the Sector.
7. Nominations for the Executive positions for the Sector Forum shall be requested by the presiding officer, in writing by both a proposer and a seconder including a letter of acceptance by the nominated individual.
8. Nominees shall be resident, own property or employed in the sector of the precinct of the respective police station and shall have the responsibility to provide a security clearance at the elections, taking due cognizance of Clause 22 of the Constitution of the Board.
9. Each nominee shall have a proposer and a seconder
10. If more than the required number of additional members have been nominated than the presiding officer shall prepare a ballot paper with the names of the members duly nominated.
11. The community members shall cast their votes. They will have one vote for each of the Executive positions.
12. The presiding officer with the assistance from the Station Commissioner, the representative of the CPF and the representative of the H.O.D of Community Safety shall announce the appointees with the highest vote.
13. The Sector Executive Committee will ensure that a sector community meeting will be held monthly to inform the community of the challenges and develop appropriate strategies in preventing crime.
14. The Sector Forum will be entitled to generate and raise funding for their own sector activities, with the proviso that a cost centre sub-account is managed by the treasurer of the CPF to ensure accountability at a CPF level.
15. Bank Charges will be equitably and proportionately charged to each sector.
16. The Community meeting will then be adjourned.

Annexure – H

Regulations for “Youth” in terms of Clause 4.13 of the GPCPB Constitution”

In terms of the Clause for Definitions in the approved GPCPB Constitution, “Youth “ shall mean the Youth Representative from the youth committee of the Board constituting members up to the age of twenty five years;”

1. In terms of Section 18 (1) of the Police Act No 68 of 1995 Read with the provisions of Section 215 of the Constitution of the Republic of South Africa and the interim Regulations the structures of the Community Police Forums are tasked with the responsibility to improving the communications between the community and SAPS.
2. At the CPF level the Youth Committee Desk will liaise with the youth in the local precinct to understand the socio-economic challenges for the youth and to mitigate the factors that contribute to both crime and criminality through social crime prevention initiatives and or programmes. These initiatives will assist in addressing many of the related challenges, such as social integration and cohesion, substance abuse, moral regeneration and job creation, providing leadership programmes that will create clear vision into the future. Youth have an important role as future leadership in driving change, creating hope and sustaining the principles of social cohesion, empathy and ubuntu in our young democracy.
3. The Youth Desk Structures shall fall under the direct control and authority and reporting lines of the GPCPB, at Cluster level under the Cluster Community Police Board and at station level under the precinct CPF and at sector level under the sector CPSF.
4. The Youth Desk shall be represented on the GPCPB by having a Youth Desk representative on the GPCPB, Cluster Board and station precinct CPF.
5. In line with the above it implies that there shall be a Youth Committee or Youth Desk at all levels of the GPCPB.
6. The Youth Desk at CPF will elect a Chairperson, a Secretary and Treasurer. The Chairperson of the Youth Committee will be a full member of the local CPF.
7. At all levels of the GPCPB the Youth Desk shall be a bona-fide sub-forum, and their membership shall abide by the regulatory framework and constitution of the GPCPB and subordinate boards and forums, including the aspects of governance, administration, financial pre-requisites and the Code of Conduct.
8. The Chairpersons of the Youth Desk in the Cluster will form a Cluster Youth Committee at Cluster level. They shall elect a Chairperson, a Secretary and a Treasurer. The Chairperson of the Cluster Youth Committee shall be an ex-officio member of the Cluster Board.
9. The Chairpersons of the Youth Committee or Youth Desks at Cluster level shall constitute a Provincial Sub-committee or Youth Desk. They shall elect a Chairperson,

Secretary and a Treasurer. The Chairperson of the provincial committee or Youth Desk shall be an ex-officio member of the GPCPB.

10. The Youth Desk shall relate to the office of the MEC through its representatives on the GPCPB/Cluster CPB/Station CPFs.
11. All the activities of the Youth Committee or Youth Desk in conjunction with the Department of Community Safety will be tabled at the appropriate level, so that these may be reported and evaluated at each respective level of the GPCPB, to ensure that they are incorporated with each of the respective Community Safety Plans and aligned with the SAPS Crime Prevention Plans.
12. All Finances of the Youth Desk shall form part of, go through the banking account of and be audited with the respective CPF structures under which they serve. No Youth Desk shall be entitled to operate its own separate banking account notwithstanding the fact that each Youth Desk shall have a Treasurer.
13. The Youth Committee shall provide reports to the respective CPB, CPF and CPSF with regard to their activities and shall conform to the directives of the CPB/CPF/CPSF Executive and forum.
14. The Youth Committee or Youth Desk at the Cluster level will co-ordinate the activities of the Youth Committee or Youth Desks in the respective cluster and provide a collective report on the activities and challenges they are faced with, within the Cluster.
15. The Youth Committee or Youth Desk at the Provincial level will provide a consolidated report to the Executive of the GPCPB to be tabled by the Chairperson of the Youth Desk or Committee, with regard to their activities and challenges in the province.