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PROVINCIAL NOTICES

The following Provincial Notices are published for general information.

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DIRECTOR-GENERAL

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PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

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STANDARD BY-LAW ON THE HOLDING OF EVENTS

The Provincial Minister of Local Government, Environmental Affairs and Development Planning has made the standard by-law set out in the Schedule in terms of section 14(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

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: Municipal Systems Act, 2000 (Act 32 of 2000) should be complied with and the by-law should be adapted to suit local circumstances. The size of events that may impact on the normal service delivery of municipalities as referred to in the definition of "event" in section 1 of the by-law, should be determined by each municipality.

If, on adoption of the standard by-law, there are by-laws in existence that should be repealed, the schedule referred to in section 15 must be completed, otherwise section 15 and the relevant schedule must be deleted.

SCHEDULE**Standard by-law to regulate and control the holding of events****CHAPTER 1****DEFINITIONS AND APPLICATION****Definitions**

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

“**authorised official**” means a person appointed as such in terms of section 13(2);

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

“**event**” means any public gathering of more than . . . (*insert number less than 2000*) people, in a street or at a public place or any other place to which the public has access, for any purpose, including—

- (a) a sporting, recreational or entertainment event, including live acts;
- (b) an educational, cultural or religious event;
- (c) a business event, including any marketing, public relations, promotional or exhibition event;
- (d) a charitable event, including any conference or organisational or community event;
- (e) filming; or
- (f) any other event similar to the events referred to in paragraphs (a) to (e);

“**event organiser**” means a person who applies to hold an event in terms of section 4, whether in a personal capacity or on behalf of another person;

“**fees**” means the fees determined in the by-law contemplated in section 75 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), or the fees determined in terms of a decision by the Council in terms of section 75A of that Act;

“**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 117 of 1998);

“**municipality**” means the municipality of . . . (*insert name*), and any employee of the municipality acting in terms of delegated authority;

“**permit**” means a permit issued by the municipal manager for the holding of an event in terms of section 4;

“**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 zoned, built and suitable for the holding of specific events;

“**venue**”, in relation to an event, means the place where the event is or is to be held; and

“**venue owner**” means any person who, directly or indirectly, owns, leases, rents, acquires, or exercises the powers of an owner or occupier of, a venue.

Application of this by-law

2. (1) This by-law applies to all events held within the area of jurisdiction of the municipality.
- (2) In the event of a conflict between this by-law and (*insert title of by-law or titles of by-laws*), this by-law prevails 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****Permit required for event**

3. Subject to section 11, no person may hold an event unless a permit has been issued for the event upon application made in terms of section 4.

Application for permit to hold event

4. (1) A person who wants to hold or organise an event must apply in writing to the municipal manager for a permit—
 - (a) at least 30 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, at least 60 days before the event is to take place.
- (2) The application must be accompanied by the applicable fees and a deposit, as may be required by the municipal manager, and must include the following information:
 - (a) The name of the event organiser;
 - (b) the proposed venue for the event; and
 - (c) the proposed days and hours of operation for the event.
- (3) The municipal manager may, after consideration of the criteria in section 5(1), require the following additional information:
 - (a) A copy of the contract with the venue owner, unless the applicant is the venue owner;
 - (b) the maximum number of attendees, including staff, to be allowed at the event;
 - (c) the proposed security plans for the event, including the number of security personnel and their qualifications;
 - (d) the proposed medical and safety plans for the event, including the number of medical personnel and their qualifications;
 - (e) the proposed noise control plans for the event, including volume levels of music, power of the music system and sound insulation within the building, if applicable;
 - (f) the proposed parking and traffic plans for the event;
 - (g) evidence, to the satisfaction of the municipal manager, that appropriate public liability insurance cover is in place for the event; and
 - (h) any other information as may be requested by the municipal manager.
- (4) If an event organiser fails to submit the information, fees and deposit, if required, referred to in subsections (2) and (3), the municipal manager may not consider the application.
- (5) The municipal manager must approve or refuse an application within a reasonable time.
- (6) If the municipal manager approves an application he or she must issue a permit for the event.
- (7) If the municipal manager refuses an application, he or she must provide written reasons for the refusal to the applicant.
- (8) The issuing of a permit does not alleviate any person of the obligation to comply with any other law.

Criteria and conditions

5. (1) The municipal manager must consider an application for a permit in accordance with the following criteria, where applicable:
 - (a) The type and size of the 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 thereunder; and
 - (d) any other criteria that the municipal manager determines.

- (2) The municipal manager may impose reasonable conditions in respect of the permit to protect the health, safety and welfare of the public. The 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;
 - (e) emergency and medical services;
 - (f) cleaning of the premises and the surrounding area, and waste disposal;
 - (g) insurance;
 - (h) lighting;
 - (i) fire services and safety;
 - (j) temporary construction, barricades and fencing;
 - (k) removal of advertising and promotional material; and
 - (l) noise levels.

Requirements and conditions

6. (1) An event organiser may not advertise an event before the municipal manager approves the application and issues a permit for the event.
- (2) The municipality is not liable 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, arising from any planning for an event, the submission of an application for a permit or the issuing, refusal, revocation or suspension of a permit.
- (3) The event organiser must ensure that the permit is available at the venue for inspection during the event.

Holding of event

7. An event organiser whose application has been approved in terms section 4(5) is responsible for the event and must ensure—
- (a) that the event is held in compliance with this by-law, the conditions imposed by the municipal manager and any other law that is applicable;
 - (b) that the conduct of persons attending the event and the activities undertaken or carried out at the event do not unreasonably impact on affected communities during the event; and
 - (c) compliance with any compliance notice or other notice issued by the municipal manager or an authorised official in terms of section 8 or 10.

Compliance notices

8. (1) If the municipal manager or an authorised official on reasonable grounds believes that an event organiser has contravened a provision of this by-law or of any other applicable law, or a condition of the permit concerned, or that circumstances have arisen that have the potential of leading to a contravention of any such provision or condition, the municipal manager or the authorised official may issue a compliance notice to the event organiser.
- (2) A notice in terms of subsection (1) must be served on the event organiser and must state—
- (a) the provision of this by-law or any other law, or the condition of the permit, that has been contravened or would be contravened if the circumstances that have arisen were allowed to continue;
 - (b) the measures that must be taken by the event organiser to rectify the contravention or the circumstances that have arisen; and
 - (c) the time period for compliance with the notice.
- (3) If a person on whom a notice was served in terms of subsection (1) fails to comply with the notice, the municipal manager or an authorised official may take any steps necessary to rectify the contravention or the circumstances that have arisen, at the cost of the event organiser.

Inspections and right of access

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

- (2) The municipal manager or an authorised official has a right of access to any venue where an event is held, is to be held or has been held for the purposes of—
 - (a) ascertaining whether any provision of this by-law has been contravened;
 - (b) enforcing compliance with this by-law; or
 - (c) considering an application and determining conditions to a permit in terms of sections 4 and 5.
- (3) The municipal manager or an authorised official may, by written notice served on any venue owner, require that venue owner to provide, at any reasonable date and time, access to such property for a purpose referred to in subsection (2).

Suspension and revocation of permit

10. (1) The municipal manager may, if he or she on reasonable grounds believes that an event organiser has failed to comply with a compliance notice issued in terms section 8, by notice in writing to the event organiser—
 - (a) suspend the permit until the event organiser has complied with the compliance notice; or
 - (b) revoke the permit and take any necessary steps relating to the revocation, and recover the costs of doing so from the event organiser.
- (2) The municipal manager may, if action has been taken in terms subsection (1)(b), withhold the deposit paid by the event organiser in terms of section 4(2), as security for the payment of the costs.

Exclusions

11. (1) 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, or at any playground, place of worship, hotel conference centre, stadium, athletic field, arena, auditorium or similar permanent place of assembly, when used for events normally held in such venue; and
 - (c) events regulated by the Safety at Sports and Recreational Events Act, 2010 (Act 2 of 2010) or the Regulation of Gatherings Act, 1993 (Act 205 of 1993).
- (2) Subsection (1)(b) does not apply to events or parts of events which—
 - (a) are held outside the venue concerned; or
 - (b) by their nature, size or impact fall outside the normal use parameters for the venue.

CHAPTER 3

GENERAL PROVISIONS

Agreements and partnerships

12. The Council may, subject to any other law, enter into an agreement or partnership with an event organiser for the holding and management of an event.

Delegations and appointment of authorised officials

13. (1) The municipal manager may delegate to any employee of the municipality a power conferred on or a duty imposed on the municipal manager by this by-law, to—
 - (a) approve an application;
 - (b) issue, suspend or revoke a permit; or
 - (c) impose conditions in respect of a permit.
- (2) The municipal manager may appoint any employee of the municipality, including any member of the municipal law enforcement service, as an authorised official to enforce this by-law.
- (3) The municipal manager must issue an authorised official with an appointment card.
- (4) When an authorised official performs any function in terms of this by-law, he or she must be in possession of the appointment card and must show it to anyone requesting to see it.

Offences and Penalties

14. 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 to a fine of R (*insert amount*) or imprisonment.

Repeal

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

Short title

16. This by-law is called the By-law on the Holding of Events, 2011.

SCHEDULE**Repeal of laws and savings**

Each municipality to insert relevant information here
