

# Provincial Gazette Extraordinary

6797

Thursday, 30 September 2010

# Buitengewone Provinsiale Koerant

6797

Donderdag, 30 September 2010

*Registered at the Post Office as a Newspaper*

*As 'n Nuisblad by die Poskantoor Geregistreer*

## CONTENTS

### PROVINCIAL NOTICE

Draft Standard By-Law relating to the holding of Events, 2010

## INHOUD

### PROVINSIALE KENNISGEWING

Konsep Standaard Verordening op die hou van geleenthede, 2010. (slegs Engels)

P.N. 374/2010

30 September 2010

Any person or organization wishing to comment on the said draft standard by-law is requested to lodge such comment in writing before or on 29 October 2010:

- (a) by posting it to:  
The Acting Director:  
Department of Local Government  
Directorate Municipal Governance  
Private Bag X9076  
CAPE TOWN  
8000  
Attention: Mr T Zeeman
- (b) by delivering it to:  
Room 504  
Fifth Floor  
27 Wale Street  
CAPE TOWN  
8000
- (c) by faxing it to:  
Fax no. (021) 483-4058
- (d) by e-mailing it to:  
trzeeman@pgwc.gov.za

P.K. 374/2010

30 September 2010

Enige persoon of organisasie wat kommentaar oor die genoemde konsep standaard verordening wens te lewer, word versoek om sodanige kommentaar skriftelik te lewer voor of op 29 Oktober 2010:

- (a) deur dit te pos aan:  
Die Waarnemende Direkteur:  
Departement van Plaaslike Regering  
Direktoraat Munisipale Regeringsbestuur  
Privaatsak X9076  
KAAPSTAD  
8000  
Aandag: Mnr T Zeeman
- (b) deur dit in te handig by  
Kamer 504  
Vyfde Vloer  
Waalstraat 27  
KAAPSTAD  
8000
- (c) deur dit te faks na:  
Faks nr. (021) 483-4058
- (d) deur dit te e-pos na:  
trzeeman@pgwc.gov.za



**PROVINCIAL NOTICES**

The following Provincial Notices are published for general information.

ADV. B. GERBER,  
DIRECTOR-GENERAL

Provincial Building,  
Wale Street  
Cape Town.

**PROVINSIALE KENNISGEWINGS**

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,  
DIREKTEUR-GENERAAL

Provinsiale-gebou,  
Waalstraat  
Kaapstad.

P.N.374/2010

30 September 2010

**DRAFT STANDARD BY-LAW RELATING TO THE HOLDING OF EVENTS****To regulate and control the holding of events****CHAPTER 1****DEFINITIONS AND APPLICATION****1. Definitions**

In this by-law, unless inconsistent with the context:—

“**authorised official**” means any employee authorised by the municipality to put into effect any of the provisions of this by-law and in possession of an appointment card issued by the municipality attesting thereto, including any member of the municipal law enforcement service or any peace officer;

“**Council**” means the municipal council of the municipality;

“**event**” means **any public gathering of at least (insert number) members of the public in streets or at a public place or venue and include—**

- (a) a sporting, recreational or entertainment event, including live acts;
- (b) an educational, cultural or religious event;
- (c) a business event including marketing, public relations and promotional, or exhibition events;
- (d) a charitable event, including any conference, organisational or community event;
- (e) filming which is of such a nature that it may have an impact on vehicular or pedestrian traffic or may attract crowds, or;
- (f) any similar event;

“**event organiser**” means a person who submits an application to hold an event in terms of this by-law whether in a personal capacity or on behalf of another person, body or organisation;

“**fees**” means the fees determined in terms of the tariff policy by-law promulgated by the Council in terms of section 75 of the Local Government: Municipal Systems Act, 2000 ( Act 32 of 2000), or pending such promulgation, a decision by the Council in terms of section 75A of that Act to levy and recover fees, charges or tariffs.

“**municipal manager**” means the person appointed as municipal manager for the municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**municipality**” means the municipality of (insert name) established by Establishment Notice No. (insert number) of (insert date) issued in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and any employee of the municipality acting in terms of delegated or subdelegated authority thereof;

“**permit**” means a permit issued by the municipal manager for the holding of an event;

“**public place**” means any land, building or facility or any portion thereof, including any apparatus therein or thereon, owned or controlled by the municipality to which the public has access, whether on payment of admission fees or not;

“**purpose-built venue**” means a venue correctly zoned, built and suitable for the holding of specific events;

“**stakeholder**” includes any person, organization or body who is affected by or has a role to play in the management or holding of an event;

“**venue**” means any open space, enclosed or semi-enclosed temporary structure or permanent structure to which the public has access—

- (a) within which a temporary or permanent structure may be erected, where an event is to be hosted; and
- (b) which, may consist of—
  - (i) seating for spectators, attendees or an audience; or
  - (iv) a playing field or a permanent or temporary podium or other area within a venue, reserved for the purposes of hosting an event;

“**venue owner**” means any person or legal entity that, directly or indirectly owns, leases, rents, acquires or exercises the powers of an owner or occupier of a venue used for events.

## 2. Application of this by-law

- (1) This by-law applies to any event held within the area of jurisdiction of the municipality.
- (2) In the event of a conflict between this by-law and any other by-law of the municipality, this by-law shall prevail regarding the management and holding of events.
- (3) In the event of any conflict between the English text of this By-law and the text thereof in another language, the English text prevails.

## CHAPTER 2

### PERMIT APPLICATION PROCESS, REQUIREMENTS AND ENFORCEMENT

#### 3. Permit required

Subject to section 11, no person may hold an event unless a permit has been issued for the event upon written application made to the municipal manager.

#### 4. Application for permit to hold event

- (1) An event organiser must apply to the municipal manager for a permit to hold an event—
  - (a) at least thirty days before the event is to take place, or
  - (b) in cases where municipal services are required, roads or venues are to be closed or any other measures are required to be taken by the municipality, within a time frame determined by the municipal manager.
- (2) The application must be accompanied by the fees applicable, a deposit, if required, and include the following information—
  - (a) the name of an individual to be responsible as the event organiser;
  - (b) the proposed venue for the event;
  - (c) the proposed days and hours of operation for the event;
  - (d) a copy of the contract with the operator of the venue, unless the operator is the applicant;
  - (e) the maximum number of proposed attendees, including staff, to be allowed at the event;
  - (f) the proposed security plans for the event including the number of personnel and their qualifications;
  - (g) the proposed medical and safety plans for the event including the number of personnel and their qualifications;
  - (h) the proposed noise control plans for the event including volume levels of music, power of the music system and sound insulation within the building;
  - (i) the proposed parking and traffic plans for the event;
  - (j) any other information as may be requested by the municipal manager.
- (3) Before a permit for an event is considered, the events organiser must also provide—
  - (a) evidence, to the satisfaction of the municipal manager, of appropriate indemnity cover, and
  - (b) where an activity which may put the public at risk will be involved, evidence to the satisfaction of the municipal manager of appropriate specialised risk insurance, blanket liability or work cover which list the municipality as a named insured and provide for provisions to defend, indemnify and hold the municipality and any of its employees harmless from any claims arising from the event.
- (4) In the event of failure to submit the information and fees referred to in subsections (2) and (3), an application will not be considered by the municipal manager.
- (5) The municipal manager must approve or decline an application for a permit to hold an event within a reasonable time period.
- (6) Where an application for a permit has been approved, the municipal manager must issue a permit.
- (7) In a case where the municipal manager has declined an application, full written reasons for such decision must be provided to the applicant.
- (8) The issuing of a permit does not alleviate any person of the obligation to comply with any other by-law, Act or regulation.

#### 5. Criteria and conditions

- (1) The municipal manager must consider an application for a permit to hold an event in accordance with the following criteria, where applicable:
  - (a) the type and size of an event;
  - (b) the impact of the event on municipal services including services relating to noise control, traffic, parking, local amenities, public places, health and the environment;
  - (c) whether the proposed use of the land complies with the applicable zoning scheme and any conditions applicable thereunder;
  - (d) any other criteria that the municipal manager may determine.
- (2) The municipal manager may impose reasonable conditions to the permit to protect the health, safety and welfare of the public. Such conditions may pertain to any of the following:
  - (a) Location and hours during which the event may be held;
  - (b) Sanitation and availability of potable water;

- (c) Security and crowd management;
- (d) Parking and traffic issues;
- (e) Emergency and medical services;
- (f) Clean-up of premises and surrounding area and trash disposal;
- (g) Insurance;
- (h) Lighting;
- (i) Fire services and safety;
- (j) Temporary construction, barricades and fencing;
- (k) Removal of advertising and promotional materials;
- (l) Noise levels;

## 6. Requirements and conditions

(1) An event organiser may not advertise an event before an application is submitted to the municipal manager and the event organiser has been informed by the municipal manager that the application has been approved and that a permit has been issued.

(2) The municipality is not liable, in respect of any planning for an event, application, approval or permit issued for an event in terms of this by-law, for any—

- (a) damage to or loss of any property of the event organiser; or
- (b) costs incurred by an event organiser or any third party.

(3) The event organiser must ensure that the permit is available at the venue for inspection at all stages and at all times of the event.

## 7. Holding of an event

An event organiser whose application have been approved in terms of this by-law is responsible for the event and must ensure—

- (a) that the event is held in compliance with the provisions of this by-law, the conditions imposed by the municipal manager and that no other law is contravened;
- (b) that the conduct of persons attending an event and the activities undertaken or carried out at the event do not negatively impact on affected communities during such event, and
- (c) compliance with any compliance notice issued by the municipal manager or an authorised official in terms of section 8 or a notice in terms of section 10.

## 8. Compliance notice

(1) When the municipal manager or an authorised official finds that a provision of this by-law is contravened by an event organiser or that a condition has arisen that has the potential to lead to a contravention of this by-law or any other law, a compliance notice may be issued to the events organiser.

(2) A notice issued in terms of subsection (1) must state—

- (a) the provision of this by-law, the provisions of any other legislation, or the condition of the permit that is being contravened or will be contravened if the condition is allowed to continue;
- (b) the measures that must be taken to rectify the condition; and
- (b) the time period for compliance with the notice.

(3) If a person, on whom notice was served in terms of subsection (1), fails to comply with the requirements of the notice, the municipal manager or an authorised official may take such steps as may be necessary to rectify the condition at the cost of the event organiser.

## 9. Inspections and right of access

(1) The municipal manager or an authorised official may conduct inspections of a venue after the submission of an application, during or after the staging or holding of an event to determine compliance with this by-law.

(2) The municipal manager or an authorised official has a right of access to or over any venue for the purposes of—

- (a) ascertaining whether there is or has been a contravention of the provisions of this by-law, and
- (b) enforcing compliance with the provisions of this by-law.

(3) The municipal manager or an authorised official may, by notice in writing served on the owner or occupier of any venue, require such owner or occupier to provide, at any reasonable date or time, access to such property to a person and for a purpose referred to in subsection (2).

## 10. Suspension and revocation of permit

(1) The municipal manager may, where the event organiser fails to comply with a compliance notice issued in terms section 8, by notice in writing to the event organiser—

- (a) suspend the permit immediately until the event organiser has complied with the compliance notice;

- (b) revoke the permit and take such steps as may be necessary, and the event organiser is liable for any costs incurred thereby; or
- (c) on receipt of information from an authorised official relating to failure to comply with a compliance notice, suspend or revoke the permit of an event organiser.

(2) The municipal manager may, where action has been taken in terms subsection (1), withhold the deposit paid by the event organiser for an event as security for the payment of such costs.

#### **11. Exceptions to the permit**

The permit requirement contained in this chapter does not apply to the following:

- (a) funerals and funeral processions;
- (b) events held at a purpose built venue or the grounds of any school, playground, place of worship, hotel conference center, stadium, athletic field, arena, auditorium or similar permanent place of assembly when used for events normally held in such venue, provided that this exclusion does not apply to events or parts of events held outside the venue or building, or which by their nature, size or impact are considered outside the normal use parameters for the venue;
- (c) events regulated by the Sport and Recreation Events Act . . . (Bill still to be enacted); and the Regulation of Gatherings Act, 1993 (Act 205 of 1993).

### **CHAPTER 3**

#### **GENERAL PROVISIONS**

#### **12. Agreements and partnerships**

The council may, subject to the provisions of any law, enter into such agreements and partnerships with event organisers as may be necessary for the holding and management of events.

#### **13. Delegations and appointment of authorised officials**

The municipal manager may, in whole or in part, delegate the power to issue a permit and the imposition of conditions, or the taking of any actions in respect of any section of this by-law to officials of the municipality.

(2) The municipal manager may appoint officials in the employ of the municipality as authorised officials to enforce the provisions of this by-law.

#### **14. Offences and Penalties**

A person who fails to comply with—

- (a) section 3;
- (b) section 6(1);
- (c) a condition to a permit; or
- (d) a notice issued in terms of section 8 or 10,

commits an offence and is on conviction liable for the payment of a fine or a term of imprisonment.

#### **15. Repeal**

The by-laws listed in the Schedule are herewith repealed.

#### **16. Short title**

This By-law is called the Standard By-law relating to the Holding of Events.

### **SCHEDULE**

#### **STANDARD BY-LAW RELATING TO THE HOLDING OF EVENTS: EXPLANATORY MEMORANDUM**

##### **Purpose**

The proposed Standard By-law relating to the Holding of Events was developed to regulate and control the holding of events.

##### **Background**

The staging of events is often done in an ad-hoc manner, lacking strategic co-ordination and direction. The number and complexity of events throughout the Province continue to grow each year. Numbers of people attending the events are ever increasing. Municipalities are sometimes even requested to provide significant resources for the staging of events, including financial support, and to manage the impact of the event on the residents. Significant resources are made available for the events and this impacts on municipalities' abilities to render normal services to their respective communities.

**Content**

The proposed Standard By-law relating to the Holding of Events will set out the requirements and conditions under which events may be hosted, it will grant rights of access and inspection to the municipalities and it will set out offences and penalties for contravention of the by-law.

**General**

1. This standard by-law is published as an aid to municipalities. If the by-law is adopted, the provisions of section 14 of the Local Government: Systems Act, 2000 (Act 32 of 2000) should be complied with and the by-law adapted to suit local circumstances.
2. Municipalities are required to determine the type and size of events that will impact on the municipality's ability to deliver normal services to the community and which events require a permit from the municipality. This will depend on the capacity of each municipality.
3. If, on adoption of the standard by-law, there are by-laws in existence that should be repealed, the schedule must be completed, otherwise section 15 must be deleted.



