Cape Town, South Africa

Events By-law, 2009

Legislation as at 19 August 2016

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Events By-law, 2009
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Cape Town
South Africa

Events By-law, 2009

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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 employee of the City 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;

"**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 the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), or any structure or employee of the City acting in terms of delegated authority;

"**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, flash mobs and events promoted through online event campaigns;

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

"**event organiser**" means a person appointed by an event owner to apply for an event permit and to manage the event;

"**event owner**" means

(a) the person funding the event; or

(b) the person who holds the rights to an event;

"**Event Permit Officer**" means the head of the City of Cape Town events permit office;

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

"**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;

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

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

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

"**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;

"**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;

"**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 200 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 authorised official may —

(a) when he or she 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 authorised official,

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.

(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).

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 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.

(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 well as the information as set out in the Schedule 2.

(3) The event organiser may at own risk advertise the planned event before an application has been approved in terms of section 5(1).

(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.

(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.

(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.

(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.

4A. Safety Officer

(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.

4B. Minimum criteria for appointment as safety officer

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.

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.

(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.

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

(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.

(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) 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.

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; and

(c) any compliance notice issued by an authorised official in terms of section 8 is complied with.

8. Compliance notice

(1) When 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 may issue a compliance notice to the event organizer.

(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 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 authorized official may conduct inspections of a venue after the submission of an application, during or after the staging or holding of an event to determine compliance with this By-law.

(2) The authorised official 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.

10. Suspension, revocation and temporary refusal of permits

(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 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.

(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.

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

[Section 12 repealed by amendment on 2009-08-19]

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 organiser must provide evidence, to the satisfaction of the City Manager, of appropriate indemnity cover and, where an activity which may put the public at risk will be involved, of appropriate public liability insurance.

(2) Event owners shall be held liable for any damages to City property resulting from the holding of an event.

(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.

15. Offences and penalties

(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.

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	200 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
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

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
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 land use approval and where the approval has not been granted must follow the appeal process as outlined in the relevant land use planning legislation.*

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.*

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

Schedule 3

Schedule of fines

[Schedule 3 repealed by amendment on 2009-08-19].