

**CITY OF CAPE TOWN  
DRAFT EVENTS  
AMENDMENT BY-LAW,  
2015**

## CITY OF CAPE TOWN

## DRAFT EVENTS AMENDMENT BY-LAW, 2015

## GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

       Words underlined with a solid line indicate insertions in existing enactments.

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To amend the City of Cape Town: Events By-law, 2009, so as to amend and insert certain definitions; to amend the provisions relating to the scope of application; to amend and make further provisions relating to requirements and conditions for an event; to make provision relating to a safety officer; to make provision relating to the minimum criteria for appointment as safety officer; to make further provisions relating to decisions on events; to provide and regularise the role of the authorised official; to provide that a compliance notice is to be issued by an authorised official; to delete the provision regarding the written notice as a requirement of access to property; to provide for the immediate stoppage of non-permitted events and events that are non-compliant with permit conditions; to provide clear consequences for offending event organisers and event owners; to provide that the event organiser must provide evidence to the City Manager regarding appropriate indemnity cover and public liability insurance; to provide that event owners shall be held liable for any damages to City property resulting from the holding of an event; to provide for the mitigation of damage to City property; to amend the provisions relating to Offences and Penalties; to make provision for the written confirmation of the appointment of a safety officer for an event; to repeal the Schedule of Fines; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the City of Cape Town, as follows:-

**Amendment of section 1 of the City of Cape Town: Events By-law, 2009**

1. Section 1 of the City of Cape Town: Events By-law, 2009, (hereinafter referred to as the principal By-law) is hereby amended—

(a) by the substitution for the definition of “**authorised official**” of the following definition:

“ ‘**authorised official**’ means an **[official]** employee of the City [authorized to implement or enforce the provisions of any other law] responsible for carrying out any duty or function or exercising any power in terms of this By-law and includes employees delegated to carry out or exercise such duties, functions or powers;”;

(b) by the substitution for the definition of “**City**” of the following definition:

“ ‘**City**’ means the City of Cape Town, a municipality established by the City of Cape Town Establishment Notice No. 479 of 22 September 2000, issued in terms of [section 12 of] the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), [by Provincial Notice No. 479 dated 22 December 2000] or any structure or employee of the City acting in terms of delegated authority;”;

(c) by the substitution for paragraph (a) of the definition of “**event**” of the following paragraph:

“(a) any sporting, recreational or entertainment event, including live acts, flash mobs and events promoted through online event campaigns;”;

(d) by the substitution for the definition of “**event organiser**” of the following definition:

“ ‘**event organiser**’ means [a person who submits an application to hold an event in terms of this By-law whether he or she submits the application for himself or herself or on behalf of another person, body or organization] a person appointed by an event owner to apply for an event permit and to manage the event;”;

- (e) by the substitution for the definition of “**event permit officer**” of the following definition:

“ ‘**event permit officer**’ means the head of the City of Cape Town events permit office [or any other official delegated by him or her];”;

- (f) by the insertion after the definition of “**event**” of the following definition:

“ ‘**event coordination committee**’ means the event planning committee of the City which comprises of all the service departments of the City;”;

- (g) by the insertion after the definition of “**event organiser**” of the following definition:

“ ‘**event owner**’ means

- a) the person funding the event; or
- b) the person who holds the rights to an event;”;

- (h) by the insertion after the definition of “**events policy**” of the following definitions:

“ ‘**event safety and security planning committee**’ means the committee contemplated in section 15 of the Safety at Sports and Recreational Events Act, 2010 (Act No 2 of 2010);

“ ‘**flash mob**’ means a group of people mobilised via telecommunications, social media or e-mails to assemble in a public place for a specific purpose for a brief time and then quickly disperse;”;

- (i) by the insertion after the definition of “**flash mob**” of the following definition:

“ **‘online event campaigns’** means a marketing campaign for the promotion of an event through the use of the internet or social media;”;

(j) by the insertion after the definition of “**permit**” of the following definition:

“ **‘person’** means a natural or juristic person;”;

(k) by the insertion after the definition of “**purpose-built venue**” of the following definitions:

“ **‘safety and security plan’** means the safety and security plan, referred to in section 16(1)(b) of the Safety at Sports and Recreational Events Act, 2010 (Act No 2 of 2010), providing for the coordination of the functions of the role players involved in the provision of safety and security at the event;

**‘safety officer’** means a person whose job it is to develop and recommend measures for promoting personal safety, and to monitor and anticipate hazardous and unsafe situations;”;

(l) by the deletion of the definition of “**Law Enforcement Officer**”.

### **Amendment of section 2 of the City of Cape Town: Events By-law, 2009**

2. Section 2 of the principal By-law is hereby amended—

(a) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) events of fewer than **[50] 200** persons where there is no amplified sound or no temporary structures to be used; and”;

(b) by the substitution for subsection (3) of the following subsection:

“(3) Notwithstanding subsection (2), the **[Events Permit Officer or a Law Enforcement Officer]** authorised official may—

- (a) when **[the Events Permit Officer or a Law Enforcement Officer]** he or she finds that this By-law is, or is likely to be, contravened by an event organizer; or
- (b) when a stakeholder affected by the impact and risk attached to an event files a complaint with the **[Event Permit Officer or a Law Enforcement Officer]** authorised official,

issue a compliance notice to the event organiser in terms of section 8 and act in terms of this By-law.”;

(c) by the addition of the following subsection:

“(7) This by-law does not apply to the holding of public gatherings and demonstrations as provided for in terms of the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993).”.

#### **Amendment of section 3 of the City of Cape Town: Events By-law, 2009**

3. Section 3 of the principal By-law is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) An application to hold or stage an event must be made by the event organiser and submitted to the events permit office –

- (a) by a person who is at least 18 years old;
- (b) in a form as prescribed by the Events Permit Officer;
- (c) within the prescribed time frames as set out in the Schedule 1; and
- (d) by a person or on behalf of a person who possesses the necessary capacity and resources[, **as set out in the Schedule 1, to the events permit office**].”.

#### **Amendment of section 4 of the City of Cape Town: Events By-law, 2009**

4. Section 4 of the principal By-law is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) An application for an event must comply with the provisions of this By-law and contain such information as indicated in the prescribed application form as well as the information as set out in Schedule 2.”;

(b) by the substitution for subsection (3) of the following subsection:

“(3) The event organiser may **[not] at own risk** advertise the planned event before an application **[is submitted to the City and the Event Permit Officer has informed the event organiser that the application]** has been approved in terms of section 5(1).”;

(c) by the insertion after subsection (3) of the following subsections:

“(3A) Advertising before the approval of an application for an event does not obligate the Event Permit Officer to grant any approvals.

“(3B) The event organiser is required to apply separately and within the required timeframe to the National Commissioner of the South African Police Service for a risk categorisation as contemplated in the Safety at Sports and Recreational Events Act, 2010 (Act No. 2 of 2010).

“(3C) The South African Police Service may require the event organiser to participate in separate event safety and security planning committee meetings.”;

(d) by the insertion after subsection (4) of the following subsection:

“(4A) The Event Permit Officer, may invite the event organiser to make a presentation to the Event Coordination Committee of the City prior to the approval of the event if an event—

(a) has been classified as a medium-risk or a high-risk event by the South African Police Service;

(b) clashes with another event; or

(c) presents other potential risks identified by the City.”.

**Insertion of section 4A and section 4B in City of Cape Town: Events By-law, 2009**

5. The following sections are hereby inserted in the principal By-law after section 4:

**“Safety Officer**

4A. (1) The event organiser must appoint a Safety Officer for the event.

(2) The responsibility for the safety of all present at the event lies primarily with the event organiser.

(3) The safety officer is tasked with monitoring and maintaining a safe environment for the duration of the event, including the set-up and breakdown stages of an event.

(4) The areas of responsibility of the safety officer include operational safety, occupational health and safety compliance and hygiene management.

(5) The safety officer maintains the right to halt any event should the safety officer identify a significant risk threatening the safety of any individual present at the event.

(6) The mandate of the safety officer includes the event venue as well as all associated facilities.

(7) The safety officer is required to be on-site for the entire duration of the event, including the set-up and breakdown stages of an event.

(8) The safety officer is to reasonably identify any risks or dangers and recommend suitable mitigation and management measures to the Event Organiser.

(9) The safety officer is responsible for ensuring that the event- specific written safety and security plan is adhered to.

**Minimum criteria for appointment as safety officer**

4B. Any person who is to be appointed as a safety officer at an event must be in possession of a qualification relating to occupational health and safety.”.



### Amendment of section 5 of the City of Cape Town: Events By-law, 2009

6. Section 5 of the principal By-law is hereby amended—

(a) by the insertion after subsection (3) of the following subsection:

“(3A) The Events Permit Officer may issue an event organiser with a provisional approval, subject to the event organiser complying with certain conditions relevant to the specific event.”;

(b) by the insertion after subsection (4) of the following subsections:

“(4A) The Event Permit Officer, may decline an application for an event permit where—

- (a) an event application is received at short notice;
- (b) the event clashes with another event ;
- (c) the event safety and security plan is deemed insufficient by the City’s services;
- (d) the event is not approved by the South African Police Service;
- (e) the event is non-compliant with applicable legislation; or
- (f) any other factor which, in the opinion of the Event Permit Officer, may negatively impact on the –
  - i) safe conclusion of an event; or
  - ii) human or other resources of the City;

(4B) No event permit may be issued, where more than 2000 persons are expected, without—

- (a) the approval of the South African Police Service; and
- (b) a South African Police Service risk categorisation.”.

(c) by the addition of the following subsection:

“(6) Notwithstanding the timeframes set out in Schedule 1 the Event Permit Officer may, after consultation with the City Manager, approve a late application for an event, where the holding of an event will be beneficial to the City.”

### **Substitution of section 7 of the City of Cape Town: Events By-law, 2009**

7. The following section is hereby substituted for section 7 of the principal By-law:

#### **“Holding of an event**

7. Event organisers whose applications have been approved in terms of this By-law are responsible for the event and must ensure that —

- (a) the event is held in compliance with the provisions of this By-law and does not contravene any other law;
- (b) 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) any compliance notice issued by **[the Events Permit Officer]** an authorised official in terms of section 8 is complied with.”.

### **Amendment of section 8 of the City of Cape Town: Events By-law, 2009**

8. Section 8 of the principal By-law is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) When **[the Events Permit Officer or a Law Enforcement Officer]** an authorised official finds that a provision of this By-law is contravened by an event organizer or that a condition has arisen that has the potential to lead to a contravention of this By-law, or any other law, he or she~~—~~

**[(a)]** may issue a compliance notice to the event organizer~~;~~ **or]**

**[(b) may, on receipt of information from an authorized official relating to the contravention of this By-law or any other law in respect of the holding or staging of an event, issue a compliance notice to the event organiser].”;**

(b) by the substitution for subsection (3) of the following subsection:

“(3) If a person on whom notice was served in terms of subsection (1), fails to comply with the requirements of the notice, the **[Event Permit Officer, a Law Enforcement Officer or an]** authorized official may, for the purposes of this By-law, take such steps as may be necessary to rectify the condition at the cost of the event organizer.”.

### **Amendment of section 9 of the City of Cape Town: Events By-law, 2009**

9. Section 9 of the principal By-law is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The **[Events Permit Officer, an]** authorized official **[or law enforcement officer]** 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.”;

(b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“(2) The **[Events Permit Officer or a law enforcement officer]** authorised official has a right of access to or over any venue for the purposes of—”;

(c) by the deletion of subsection (3).

### **Amendment of section 10 of the City of Cape Town: Events By-law, 2009**

10. Section 10 of the principal By-law is hereby amended—

(a) by the substitution for the heading thereof of the following heading:  
“Suspension, revocation and temporary refusal of permits”;

(b) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) on receipt of information **[from a Law Enforcement Officer or an authorised official]** relating to failure to comply with a compliance notice, suspend or revoke the permit of an event organizer.”;

(c) by the addition of the following subsections:

“(3) Non-permitted events and events that are non-compliant with permit conditions may be immediately stopped by an authorised official or the South African Police Service and all costs and liability resulting from such action will accrue to the event organiser and the event owner.

(4) The City may refuse to approve applications for an event for a period of six months where event organisers and event owners –

(a) did not comply with the provisions of a compliance notice issued in terms of this by-law; or

(b) have not repaired or not paid for damage caused to City property during a previous event.”.

#### **Repeal of section 12 of the City of Cape Town: Events By-law, 2009**

11. Section 12 of the principal By-law is hereby repealed.

#### **Amendment of section 14 of the City of Cape Town: Events By-law, 2009**

12. Section 14 of the principal By-law is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The event **[specialized] organiser** must provide **[—]**

**[(a)]** evidence, to the satisfaction of the City 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 Events Permit Officer]** of appropriate **[specialized risk insurance, blanket liability or work cover]** public liability insurance.”;

(b) by the substitution for subsection (2) of the following subsection:

**“(2) [The City shall not be liable for any costs, including any damage or loss, incurred or suffered as a result of an event held without an approval in terms of this By-law] Event owners shall be held liable for any damages to City property resulting from the holding of an event.”;**

(c) by the addition of the following subsections:

**“(3) No person may without prior written approval from the City, drive pegs into sensitive areas where the City has high voltage electricity cables, fibre optic networks or any infrastructure for the provision of services.**

**“(4) Event organisers must take appropriate steps to the satisfaction of the City to minimise damage to City property.**

### **Substitution of section 15 of the City of Cape Town: Events By-law, 2009**

13. The following section is hereby substituted for section 15 of the principal By-law:

#### **“Offences and Penalties**

**15. [(1) Failure to comply with any provision of this By-Law constitutes an offence.**

**(2) A person who commits an offence in terms of this By-Law shall, on conviction, be liable for a fine or a term of imprisonment, or both such fine and such imprisonment.]**

**(1) Any person who—**

**(a) holds an event without a permit, in contravention of section 4(1);**

**(b) is an event organiser who fails to comply with any provision of this By-law; and**

**(c) fails to ensure that the conduct of persons attending an event and the activities undertaken or carried out at an event do not disturb the neighbouring community and the residents, in contravention of section 7(b).**

**shall be guilty of an offence.**

**(2) A person who commits an offence in terms of this By-law shall be liable—**

(a) in the case of an offence referred to in subsection (1)(a) or (b), to a fine or on conviction to imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment;

(b) in the case of an offence referred to in subsection 1(c), to a fine or on conviction to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment;

(c) in the case of an offence referred to in section 8(4), to a fine or on conviction to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.”

#### **Amendment to Schedule 1 of the City of Cape Town: Events By-law, 2009**

14. Schedule 1 to the principal By-law is hereby amended—

(a) by the substitution in the second row of the second column regarding the small crowd size or number of participants for number 50 of number 200:

“**[50]** 200 to 2000”.

(b) by the substitution for note 3 of the following note:

“3. Any event which involves an application for a **[temporary]** land use **[departure]** approval and where the **[departure]** approval has not been granted must follow the appeal process as outlined in the **[Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985)]** relevant land use planning legislation.”

#### **Amendment to Schedule 2 of the City of Cape Town: Events By-law, 2009**

15. Schedule 2 to the principal By-law is hereby amended—

(a) by the addition after item q of the following item:

“r. Written confirmation of the appointment of a safety officer for the event.”.

#### **Repeal of Schedule 3 of the City of Cape Town: Events By-law, 2009**

16. Schedule 3 to the principal By-law is hereby repealed.

**Short Title**

17. This by-law is called the City of Cape Town: Events Amendment By-law, 2015.

ITEM NUMBER: C 11/05/15

**RECOMMENDATION FROM THE EXECUTIVE MAYOR: 22 MAY 2015****MC 33/05/15 THE CITY OF CAPE TOWN DRAFT EVENTS AMENDMENT BY-LAW 2015**It is **RECOMMENDED** that

- (a) part (b) of Council resolution C 11/12/10 be rescinded
- (b) the Draft Events Amendment By-law, 2015 attached as Annexure A to the report on the agenda, be approved subject to the following amendment:
 

Schedule 2(2) (a) be amended to read: events fewer than 50 200 persons where there is no amplified sound or no temporary structures to be used.
- (c) it be noted that 17 written submissions with comments were received and four amendments were made in response to the comments
- (d) the technical nature of the Draft Events Amendment By-Law, 2015, be noted.



REPORT TO EXECUTIVE MAYOR

2015 -05- 2 2

1 ITEM NUMBER: MC 33/05/15

2 SUBJECT:

**THE CITY OF CAPE TOWN DRAFT EVENTS AMENDMENT BY-LAW, 2015****INGXELD YOKUGQIBELA – ENGOMNYHADALA  
ONGOMQUKUMBELO WEKAPA NGO-2014****DIE STAD KAAPSTAD SE KONSEPWYSIGINGSVERORDENING OP  
GELEENTHEDE, 2015**3 **RECOMMENDATION FROM THE TOURISM, EVENTS AND  
ECONOMIC DEVELOPMENT PORTFOLIO COMMITTEE (ITEM  
TEED 21/03/15) DATED 5 MARCH 2015**

- (a) recommendation (b) of item C11/12/10 be rescinded;
- (b) the Draft Events Amendment By-law, 2015 attached as Annexure A to the report on the agenda, be approved subject to the following amendment:
 

Schedule 2(2) (a) be amended to read: events fewer than 50 200 persons where there is no amplified sound or no temporary structures to be used.
- (c) it be noted that 17 written submissions with comments were received and four amendments were made in response to the comments;
- (d) the technical nature of the Draft Events Amendment By-Law, 2015, be noted.

**ISINDULULO SEKOMITI EJONGENE NEMICIMBI YESEBE  
LEZOKHENKETHO, IMISITHO NOPHUHLISO LWEZOQOQOSHO  
(TEED 21/03/15): EBHALWE OWE-5 MATSHI 2015**

- (a) Makurhoxiswe isindululo (b) sombandela C11/12/10;



- (b) Makuphonyezwe uMthetho kaMasipala oluYilo oLungisiweyo ongeMisitho wangowe-2015 oqhotyshelwe kwisihlomelelo-A kwingxelo ekwi-ajenda, ngokuxhomeke kwesi silungiso silandelayo:

076

Makulungiswe uShedyuli 2(2)(a) ukuba afundeke ngolu hlobo: imisitho enabantu abangeneno kwama -50 200 apho kungekho ngxolo ehamba nesixhobo sesandisi-lizwi okanye apho kungasetyenziswanga zakheko zexeshan;

- (c) Kufuneka kuqatshelwe ukuba kuye kwafunyanwa izingeniso ngokubhakiweyo ezili-17 ezinezimvo kwakhona kuye kwenziwa izilungiso ezine apho bekuphendulwa izimvo ezo;
- (d) Makuqwalaselwe ubume bezobuchwepheshe kuMthetho kaMasipala oluYilo ongeMisitho wango-2015.

**AANBEVELING VAN DIE PORTEFEULJEKOMITEE OOR TOERISME, GELEENTHEDE EN EKONOMIESE ONTWIKKELING (TEED 21/03/15) VAN 5 MAART 2015**

- (a) aanbeveling (b) van item C11/12/10 herroep word;
- (b) die Konsepwysigingsverordening op Geleentheid, 2015, aangeheg as bylae A by die verslag op die agenda, goedgekeur word onderworpe aan die volgende wysiging:
- Bylae 2(2)(a) gewysig word om te lui: *events fewer than 50 200 persons where there is no amplified sound or no temporary structures to be used.*
- (c) daarvan kennis geneem word dat 17 skriftelike voorleggings met kommentaar ontvang is en dat vier wysigings in reaksie op hierdie kommentaar gemaak is;
- (d) daar van die tegniese aard van die Konsepwysigingsverordening op Geleentheid, 2015, kennis geneem word.

*A. G. R. m*

EXECUTIVE DIRECTOR: COMPLIANCE AND AUXILIARY SERVICES (ED: CAS)

SUPPORTED FOR ONWARD SUBMISSION TO MAYOR  / MAYCC  COUNCIL

NOT SUPPORTED

REFERRED BACK

COMMENT:

DATE

*17/04/15*

CRAIG KESSON (STRATEGIC POLICY UNIT)

077

- SUPPORTED FOR ONWARD SUBMISSION TO MAYOR  COUNCIL
- NO RECOMMENDATION
- RECOMMENDATION AS CONTAINED IN ORIGINAL REPORT
- ALTERNATIVE RECOMMENDATION TO BE REFLECTED IN COMMENTS SECTION BELOW
- NOT SUPPORTED

DATE

*20/04/15*

COMMENT:

423

078

079



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

REPORT TO TOURISM, EVENTS AND ECONOMIC DEVELOPMENT

*P. de Lille*

EXECUTIVE MAYOR

- SUPPORTED FOR ONWARD SUBMISSION TO MAYOR  / COUNCIL
- PO RECOMMENDATION
- RECOMMENDATION AS CONTAINED IN ORIGINAL REPORT
- ALTERNATIVE RECOMMENDATION TO BE REFLECTED BELOW
- APPROVED - T.O. DELEGATED AUTHORITY
- NOTED
- REFUSED
- REFERRED BACK

DATE

23.04.2015

COMMENT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. ITEM NUMBER: TEED 21/03/2015

2. SUBJECT

THE CITY OF CAPE TOWN DRAFT EVENTS AMENDMENT BY-LAW, 2015

ONDERWERP

DIE STAD KAAPSTAD SE KONSEPWYSIGINGSVERORDENING OP GELEENTHEDE, 2015

ISIHLOKO

UYILO LOLUNGISO LOMTHETHO KAMASIPALA ONGEMISITHO KWISIXEKO SASEKAPA, 2015

[F0437]

3. STRATEGIC INTENT

- Opportunity City

Objective 1.1: Create an enabling environment to attract investment that generates economic growth and job creation  
Programme 1.1(a) Events programme

4. PURPOSE

The purpose of the report is to request that the Tourism, Events and Economic Development Committee recommend that the draft Events Amendment By-Law 2015 is tabled before Council for approval.

This report is for consideration/decision by:

- The Portfolio Committee
- Executive Mayor together with Mayoral Committee
- Council

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## 5. EXECUTIVE SUMMARY

The Events By-Law was last amended on 2009. Since 2009, there has been a significant change in the legislative environment as a result of the enactment of the Safety and Sports and Recreation Events Act, 2010 (Act 2 of 2010), (the Act).

The purpose of the review of the Events By-Law was mainly to align the City of Cape Town Events By-Law to the Act.

In September 2014, the Portfolio Committee recommended that the draft City of Cape Town Events By-Law is sent out for public participation from 1 – 31 October 2014 [TEAM 25/09/14]. The By-Law was sent for comment to all sub-councils and a public meeting was held at the Cape Town Stadium.

A total of 17 written comments were received from various interest groups including Rate Payers Associations, Events Organisers, Sub-Councils and City Improvement Districts. The public meeting was attended by 33 people.

Annexure B contains a table listing all the comments received. The main issues raised through the Public Participation Process are listed in the discussion section of this report.

After consideration of the comments with Legal Services, minor amendments to the draft By-Law have been made and it is recommended that the Events Amendment By-Law is tabled before Council for adoption.

Council is also requested to rescind recommendation b of the decision taken on 9 December 2010 to approve Amendments to the Events Bay-Law C11/12/10. That amendment dealt with section 15 "Offenses and Penalties" but was never promulgated. It is recommended that the decision is rescinded because section 15 is now included in the draft Amendment By-Law 2015.

## 6. RECOMMENDATIONS

It is recommended that the Tourism, Events and Marketing Portfolio Committee refer the Draft Events Amendment By-law, 2015, for onward recommendation to Council for adoption.

It is recommended that:

- a) Recommendation (b) of C11/12/10 be rescinded.
- b) The Draft Events Amendment By-law, 2015, attached as annexure A to the report, be approved.
- c) It be noted that 17 written submissions with comments were received and four amendments were made in response to the comments.

- d) The technical nature of the Draft Events Amendment By-law, 2015, be noted

## AANBEVELINGS

Daar word aanbeveel dat die portefeuljekomitee oor toerisme, geleenthede en bemerking die Konsepwysigingsverordening op Geleenthede, 2015, na die Raad vir aanneming verwys.

Daar word aanbeveel dat die Raad:

- a) Aanbeveling (b) van C11/12/10 herroep word
- b) Die Konsepwysigingsverordening op Geleenthede, 2015, aangeheg as bylae A van die verslag, goedgekeur word.
- c) Daarvan kennis geneem word dat 17 skriftelike voorleggings met kommentaar ontvang is en dat vier wysigings in reaksie op hierdie kommentaar gemaak is
- d) Daar van die tegniese aard van die Konsepwysigingsverordening op Geleenthede, 2015, kennis geneem word.

## IZINDULULO

Kundululwe ukuba iKomiti ejongene neMicimbi yezoKhenketho, iMisitho noRhwebho ibhekise uYilo loMthetho kaMasipala ongeMisitho, 2015, kwiBhunga ukuze lwamkelwe.

Kundululwe ukuba iBhunga:

- a) Makurhoxiswe isindululo (b) sika-C11/12/10.
- b) Makuphunyezwe uYilo loLungiso loMthetho kaMasipala ongeMisitho, 2015, oluqhotyoshelwe njengesihlomelo A kwingxelo
- c) Makuqwalaselwe ukuba kwafunywana izingeniso ezibhaliweyo ezili-17 ezinezimvo kwaye kwenziwa iziungiso ezine kwimpendulo zezimvo.
- d) Makuqwalaselwe ubugcisa boYilo loLungiso loMthetho kaMasipala ongeMisitho

## 7. DISCUSSION

The City of Cape Town Draft Events Amendment By-Law 2015 is presented in Annexure A.

The purpose of the revision of the By-Law in 2015 is to amend the following:

- insert certain definitions;
- to amend the provisions relating to the scope of application;
- to amend and make further provisions regarding requirements and conditions for an event;
- to make provision relating to a safety officer;
- to make provision relating to the minimum criteria for appointment as safety officer;
- to make further provisions regarding decisions on events;
- to provide and regularise the role of the authorized official;
- to provide that a compliance notice is to be issued by an authorized official
- to delete the provision regarding the written notice as a requirement of access to property;
- to provide for the immediate stoppage of non-permitted events and events that are non-compliant with permit conditions;
- to provide clear consequences for an offending event organiser;
- to provide that the event organiser must provide evidence to the City Manager regarding appropriate indemnity cover and public liability insurance;
- to provide that the City shall not be liable for any costs, including any damage or loss incurred or suffered as a result of an event;
- to provide for the mitigation of damage to City property;
- To amend provisions related to Offences and Penalties
- to make provision for the written confirmation of the appointment of a safety officer for the event;
- to repeal the Schedule of Fines; and to provide for matters connected therewith.

In September 2014, the Portfolio Committee recommended that the draft City of Cape Town Events By-Law is sent out for public participation from 1 – 31 October 2014 [TEAM 25/09/14]. The By-Law was sent for comment to all sub-councils and a public meeting was held at the Cape Town Stadium.

A total of 17 written comments were received from various interest groups including Rate Payers Associations, Events Organisers, Sub-Councils and City Improvement Districts. The public meeting was attended by 33 people.

Annexure B contains a table listing all the comments received. The main issues raised through the Public Participation Process are listed below:

Topic Raised in Comment	Response
1. Structure of the Draft Amendment By-Law	The Legal Services advise that the By-Law was drafted according to good practice. The comments have been noted and future By-Law Amendments will include the original By-Law to improve readability.
2. By-Law too regulatory and no focus on City's intent in hosting	By-Laws are intended to regulate. Intent and support for events have been dealt with in the Events Policy 12329, approved in May 2013.

events.	
3. "One size fits all" approach to approvals and exempting community events from compliance.	The Act specifies the requirements. The Events By-Law is complimentary to ensure that all "essential services and emergency services" as defined and required by the act and must be provided by the City are in alignment. The City does not have the power to exempt event organisers from complying with national legislation.
4. Event Owner and Event Organiser interchangeable use throughout the document	The Event Owner and the Event Organiser can be the same person. The Act only defines only the Event Organiser but includes persons who fund the event. In the By-Law, we have distinguished between the two in order to provide clarity to the event industry that both the funders and their appointed staff carry responsibility.
5. Increasing the applicable number from 50 persons to 200 persons	Public Comments were both for and against the proposal. Given the fact that basic information is still required in order for the proposed exemption (up to 200) to be applicable, we have decided not to amend the current minimum figure of 50.
6. Process to determine numbers at Events	In the event that an event is not ticketed, the population certificate number will be determined by square meterage of available space to accommodate spectators and the marketing plan.
7. Time-frames	The time-frames are set based on processing times of the various City departments that need to be consulted and the fact that the system is manual. Event Organisers that would like an application considered outside the time-frames set out in the By-Law need to discuss the specific event requirements with the Events Permit Office. Permission may be granted outside the pre-scribed time-frame but not less than 15 working days, depending on the complexity, available resources and whether the event plans are complete.
8. Provisional Permit	The Events Amendment By-Law makes provision for a Provisional Permit to be issued
9. Safety Officer	This requirement is specified by the Act. With respect to the responsible party for procuring the services of a safety officer, after due consideration it was decided that the responsibility will remain with the Event Organiser.  This appointment is a professional appointment (similar to the case with the Engineer to sign off structures). The public request for the City to provide the Safety Officer has budgetary and human resource implications which the City has not made provision for.  With respect to the deployment time for the Safety Officer.

	<p>the Occupational Health and Safety Act specifies that the health and safety officer should be on-site for the duration of the event.</p> <p>The SAPS Venue Operations Centre (VOC) Commander is the responsible party in medium risk events and the Safety Officer is low risk events.</p>
10. Risk Assessment (Event complexity)	<p>The Safety Officers are required to submit and Risk Assessment. This document captures the event complexity. In addition, SAPS Risk assessment categorises the event complexity from a Security Risk perspective.</p> <p>A SAPS risk rating application must be submitted and is required for all events from 2000 persons upwards.</p>
11. Schedule 15 Offences and Penalties	<p>Comments were received relating to the reference to "upon conviction" in the Offences and Penalties section. The offenses and penalties listed in Schedule 15 was previously approved by Council in 2009 but not enacted in the Provincial Gazette.</p> <p>A suggested schedule of fines will be sent to the Magistrates after the By-Law is adopted.</p> <p>With respect to Spot Fines, it must be noted that the Department of Justice has increased the limit of spot fines to R15 000, therefore a request in the comments for a spot fine of R25 000 is not possible.</p>
12. Animal Slaughter	<p>Animal slaughter and related matters is governed by the Meat Safety Act and is therefore not addressed in the Events By-Law.</p>
13. Sound Amplification Guidelines	<p>The Noise Control Regulations guide the issuing of the Noise Exemption Certificate. City Health advises that in order to set guidelines for noise control, an Acoustic Consultant must be appointed. Such applications must be made timeously and can only be reviewed on a case by case basis. In general application, a noise exemption certificate will not include reference to decibels.</p>
14. Heritage Properties	<p>It is not possible to extend the prohibition to Heritage sites in the By-Law as the definition will be too broad. Many heritage sites are on private properties and their use/alteration is subject to the National Heritage Resources Act.</p>
15. Prescription of suppliers (cleansing) and the provision of lists of suppliers to	<p>The Supply Chain Management department confirms that this is not possible as it conflicts with the City's supply Chain Management policies.</p>

events	
16. Public Liability	<p>Clause 25 of the Act requires Public Liability insurance. Reference to public liability insurance in the By-Law is in alignment to the Act.</p>
17. Specialised Risk Insurance	<p>The City's Insurance department advises that event organiser will not be able to insure the assets belonging to the City. We have therefore amended the clause to exclude Specialised Risk Insurance.</p>
18. Hand-over and Hand-back of facilities	<p>This depends on the facility being used. In the case of a public venue such as a road, the City's insurance department advises that the General Insurance Fund does not cover "street furniture" (e.g. robots, street lighting, etc). This however does not mean that the City will have recourse to claim for damage to its infrastructure from the event organiser</p>
19. Stoppage of Events	<p>Many comments relating to the capacity or SAPS and Metro Police to stop events were received. Also comments related to the "level" of the Authorised Official who could stop an event.</p> <p>While these operational concerns are noted, the responsibility for enforcement of laws remains the responsibility of SAPS and other agencies such as Metro Police and Law Enforcement.</p> <p>The Act defines the authorized official who has the power to inspect and stop an event. The By-Law extends the definition of the authorized official to allow city staff who are generally responsible for the safety and compliance at events to act.</p>

The public comments resulted in a few minor changes to the draft Events Amendment By-Law, 2015. The changes are listed below:

1. Title: Change of date from 2014 to 2015
2. Section 1 (c) Correction of the spelling of on line (previously on-line)
3. Section 1 (h) Included the words "for free"
4. Delete Section 2 (a) related to changing the number from 50 to 200
5. Delete amendment to schedule 1 section 14 related to changing the number from 50 to 200

#### 7.1. Constitutional and Policy Implications

The By-Law is developed and guided by the following legislation and regulations:

- The Constitution of the Republic of South Africa :Act 108, 1995, section 156 (1) (a), read with Part B of Schedule 4
- No 2 of 2010: Safety at Sports & Recreation Events Act, 2010
- The Disaster Management Act, 57 of 2002
- Municipal Finance Management Act (MFMA) Act No 56 of 2003
- Occupational Health and Safety Act
- Private Security Industry Regulating Authority
- National Health Act
- SANS 10400 of 1990 Application of National Building Regulations
- Fire Brigade Service Act
- Schedule 16 of Outdoor Advertising & Signage By-law
- Road Traffic Act, 1996
- Land Use Planning Ordinance no 15 of 1985
- Cape Town Zoning Scheme
- Regulation of Gatherings Act, 1993 (Act No. 205 of 1993 as amended).
- The City of Cape Town's Events By-Law
- City of Cape Town System of Delegations
- City of Cape Town Catering Policy
- City of Cape Town Entertainment Policy
- Integrated Development Plan
- City of Cape Town's Smart Events Handbook

**7.2. Environmental implications**

Does your report have any environmental implications? No  Yes

**7.3 Sustainability Implications**

Does the activity in this report have any sustainability implications for the City? No  Yes

**7.4. Legal Implications**

The By-Law will need to be enforced.

**7.5. Staff Implications**

Does your report impact on staff resources, budget, grading, remuneration, allowances, designation, job description, location or your organisational structure?

No

Yes

Discussions with Law Enforcement indicate that additional Law Enforcement Officers will be required to enforce the provisions for the Events Amendment By-law.

Safety and Security department is currently creating a dedicated Film and Events Traffic Unit as this unit is required to contribute to the Safety and Security Planning Committee.

There may be a similar staffing impact on other City Departments which has not yet been expressed.

**7.6. Risk Implications**

Detailed Risk Implications have been submitted directly to the Chief Risk Officer to be dealt with according to the risk management process.

**7.7. Other Services Consulted**

Director: Policy and Strategy,  
Mr Craig Kesson  
021 400 7428  
(25 August 2014)

Manager: Policy and Legislative Development,  
Mr. Timothy Zeeman  
021 400 3222

Senior Legal Advisor  
Ms. Alicia Floris  
021 400 3963  
City of Cape Town  
Events Coordination Committee

**ANNEXURES**

Annexure	Filename
ANNEXURE A:	Draft Events Amendment By-Law, 2015
ANNEXURE B:	Public Comments

088

089

**Approval Form**  
Supported for inclusion on the agenda



FOR FURTHER DETAILS CONTACT:

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DIRECTORATE	Tourism, Events and Economic Development- Events(000000507122)
FILE REF NO	1/1/3/2/64

## Events By-Law

Report Reference: 507295  
 Meeting: Portfolio Committee - Tourism, Events and Economic Development  
 Meeting Date: 05.03.2015  
 Meeting Venue: Meeting Room A 5TH Floor Podium

Contact Person: Teral Cullen  
 Contact Telephone: 021-4170605  
 Contact Email: TERAL.CULLEN@CAPETOWN.GOV.ZA

Item	Section	Approver	Approval	Approved Date	Approver Comments
01	Author	Teral Cullen	Approved	17.02.2015 06:47:13	
02	Executive Director	ANTON GROENEWALD	Approved	17.02.2015 06:55:10	approved - 17.02.15
03	Legal	Abdus Setaar Dhansay	Approved with Comments	19.02.2015 10:40:15	Compliant based on the contents of the report.
04	Mayco member	Garreth Bloor	Approved	23.02.2015 08:50:29	

ECS Office:

## CITY OF CAPE TOWN

## DRAFT EVENTS AMENDMENT BY-LAW, 2015

## GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing enactments.

To amend the City of Cape Town: Events By-law, 2009, so as to amend and insert certain definitions; to amend the provisions relating to the scope of application; to amend and make further provisions relating to requirements and conditions for an event; to make provision relating to a safety officer; to make provision relating to the minimum criteria for appointment as safety officer; to make further provisions relating to decisions on events; to provide and regularise the role of the authorised official; to provide that a compliance notice is to be issued by an authorised official; to delete the provision regarding the written notice as a requirement of access to property; to provide for the immediate stoppage of non-permitted events and events that are non-compliant with permit conditions; to provide clear consequences for an offending event organiser; to provide that the event organiser must provide evidence to the City Manager regarding appropriate indemnity cover and public liability insurance; to provide that the City shall not be liable for any costs, including any damage or loss incurred or suffered as a result of an event; to provide for the mitigation of damage to City property; to amend the provisions relating to Offences and Penalties; to make provision for the written confirmation of the appointment of a safety officer for the event; to repeal the Schedule of Fines; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the City of Cape Town, as follows:-

## Amendment of section 1 of the City of Cape Town: Events By-law, 2009

1. Section 1 of the City of Cape Town: Events By-law, 2009, (hereinafter referred to as the principal By-law) is hereby amended—

(a) by the substitution for the definition of “authorised official” of the following definition:

“ ‘authorised official’ means an [official] employee of the City [authorized to implement or enforce the provisions of any other law] responsible for carrying out any duty or function or exercising any power in terms of this By-law and includes employees delegated to carry out or exercise such duties, functions or powers.”;

(b) by the substitution for the definition of “City” of the following definition:

“ ‘City’ means the City of Cape Town, a municipality established by the City of Cape Town Establishment Notice No. 479 of 22 September 2000, issued in terms of [section 12 of] the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), [by Provincial Notice No. 479 dated 22 December 2000] or any structure or employee of the City acting in terms of delegated authority.”;

(c) by the substitution for paragraph (a) of the definition of “event” of the following paragraph:

“(a) any sporting, recreational or entertainment event, including live acts flash mobs and events promoted through online event campaigns.”;

(d) by the substitution for the definition of “event organiser” of the following definition:



" **'event organiser'** means [a person who submits an application to hold an event in terms of this By-law whether he or she submits the application for himself or herself or on behalf of another person, body or organization] a person appointed by the event owner to apply for and manage an event";

(e) by the substitution for the definition of "**event permit officer**" of the following definition:

" **'event permit officer'** means the head of the City of Cape Town events permit office [or any other official delegated by him or her];";

(f) by the insertion after the definition of "**event**" of the following definition:

" **'event coordination committee'** means the event planning committee of the City which comprises of all the service departments of the City";

(g) by the insertion after the definition of "**event organiser**" of the following definition:

" **'event owner'** means the person funding the event";

(h) by the insertion after the definition of "**events policy**" of the following definitions:

" **'event safety and security planning committee'** means the committee contemplated in section 15 of the Safety at Sports and Recreational Events Act, 2010 (Act No 2 of 2010);

**'flash mob'** means a group of people mobilised via telecommunications, social media or e-mails to assemble for free in a public place for a specific purpose, for a brief time and then quickly disperse";

(i) by the insertion after the definition of "**flash mob**" of the following definition:

" **'online event campaigns'** means the use of the internet to market and promote participation in an event";

(j) by the insertion after the definition of "**permit**" of the following definition:

" **'person'** means a natural or juristic person";

(k) by the insertion after the definition of "**purpose-built venue**" of the following definitions:

" **'safety and security plan'** means the safety and security plan referred to in section 16(1)(b) of the Safety at Sports and Recreational Events Act, 2010 (Act No 2 of 2010), providing for the coordination of the functions of the role players involved in the provision of safety and security at the event;

**'safety officer'** means a person whose job it is to develop and recommend measures for promoting personal safety, and to monitor and anticipate hazardous and unsafe situations";

(l) by the deletion of the definition of "**Law Enforcement Officer**".

#### Amendment of section 2 of the City of Cape Town: Events By-law, 2009

2. Section 2 of the principal By-law is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

"(3) Notwithstanding subsection (2), the **[Events Permit Officer or a Law Enforcement Officer]** authorised official may—

- (a) when **[the Events Permit Officer or a Law Enforcement Officer]** he or she finds that this By-law is, or is likely to be, contravened by an event organizer; or
- (b) when a stakeholder affected by the impact and risk attached to an event files a complaint with the **[Event Permit Officer or a Law Enforcement Officer]** authorised official,

issue a compliance notice to the event organiser in terms of section 8 and act in terms of this By-law.";

(b) by the addition of the following subsection:

“(7) This by-law does not apply to the holding of public gatherings and demonstrations as provided for in terms of the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993).”

**Amendment of section 3 of the City of Cape Town: Events By-law, 2009**

3. Section 3 of the principal By-law is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) An application to hold or stage an event must be made by the event organiser and submitted to the events permit office –

(a) by a person who is at least 18 years old;

(b) in a form as prescribed by the Events Permit Officer;

(c) within the prescribed time frames as set out in the Schedule 1; and

(d) by a person or on behalf of a person who possesses the necessary capacity and resources[, **as set out in the Schedule 1, to the events permit office**].”

**Amendment of section 4 of the City of Cape Town: Events By-law, 2009**

4. Section 4 of the principal By-law is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) An application for an event must comply with the provisions of this By-law and contain such information as indicated in the prescribed application form **as well as the information** as set out in Schedule 2.”

(b) by the substitution for subsection (3) of the following subsection:

“(3) The event organiser may **[not] at own risk** advertise the planned event before an application **[is submitted to the City and the Event Permit Officer has informed**

**the event organiser that the application]** has been approved in terms of section 5(1).”

(c) by the insertion after subsection (3) of the following subsections:

“(3A) Advertising before the approval of an application for an event does not obligate the Event Permit Officer to grant any approvals.

(3B) The event organiser is required to apply separately and within the required timeframe to the National Commissioner of the South African Police Service for a risk categorisation as contemplated in the Safety at Sports and Recreational Events Act, 2010 (Act No. 2 of 2010).

(3C) The South African Police Service may require the event organiser to participate in separate event safety and security planning committee meetings.”

(d) by the insertion after subsection (4) of the following subsection:

“(4A) The Event Permit Officer, may invite the event organiser to make a presentation to the Event Coordination Committee of the City prior to the approval of the event if an event—

(a) has been classified as a medium risk event by the South African Police Service;

(b) clashes with another event; or

(c) presents other potential risks identified by the City.”

**Insertion of section 4A and section 4B in City of Cape Town: Events By-law, 2009**

5. The following sections are hereby inserted in the principal By-law after section 4:

**“Safety Officer**

**4A.** (1) The event organiser must appoint a Safety Officer for the event.

(2) The responsibility for the safety of all present at the event lies primarily with the event organiser.

(3) The safety officer is tasked with monitoring and maintaining a safe environment for the duration of the event.

(4) The areas of responsibility of the safety officer include operational safety, occupational health and safety compliance and hygiene management.

(5) The safety officer maintains the right to halt any event should the safety officer identify a significant risk threatening the safety of any individual present at the event.

(6) The mandate of the safety officer includes the event venue as well as all associated facilities.

(7) The safety officer is required to be on-site for the entire duration of the event.

(8) The safety officer is to reasonably identify any risks or dangers and recommend suitable mitigation and management measures to the Event Organiser.

(9) The safety officer is responsible for ensuring that the event-specific written safety and security plan is adhered to.

**Minimum criteria for appointment as safety officer**

**4B.** Any person who is to be appointed as a safety officer at an event must be in possession of a qualification relating to occupational health and safety.”.

**Amendment of section 5 of the City of Cape Town: Events By-law, 2009**

6. Section 5 of the principal By-law is hereby amended—

(a) by the insertion after subsection (3) of the following subsection:

“(3A) The Events Permit Officer may issue an event organiser with a provisional approval, subject to the event organiser complying with certain conditions relevant to the specific event.”;

(b) by the insertion after subsection (4) of the following subsections:

“(4A) The Event Permit Officer, may decline an application for an event permit where:

(a) an event application is received at short notice;

(b) the event clashes with another event on the same day at the same venue;

(c) the event safety and security plan is deemed insufficient by the City’s services;

(d) the event is not approved by the South African Police Service; or

(e) the event is non-compliant with applicable legislation.

(4B) No event permit may be issued, where more than 2000 persons are expected, without—

(a) the approval of the South African Police Service; and

(b) a South African Police Service risk categorisation.”.

**Substitution of section 7 of the City of Cape Town: Events By-law, 2009**

7. The following section is hereby substituted for section 7 of the principal By-law:

**“Holding of an event**

7. Event organisers whose applications have been approved in terms of this By-law are responsible for the event and must ensure that —

(a) the event is held in compliance with the provisions of this By-law and does not contravene any other law;

(b) 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) any compliance notice issued by **[the Events Permit Officer]** an authorised official in terms of section 8 is complied with.”.

**Amendment of section 8 of the City of Cape Town: Events By-law, 2009**

8. Section 8 of the principal By-law is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) When **[the Events Permit Officer or a Law Enforcement Officer]** an authorised official finds that a provision of this By-law is contravened by an event organizer or that a condition has arisen that has the potential to lead to a contravention of this By-law, or any other law, he or she—

- (a) may issue a compliance notice to the event organizer; or
- (b) may, on receipt of information **[from an authorized official]** relating to the contravention of this By-law or any other law in respect of the holding or staging of an event, issue a compliance notice to the event organiser.":

(b) by the substitution for subsection (3) of the following subsection:

"(3) If a person on whom notice was served in terms of subsection (1), fails to comply with the requirements of the notice, the **[Event Permit Officer, a Law Enforcement Officer or an]** authorized official may, for the purposes of this By-law, take such steps as may be necessary to rectify the condition at the cost of the event organizer."

**Amendment of section 9 of the City of Cape Town: Events By-law, 2009**

9. Section 9 of the principal By-law is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) The **[Events Permit Officer, an]** authorized official **[or law enforcement officer]** 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.":

(b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

"(2) The **[Events Permit Officer or a law enforcement officer]** authorised official has a right of access to or over any venue for the purposes of—";

(c) by the deletion of subsection (3).

**Amendment of section 10 of the City of Cape Town: Events By-law, 2009**

10. Section 10 of the principal By-law is hereby amended—

(a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

"(c) on receipt of information **[from a Law Enforcement Officer or an authorised official]** relating to failure to comply with a compliance notice, suspend or revoke the permit of an event organizer.":

(b) by the addition of the following subsections:

"(3) Non-permitted events and events that are non-compliant with permit conditions may be immediately stopped by an authorised official or the South African Police Service and all costs and liability resulting from such action will accrue to the event organiser and the event owner.

(4) The City may refuse to approve applications for an event for a period of six months where event organisers and event owners –

(a) have been convicted of an offence in terms of this By-law; or

(b) have not repaired damage caused to City property during a previous event."

**Repeal of section 12 of the City of Cape Town: Events By-law, 2009**

11. Section 12 of the principal By-law is hereby repealed.

**Amendment of section 14 of the City of Cape Town: Events By-law, 2009**

12. Section 14 of the principal By-law is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) The event **[specialized] organiser** must provide [—]

**[(a)]** evidence, to the satisfaction of the City 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 Events Permit Officer]** of appropriate **[specialized risk insurance, blanket liability or work cover]** public liability insurance.”;

(b) by the substitution for subsection (2) of the following subsection:

"(2) The City shall not be liable for any costs, including any damage or loss, incurred or suffered as a result of an event held **[without an approval]** in terms of this By-law.”;

(c) by the addition of the following subsections:

“(3) No person may without approval from the City, drive pegs into sensitive areas where the City has high voltage electricity cables or fibre optic networks.

“(4) Event organisers must take appropriate steps to the satisfaction of the City to minimise damage to City property.

“(5) Damage is payable to the City by event organisers and event owners.”.

#### **Substitution of section 15 of the City of Cape Town: Events By-law, 2009**

13. The following section is hereby substituted for section 15 of the principal By-law:

##### **“Offences and Penalties**

**15. [(1) Failure to comply with any provision of this By-Law constitutes an offence.**

**[(2) A person who commits an offence in terms of this By-Law shall, on conviction, be liable for a fine or a term of imprisonment, or both such fine and such imprisonment.]**

**(1) Any person who—**

**(a) holds an event without a permit, in contravention of section 4(1);**

(b) is an event organiser and whose application to hold an event has been approved, fails to comply with any provision of this By-law or contravenes a provision of any other law relating to events for which the City is responsible for implementation and enforcement, in contravention of section 7(a);

(c) fails to ensure that the conduct of persons attending an event and the activities undertaken or carried out at an event do not disturb the neighbouring community and the residents, in contravention of section 7(b);

(d) fails to ensure compliance with a notice issued by the authorised official in terms of section 8(1), in contravention of section 7(c);

shall be guilty of an offence.

(2) A person who commits an offence in terms of this By-law shall be liable—

(a) in the case of an offence referred to in subsection (1)(a) or (b), to a fine or on conviction to imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment;

(b) in the case of an offence referred to in subsection 1(c), to such fine as the court may deem fit to impose or on conviction to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment;

(c) in the case of an offence referred to in subsection 1(d), to such fine as the court may deem fit to impose or on conviction to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.”.

#### **Amendment to Schedule 2 of the City of Cape Town: Events By-law, 2009**

14. Schedule 2 to the principal By-law is hereby amended—

(a) by the addition after item q of the following item:

"r. Written confirmation of the appointment of a safety officer for the event"

**Repeal of Schedule 3 of the City of Cape Town: Events By-law, 2009**

15. Schedule 3 to the principal By-law is hereby repealed

**Short Title**

16. This by-law is called the City of Cape Town: Events Amendment By-law, 2015

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<p>1. Name of Applicant</p>	<p>2. Date of Application</p>	<p>3. Description of Event</p>	<p>4. Description of Event</p>
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<p>1. Name of Applicant</p>	<p>2. Date of Application</p>	<p>3. Description of Event</p>	<p>4. Description of Event</p>
<p>5. Name of Applicant</p>	<p>6. Date of Application</p>	<p>7. Description of Event</p>	<p>8. Description of Event</p>
<p>9. Name of Applicant</p>	<p>10. Date of Application</p>	<p>11. Description of Event</p>	<p>12. Description of Event</p>
<p>13. Name of Applicant</p>	<p>14. Date of Application</p>	<p>15. Description of Event</p>	<p>16. Description of Event</p>
<p>17. Name of Applicant</p>	<p>18. Date of Application</p>	<p>19. Description of Event</p>	<p>20. Description of Event</p>
<p>21. Name of Applicant</p>	<p>22. Date of Application</p>	<p>23. Description of Event</p>	<p>24. Description of Event</p>