

# MANDENI MUNICIPALITY



## GATHERING POLICY

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#### **INTRODUCTION**

The objective of this gathering policy is the deterrence of injury, suffering or death that may occur as a result of poor planning or preventable catastrophe at public events. This Policy is a standard to help those who arrange events so that the event can run safely.

The Safety in any public gathering or events such as public march, concerts and other outdoor events, where members of the public are invited is the responsibility of the organizer and/or the owner of the land or property

#### **LEGISLATION**

Constitution of the Republic of South Africa, 1996(Act 108 of 1996)

Regulation of Gathering Act (Act 205 of 1993)

#### **AIM**

The aim of this policy is to lay down the procedures and principles with regard to holding of gathering on public terrains, roads and street

The following aspects are dealt with in this gathering policy

Definitions

Exempted gatherings

Appointment of the Responsible Officer

Application/notice procedure

Planning and co-ordination of the gathering

Conditions, general restrictions and requirements

Gathering in the vicinity of any Court in the Magistrate

Safety of the participants at the gathering

Indemnity of Council

Disorderly littering during the gathering

Written agreements

## DEFINITIONS

**"Gathering"** means any assembly, concourse or procession of more than fifteen (15) persons in or on any public road or street as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), or any other public place or premises wholly or partly open to the air;

- at which the principles, policy, actions or failure to act of any government, political party or political organization, whether or not that party or organization is registered in terms of any applicable law, are discussed, criticized, promoted or propagated;

- held to form pressure groups, to hand over petitions to any person, or to mobilize or demonstrate support for or opposition to the views, principles, policy, actions or omissions of any person or body of persons or institution, including any government, administration or governmental institution.

**"Authorized SAPS Member"** is a suitably qualified and experienced member Of the SAPS appointed in terms of Section 2(2) of Reference 1 to either in general or in a particular case, represent the SAPS at consultations or negotiations with regard to gatherings

**Joint Operational Centre(JOC)** is a static or mobile Centre of which the SAPS is control, manned by representatives from all security agencies involved as well as the organization and from where the gathering is controlled

**Magistrate** means a magistrate appointed in terms of the Magistrate Act, 1993(Act 90 of 1993)

**Riot Damage** means any loss suffered as a result of any injury to or the death of any person or any damage to or destruction of any property, caused directly or indirectly by, and immediately before, during off after, the holding of a gathering

**Organization** means any association, group or body of persons, whether or not such association, group or body has been incorporated, established or registered in accordance with any law.

**Council** is the Mandeni Municipality, a local municipality established in terms of the Local Government Structures Act, 1998 (Act 117 of 1998).

**Convener** means any person who of his own accord, convenes a gathering; and in relation to any organization or branch of any organization, any person appointed by such organization branch

**SAPS** mean the South Africa Police Service.

**Marshall** means a person appointed by the convener to control the participants in the gathering to ensure that the gathering at all times proceeds peacefully. Marshal shall clearly distinguishers.

**Responsible Officer** means a person appointed by the Council to handle notices and applications for the conducting of gatherings and to co-ordinate the execution thereof.

## **GATHERINGS EXEMPTED FROM THE PROCEDURE POLICY WITH REGARD TO THE REGULATION OF GATHERINGS**

The following gatherings are exempted from the conditions of this procedure policy:

- Military and SAPS parades
- Sports events.
- Culture festivals
- Religious gatherings.

The conveners and organizers of the above-mentioned gatherings must however formally apply to obtain Council's approval to present or to conduct these events in or on streets and public terrains where after Council appoints a special committee to coordinate the arrangements

### **APPOINTMENT OF THE RESPONSIBLE OFFICER**

In terms of Section 2.4 (a), Reference 1, Council appoints the Director Public Safety as the standing Responsible Officer. The Security Coordinator is appointed as the Deputy Responsible Officer.

### **DUTIES AND RESPONSIBILITIES OF THE RESPONSIBLE OFFICER.**

The most important duties and responsibilities with regard to the regulation of gatherings are the following:

- Receives notices and applications for the holding of gatherings.
- Checks the applications for correctness and completeness.
- Convenes joint planning and coordination meetings and ensure that that everybody concerned is notified.
- Acts as chairperson during the above-mentioned meetings and ensures that the discussions take place in good faith.
- Amends and confirms the conditions, approves and disapproves gatherings by means of consultation and negotiation during the joint planning and co-ordinating meetings.
- Compilation and signing of written agreements between Council, the SAPS and the convener.

Ensures that Council is represented at the JOC, activated by the SAPS during the gathering.

Submits three monthly reports to Council with regard to gatherings that were conducted in Mandeni

## **6. APPLICATION/NOTICE PROCEDURE**

6.1 The convener of the gathering obtains a prescribed application form from Council (See Enclosure 1 for an example of the application form). The application forms are kept and controlled by Council's Responsible Officer.

6.2 The application form shall be completed in full by the convener and handed in at the Council (the Responsible Officer) at least seven (7) days prior to the envisaged gathering. Council may in highly

exceptional cases, if the merits so justify and it is practically possible to comply with specified conditions and/or the necessary measures, accept a shorter term than the prescribed seven (7) days.

- 6.3 The Responsible Officer checks the completed application form in the presence of the convener for completeness and clarity. When the Responsible Officer is satisfied with the application form's contents, a date, time and place are determined for the joint planning and co-ordinating meeting.

## **7. PLANNING AND CO-ORDINATION OF THE GATHERING**

- 7.1 The Responsible Officer must notify the representatives of the respective security agencies of the date, time and place of the joint planning and coordinating meeting. The representatives are:

- 7.1.1 The respective authorized SAPS members from:

Mandeni SAPS, Sundumbili SAPS, Nyoni SAPS, Newark SAPS and Gingindlovu SAPS

- 7.1.2 The Manager: Public Safety.

- 7.1.3 Any other institution that that may be directly influenced by the gathering.

- 7.2 During this meeting the application for the proposed gathering are considered, negotiated, adapted, co-ordinated and finally approved or disapproved by the above-mentioned security agencies and the convener under the chairmanship of the Responsible Officer.

## **8. CONDITIONS, GENERAL RESTRICTIONS AND REQUIREMENTS**

- 8.1 The following conditions, general restrictions and requirements, as prescribed by Reference 1, must be brought pertinently to the attention of the convener:

- 8.1.1 The convener shall appoint marshals to control the participants in the gathering and to take the necessary steps to ensure that the gathering at all times proceeds peacefully and that the provisions of the written agreement are complied with. The convener must appoint one marshal for every fifty (50) participants and must ensure that the marshals wear clearly identifiable distinguishing markings. The convener must ensure that children under the age of eighteen years do not act as marshals during marches.

- 8.1.2 The convener shall take all reasonable steps to ensure that all marshals of the gathering and participants in the gathering are informed timeously and properly of the conditions to which the holding of the gathering is subject.

- 8.1.3 The gathering shall take place at the locality or on the route and in the manner and during the times specified in the application or, if it was amended during the joint planning and co-ordinating meeting, as it is indicated in the written agreement.

- 8.1.4 Participants at a gathering shall in accordance with Section 8(4), Reference 1, not carry firearms, replicas thereof and/or traditional weapons. The convener and the marshals shall take all reasonable steps to ensure that this Act is complied with.
- 8.1.5 No person present at or participating in a gathering shall by way of a banner, placard, speech or singing or in any other manner incite hatred of other persons or any group of other persons on account of differences in culture, race, sex, language or religion of order.

regarding gatherings.

- 8.1.6 No person present at or participating in a gathering shall perform any act or utter any words which are calculated or likely to cause or encourage violence against any person or group of persons.
- 8.1.7 No person shall at any gathering wear a disguise or mask or any other apparel or item which obscures his/her facial features and prevents his/her identification.
- 8.1.8 No person shall at any gathering wear any form of apparel that resembles any of the uniforms worn by members of the security forces, including the SAPS and the SANDF.
- 8.1.9 No entrance to any building or premises shall be barred by participants in such a way that reasonable access to the said building or premises is denied to any person.
- 8.1.10 No entrance to a building or premises in or on which is situated any hospital, fire or ambulance station or any other emergency services, may be barred by the participants.
- 8.1.11 No person shall, in any manner whatsoever, either before or during a gathering, compel or attempt to compel any person to attend, join or participate in the gathering.

8.2 The following specific conditions, general restrictions and requirements are applicable in Potchefstroom:

- 8.2.1 No gatherings are permitted on Sundays and Religious Public Holidays.
- 8.2.2 No gatherings of any nature are permitted in the N2 National Route running through Mandeni
- 8.2.3 Gatherings, with the exception of picketing, may only be held on the roadway of the relevant street sections, in order not to obstruct pedestrian movement on the sidewalks. The roadway of street sections may not be obstructed in the event of picketing. The Municipal Manager will indicate the position where a picketing may be held.
- 8.2.5 Different groups will not be allowed to hold gatherings at the same time or on the same day where the possibility of conflict exists. Notices will be treated on a first come, first served basis.

8.3 Conditions and requirements during the gathering:

- 8.3.1 Journalists shall not be interfered with in the execution of their duties.

- 8.3.2 The appointed marshals shall ensure that the gathering progresses in a peaceful and orderly fashion.
- 8.3.3 In the event of a march/procession it shall proceed at a reasonable pace.
- 8.3.4 No meetings and speeches may be held during a procession/march. Speeches will, however, be allowed during the handing over of memorandums at pre-established handing-over points; provided that such speeches/handing-over ceremonies do not exceed thirty minutes.
- 8.3.5 No stickers or handbills of any nature whatsoever shall be attached or pasted to any vehicle or other property or be scattered around, but it may be distributed to other persons.

## **9. GATHERINGS IN THE VICINITY OF COURT BUILDINGS IN THE MANDENI MAGISTRATE**

- 9.1 No gathering is allowed within a 100 metres radius from any court building in the Mandeni magistrate district without the permission of the Chief Magistrate.
- 9.2 When it is the convener's serious intention to hold the gathering at or within the radius of 100 metres from a court building, the convener must obtain written permission from the Chief Magistrate of Mthunzini and present it during the scheduled joint planning and coordinating meeting.

## **10. SAFETY OF THE PARTICIPANTS AT THE GATHERING**

- 10.1 Council accepts no responsibility for the safety of the marchers. This condition must be included in the agreement between Council and the coordinator.

## **11. INDEMNITY OF COUNCIL**

- 11.1 The convener shall accept responsibility for any damage and/or loss which may be suffered by Council on the relevant route or place during the envisaged gathering and shall furthermore indemnify Council against any liability and/or claims of any nature as a result of or due to the envisaged gathering.
- 11.2 This acceptance of responsibility by the convener of the gathering must be included in the written agreement between Council and the convener.

## **12. DISORDERLY LITTERING DURING THE GATHERING**

- 12.1 The convener of the gathering is to ensure that the route to and from as well as the place used for the gathering shall be left in a neat and tidy condition after conclusion thereof.
- 12.2 Failure by the convener to comply herewith will result in the cleaning-up of the routes/places by the Council for the account of the organization.

## **13. PREVENTION/PROHIBITION OF GATHERINGS**

13.1 When credible information under oath is brought to the attention of the Responsible Officer that there is a threat that a proposed gathering will result in serious disruption, violence, injury to participants and members of the public, damage to property and that the SAPS and the traffic officers will not be able to contain this threat, the situation must be discussed and considered during the scheduled joint planning and coordinating meeting.

13.2 When the Responsible Officer, during the above-mentioned meeting, is on reasonable grounds convinced that no amendments of the prescribed conditions would prevent the situation mentioned above, the proposed gathering might be prohibited. The decision and the reasons for the prohibition must be minuted during the meeting.

#### 14. **WRITTEN AGREEMENT**

14.1 After the scheduled joint planning and coordinating meeting a written agreement between the Responsible Officer, the Authorized SAPS Member and the convener of the gathering must be compiled and signed. This agreement serves as authority for the convener to proceed with the arrangements of the gathering.

#### 15. **GENERAL**

15.1 Council retains the right to, according to circumstances, put additional restrictions and/or conditions

#### **APPLICATION PROCEDURE**

The prescribed application shall be completed in full and the completed application shall be handed in at least seven (7) days prior to the proposed gathering. The City Council may in highly exceptional cases, if the merits so justify and it is practically possible to comply with specified conditions and/or the necessary measures, accept a shorter term than the prescribed seven (7) days.

#### **CONDITIONS, GENERAL RESTRICTIONS AND REQUIREMENTS**

Participation in a gathering shall be on a voluntary basis and nobody is to be forced or intimidated to do so

Gatherings may only be held on the roadway of the relevant street sections, in order not to obstruct pedestrian traffic on the sidewalks.

The routes to and from the place used for the gathering shall be left in a neat and tidy condition. Failure to comply herewith will result in the cleaning-up of the routes and place by the City Council for the account of the convener

The convener shall accept responsibility for any damages and/or losses that may be suffered by the City Council on the relevant route or place during the proposed gathering and shall furthermore indemnify the City Council against any liability and/or claims of any nature as a result of, or due to the proposed gathering.



Different groups will not be allowed to hold gatherings at the same time or on the same day in order to prevent possible conflict. Notices will be treated on a first come, first served basis.

The convener shall provide at least one (1) marshal for every fifty (50) participants. These marshals shall not be under the age of eighteen (18) years and shall be dressed in recognisable clothing. The marshals in control of the gathering shall be pointed out to the SAPS commander beforehand and these marshals shall at all times during the proceedings be available for negotiations, if necessary

No person present at or participating in any gathering shall by way of a banner, placard, speech or singing incite hatred or fear of other groups based on differences in culture, race, sex, language or religion.

No person participating in a gathering shall carry a firearm, replica(s) thereof and/or traditional weapons

**NB: It is stressed that the presentation of this form only serves as an application and notice to hold a proposed gathering and that it does not serve as authorization to hold the gathering. The proposed gathering will be considered, where necessary be amended, and then be approved or rejected.**