Cape Town, South Africa

Events By-law, 2009

Legislation as at 9 December 2010

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Events By-law, 2009
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Cape Town
South Africa

Events By-law, 2009

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[Amended by Events By-law: Amendment on 9 December 2010]

WHEREAS the City of Cape Town recognizes that the hosting of events is a significant part of its competitiveness strategy and acknowledges that events have an important role in modern cities to enhance cultural and social cohesion in communities, support urban rejuvenation and economic growth;

WHEREAS the City of Cape Town aims to regulate holding of events in a manner that ensures proper management thereof;

WHEREAS the City of Cape Town wishes to support the co-ordination and collaboration between all role-players, to promote partnerships and to enhance the effect of events in the City;

AND WHEREAS the City wants to ensure that events happen safely and securely in a coordinated manner in the City of Cape Town;

AND NOW THEREFORE, BE IT ENACTED by the City of Cape Town, as follows:—

Chapter 1
Definitions and application

1. Definitions

In this By-law, unless the context otherwise indicates —

"**authorized official**" means an official of the City authorized to implement or enforce the provisions of any other law;

"**City**" means the City of Cape Town established 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;

"**City Manager**" means the person appointed as City Manager in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"**Council**" means the council of the City of Cape Town or any political structure, political office bearer, councillor or any staff member acting under council's delegated or sub-delegated authority;

"**event**" means —

(a) any sporting, recreational or entertainment event, including live acts;

(b) any educational, cultural or religious event;

(c) any business event including marketing, public relations and promotional, or exhibition events; or

(d) any charitable event, including any conference, organizational or community event,

or any similar activity hosted at a stadium, venue or along a route or its precinct, that is planned, has a clear programme, control and accountability, but excludes an event hosted by a private person held in his or her private capacity at any venue, or filming staged in terms of the By-law relating to Filming;

"**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;

"**Event Permit Officer**" means the head of the City of Cape Town events permit office or any other official delegated by him or her;

"**Events Policy**" means the event policy of the City;

"**Law Enforcement Officer**" includes members of the Metro Police of the City and traffic services;

"**permit**" means a permit issued for the holding of an event in terms of section 5(3);

"**public place**" means —

(a) any public land, square, public swimming bath, public resort, public recreation site, zoological, botanical or other public garden, park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, as well as any public open space, public road, road reserve, reserve street, lake, dam, or river;

(b) any public building, structure, hall, room or office including any part thereof and any facility or apparatus therein, which is the property of, or possessed, controlled or leased by the City and to which the general public has access, whether on payment of admission fees or not;

(c) any nature conservation area including —

(i) nature reserves;

(ii) protected natural areas;

(iii) nature conservation worthy areas;

(iv) natural open spaces;

"**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 or has a role to play in the management or holding of an event; "this By-law" includes the Schedules hereto;

"**venue**" means any open space, enclosed or semi-enclosed temporary structure or permanent structure zoned in terms of the applicable legislation –

(a) within which a temporary or permanent structure may be erected, where an event is to be hosted; and

(b) which, for the purposes of any categorization, designation and certification of an event may consist of —

(i) seating for spectators, attendees or an audience; or

(ii) a field of play 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, now or in the future, will directly or indirectly own, lease, rent, acquire or exercise 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 City, including events held on both private land and public places, provided that where an event is held on private land, subject to any other applicable legislation, it has an impact on the resources of the City and the surrounding community.

(2) This By-Law does not apply to –

(a) events of fewer than 50 persons where there is no amplified sound or no temporary structures to be used; and

(b) small events such as family and community events held on private property or purpose built venues, subject to any other legislation.

(3) Notwithstanding subsection (2), the Events Permit Officer or a Law Enforcement Officer may —

(a) when the Events Permit Officer or a Law Enforcement Officer finds that this By-law is, or 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,

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

(4) Purpose-built venues are excluded from this By-law in respect of events normally held in such venue, provided that -

(a) 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; and

(b) owners or managers of purpose-built venues must submit an application to the events permit office for approval of their events programmes which shall be valid for one year.

(5) The Events Permit Officer may, from time to time, issue directives regarding specific or special application process for any specific or special event which may vary in respect of the criteria referred to in section 6.

(6) In the event of a conflict between this By-law and any other by-law or policy of the City this By-law shall prevail regarding the management and holding of events.

Chapter 2
Application process, requirements, decisions and enforcement

3. Submission of applications for approval to hold or stage events

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

(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; 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.

(2) The application must include all information required as indicated in the prescribed form and any additional information as may be requested by the City.

(3) In the event of failure to submit the information referred to in subsection (2) an application will not be considered in terms of this By-Law and the Events Policy.

4. Requirements and conditions

(1) No person may hold or stage any event without obtaining a permit referred to in section 5(3).

(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 set out in the Schedule 2.

(3) The event organiser may not 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).

(4) The Events Permit Officer must, in terms of the Events Policy depending on the nature of the event, ensure that consultation with relevant stakeholders identified by the City is undertaken by the event organizer.

(5) The Council must, as part of its budgeting process in terms of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), determine tariffs and deposit payable for events.

(6) The City shall not, in respect of any planning for an event, application, approval or permit issued for an event in terms of this By-law, be held 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.

(7) The event organiser, or the venue owner in the case of a small event referred to in section 2(2)(b), shall be liable for the cost of any service provided by the City for or in respect of an event.

5. Decisions on events

(1) The Events Permit Officer must approve or decline an application for an event in terms of this By Law, within a time period applicable to an event as set out in Schedule 1.

(2) Once a decision has been taken in terms of subsection (1) the applicant must be informed thereof in writing.

(3) Where an application for an event has been approved, the Events Permit Officer must issue a permit with conditions.

(4) Where an application for an event has been declined, reasons for the decision must be communicated to the applicant in writing.

(5) The event organizer must make sure that the permit is available at the venue for inspection at all stages and at all times of the event.

6. Criteria

The Events Permit Officer must ensure that applications for staging an event are considered in accordance with the following criteria, where applicable:

(a) the type and size of an event;

(b) impact of the event in terms of the strategic fit to the Events Policy;

(c) impact of the event in respect of noise and amplified sound, traffic and logistical aspects, as well as marketing, economic, social and environmental objectives;

(d) the proposed use of the land complies with the applicable zoning scheme and any conditions applicable thereunder;

(e) the safety and security risk management of the event in respect of the event plan, logistics, location, site design and other activities taking place near or at the event venue and other threats to the event;

(f) return on investment of the event, in cases where the event is sponsored fully or partly by the City; and

(g) the event complies with all applicable legislation.

7. Holding of an event

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;

(c) any compliance notice issued by the Events Permit Officer in terms of section 8 is complied with.

8. Compliance notice

(1) When the Events Permit Officer or a Law Enforcement Officer 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.

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

(a) the provision of the By-law 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

(c) the time period in which the notice must be complied with.

(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.

(4) A person who fails to comply with a compliance notice issued in terms of subsection (1) commits an offence.

(5) The City shall, in respect of a person who fails to comply with a compliance notice in respect of one or more events –

(a) keep a record of non-compliance and consider any appropriate action as may be required; and

(b) require an increased deposit from the person for future events to be held or staged by such person.

9. Inspections and right of access

(1) The Events Permit Officer, an authorized official or a 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.

(2) The Events Permit Officer or a law enforcement officer has a right of access to or over any venue for the purposes of —

(a) doing anything authorised or required to be done by the City under this By-law;

(b) ascertaining whether there is or has been a contravention of the provisions of this By-law; and

(c) enforcing compliance with the provisions of this By-law.

(3) An Events Permit Officer, an authorized official, or a law enforcement officer may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to a person and for a purpose referred to in subsection (2).

10. Suspension and revocation of permit

(1) The Event Permit Officer, may, where the event organizer 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 in terms of this By-law, and the event organiser shall be liable for any costs incurred thereby; or

(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.

(2) The City may, where the Event Permit Officer has acted in terms subsection (1), withhold the deposit paid by the event organizer for an event as security for the payment of such costs.

Chapter 3
General provisions

11. Agreements and partnerships

(1) The City may enter into such agreements and partnerships with event organizers as may be necessary for the holding and management of events in terms of this By-Law.

(2) The City may, under an agreement or partnership contemplated in subsection (1), provide support either logistically, financially or both to specific events which are aligned to the strategic objectives of the City.

(3) The agreements and partnerships contemplated in subsections (1) must provide for service levels which must be met by the parties in order to ensure compliance with this By-law and the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

(4) Notwithstanding the provisions of this By-law relating to offences and penalties, an agreement concluded in terms of this section may provide for penalties for which an event organizer may be liable in the event of non-compliance therewith.

12. Delegations

(1) The Events Permit Officer may delegate any of the powers conferred on him or her in this By-law to any other official of the City.

The Events Permit Officer must, once an application for an event has been approved in terms of this By-law but before such approval is communicated to the event organizer, consult with

the chairperson and manager of the relevant sub-council and the ward councillor, and such consultation shall be deemed to be an approval in terms of the System of Delegations of the City.

13. Right of appeal

(1) Parties to a dispute arising from a conflict in terms of this By Law must attempt to resolve such conflict before exercising the right of appeal contemplated in subsection (2)

(2) The event organizer may appeal against a decision where his or her application to hold an event has been declined.

(3) An appeal may be lodged in writing with the City Manager within a period as indicated in Schedule 1 in relation to the type of event concerned.

(4) The application which is a subject of appeal must be decided in terms of section 5 before the appellant may lodge an appeal within the applicable time-frames set out in Schedule 1.

(5) An appeal lodged in terms of this section must be considered and decided within such time as indicated in Schedule 1 in relation to the type of event concerned.

(6) The City Manager may delegate any official of the City to consider and decide on appeals referred to in subsection (2).

14. Indemnity

(1) The event specialized 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.

(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.

15. Offences and penalties

(1) Any person who -

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

(b) is an event organizer 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 Events Permit Officer or a Law Enforcement Officer 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, on conviction, be liable -

(a) in the case of an offence referred to in subsection (1)(a) or (b), to a fine or 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 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 to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

16. Short title

This By-Law is called City of Cape Town: Events By-Law.

Schedule 1

Schedule of events application timeframes

Subject to applicable criteria, the following timeframes below will apply:

SIZE	CROWD SIZE/NO OF PARTICIPANTS	MINIMUM TIME FOR SUBMISSION OF AN APPLICATION TO THE CITY BY THE EVENT ORGANISER BEFORE THE DATE OF AN EVENT [all]	MINIMUM TIME FOR THE CITY TO RESPOND TO AN APPLICATION FOR STAGING AN EVENT	APPEALS TO BE LODGED BY APPLICANT WITH CITY WITHIN	APPEAL TO BE DECIDED BY CITY WITHIN
Small	50 to 2000	15 working days (3 weeks)	10 working days (2 weeks)	24 hours of receipt of written notice from the City indicating failure to resolve conflict	24 hours of receipt of written notice of appeal
Medium	2001-5000	20 working days (4 weeks)	15 working days (3 weeks)	48 hours of receipt of written notice from the City indicating failure to resolve conflict	Within 48 hours of receipt of written notice

SIZE	CROWD SIZE/NO OF PARTICIPANTS	MINIMUM TIME FOR SUBMISSION OF AN APPLICATION TO THE CITY BY THE EVENT ORGANISER BEFORE THE DATE OF AN EVENT [all]	MINIMUM TIME FOR THE CITY TO RESPOND TO AN APPLICATION FOR STAGING AN EVENT	APPEALS TO BE LODGED BY APPLICANT WITH CITY WITHIN	APPEAL TO BE DECIDED BY CITY WITHIN
Large	5001-10 000	25 working days (5 weeks)	20 working days (4 weeks)	48 hours of receipt of written notice from the City indicating failure to resolve conflict	Within 3 working days
Very Large	10 001-above	60 working days 3 months (minimum, 6 months ideal)	40 working days (2 months)	48 hours of receipt of written notice from the City indicating failure to resolve conflict	Within 5 working days

NOTE:

1. *The timeframes do not include events applications where a land use planning approval is required i.e. where an event is to be held on land which is not appropriately zoned. In such instances, the time frames for a very large event will apply.*
2. *If a small event includes food vendors, a minimum of 15 days will be required if food vendors need to apply for licences and certificates of acceptability.*
3. *Any event which involves an application for a temporary land use departure and where the departure has not been granted must follow the appeal process as outlined in the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985)*

Schedule 2

Events requirements listing

[Note: the City may request information additional to that listed as determined by the type and detail of the event]

a. *[Description of event: including type, date, venue, locality and number and profile of participants.]*

b. *[Event Programme: full details and times, plus contact details for person responsible for each aspect of event.]*

c. *[Layout of event: including stages, marquees, catering, venue operation centre etc.]*

d. *[Zoning confirmation of the permitted land use or land use planning approval where necessary.]*

e. *[Transport and Traffic Management Plans (T& TMP), which may include where applicable, proposed road closures, route plan, parking, optimal public transport utilisation, emergency access routes. The format of the T& T&TMP will be as prescribed by the City.]*

f. *[Crowd Management Plan.]*

g. *[Emergency and Contingency Plans: including medical, security, emergency, facility, evacuation.]*

h. *[Event Communication Plan: including ticket selling strategy, accreditation.]*

i. *[Community Participation Plan: including but not limited to contact with Councillor/s; Community/ Residents Organisations/Associations and Business Associations].*

i. *[Environmental Management Plan, including a rehabilitation plan, financial guarantee, or any applicable environmental or heritage permission.]*

[Please note: Numbering as in original.]

k. *[Integrated Waste Management Plan (including immediate precinct).]*

l. *[Vendors/Caterers: list of details and use of liquid petroleum gas. (City of Cape Town Informal Trading and City Health By-Law requirements and related legislative requirements).]*

m. *[Health requirements including: certificates of acceptability, vendor licenses, ablution facilities or mobile toilets.]*

n. *[Completed application forms for: noise exemption and amplified sound (incl. public participation) and erection of stages/marquees. (Proof of submission of an application for liquor licence/s, fireworks application, civil aviation application as per the specific of the type of event)]*

o. *[City of Cape Town services requirements: including electricity, water, waste management plan (during and after the event), transport, roads and storm water.]*

p. *[Indemnity forms and public liability insurance confirmation letter.]*

q. *[Written approval from venue owner/venue manager to the applicant authorising the event organiser to the use of the facility/venue to host the event.]*

Schedule 3

Schedule of fines

(Notwithstanding any other fines which may be imposed in terms of any other law, these fines may be imposed for contraventions of the Events By-law and may be additional to such fines)

SECTION	OFFENCE	FINE	FINES FOR REPEAT OFFENDERS [SECTION 8(5)]
4(1)	Holding an event without a permit	Small event - R1 000 Medium event - R5 000 Large event - R10 000 Very large event - R15 000	R10 000 R50 000 R100 000 R150 000
7(a)	Holding an event in contravention of the Events By-law or any other law	Small event - R1 000 Medium event - R5 000 Large event - R10 000 Very large event - R15 000	R10 000 R50 000 R100 000 R150 000
7(b)	Failure to ensure that the conduct of persons attending an event and the activities undertaken or carried out do not disturb the neighbouring community and residents	Small event - R1 000 Medium event - R5 000 Large event - R10 000 Very large event - R15 000	R20 000 R80 000 R200 000 R300 000
7(c)	Failure to ensure that a compliance notice issued by the Events Permit Officer is complied with	Small event - R1 000 Medium event - R5 000 Large event - R10 000 Very large event - R15 000	R20 000 R80 000 R200 000 R300 000
8(1)	Failure to comply with a compliance notice issued by the Events Permit Officer or Law Enforcement Officer	Small event - R1 000 Medium event - R5 000 Large event - R10 000 Very large event - R15 000	R50 000 R100 000 R400 000 R600 000