

APPROVED BY CITY OF CAPE TOWN COUNCIL FOR COMMENT: 29 OCTOBER 2008

Comments close: 30 November 2008

CITY OF CAPE TOWN
DRAFT EVENTS BY-LAW

To provide for the management and regulation of events within the area of jurisdiction of the City of Cape Town; to provide for the enforcement of this By-law; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS the City of Cape Town recognizes that the hosting of events is a significant part of the competitiveness strategy of the City of Cape Town 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:-

Table of Contents

Chapter 1
Definitions and Application

Definitions

1. In this By-law, unless the context otherwise indicates -

“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 a private event hosted by a private natural individual at a stadium or venue;

“event organizer” 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;

“venue” means any enclosed or semi-enclosed temporary or permanent structure –

- (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 who, 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;

“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;

“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 Schedule hereto.

Application of this By-Law

2. (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 resources of the City and the surrounding community.

(2) This By-Law does not apply to events of fewer than 50 persons where there is no amplified sound or no temporary structures to be used.

(3) Notwithstanding subsection (2), the City may determine whether the impact and risk attached to an event would require the submission of an application in terms of section 3.

(4) 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

Submission of applications

3. (1) A formal application to stage an event must be made by the event organiser and submitted –

- (a) by a person who is at least 18 years old and above;
- (b) in a prescribed form;
- (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 Annexure 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 of Cape Town.

(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.

Requirements and conditions

4. (1) An application for an event must comply with the provisions of this By-law, contain such information as indicated in the prescribed application form as set out in the Annexure 2 and must include such information as may be requested by the City of Cape Town.

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

(3) 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 payable for events.

(4) Payment of an upfront deposit determined by the Council may be required from the event organiser ahead of approval of an application for an event.

Decisions on Events

5. (1) The Events Permit Officer must in accordance with the Events Policy approve or decline an application for an event within a reasonable time in terms of this By Law.

(2) Once a decision has been taken in terms of subsection (1) it must be communicated to the event organizer as soon as reasonably possible.

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

Criteria

6. (1) The Events Permit Officer must ensure that applications for staging an event are considered in accordance with the following criteria:

- (a) the type and size of an event;
- (b) impact of the event in terms of the strategic fit to the Council's Events Policy;
- (c) impact of the event in respect of media, economic, social, traffic, logistical and environmental objectives;
- (d) the safety and security risk management of the event in respect of logistic, site design and other threats to the event; and
- (e) return on investment of the event.

(2) The criteria referred to in subsection (1) must be considered in respect of -

- (a) the review and assessment of events;
- (b) the decision process for event applications;

- (c) prioritisation of events;
- (d) the type and level of support to be provided by the City for events;
and
- (e) the menu of services to be provided by the City to events.

Agreements and partnerships

7. (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 provide support either logistically, financially or both to specific events which are aligned to strategic objectives of the City.

(3) The agreements and partnerships contemplated in subsections (1) and (2) must provide for service levels which must be met by the parties in order to ensure compliance.

(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.

Right of Appeal

8. (1) Parties to a dispute arising from a conflict in term 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 the Annexure in relation to the type of event concerned.

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

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

Offences and Penalties

9. (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 is on conviction liable to a penalty or term of imprisonment or both to such penalty and such imprisonment.

Short title

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

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Annexure 1

SCHEDULE OF EVENTS APPLICATION TIMEFRAMES

Depending on the size, type, location, date/time, length, event location/s size of venue/s, impact or risk of the event and drawing on any assessment information as required, the following timeframes below will apply:

SIZE	CROWD SIZE/NO OF PARTICIPANTS	<u>MINIMUM TIME BEFORE ADVERTISING or PUBLICISING AN EVENT TO SUBMIT AN APPLICATION TO THE CITY</u> ²	<u>Appeal</u> ⁴ <u>to be Lodged by Applicant with City within</u>	<u>Appeal to be decided by City within</u>
Small	50 ¹ to 2000	10 working days (2 weeks) ³	24 hours of receipt of written notice	24 hours of receipt of written notice of appeal
Medium	2001 – 5000	15 working days (3 weeks)	48 hours of receipt of written notice	Within 48 hours of receipt of written notice
Large	5001 – 10 000	20 working days (1 month)	48 hours of receipt of written notice	Within 3 working days
Very Large	10 001 – above	3 months (6 months)	48 hours of receipt of written notice	Within 5 working days

1. Note that for any event of fewer than 50 persons the provisions of Section 2 (2) and (3) apply.
2. Note this excludes any specific or special application directives which the City may issue from time to time, which may vary by event type, risk, size, the time of the year, duration, venue or location (for example over the festive season or public holiday or related to a type of event or specific venue/location) or impact on the transport network or any other City activity

3. Note 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.
4. The process outlined in Section 8(1) must be completed before any appeal is lodged by the applicant.

The appeal process does not apply to Liquor Licenses which are administered by the South African Police Services (SAPS).

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 (Act 15 of 1985)

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ANNEXURE 2

EVENTS REQUIREMENTS LISTING

Note: the City may request additional information as determined by the type and detail of the event

- a. Description of Event: including type, date, venue, locality and 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. Land-Use Planning Departure application and approval, where necessary.
- e. Transport Management Plan (TMP), which may include where applicable, proposed road closures, route plan, parking, optimal public transport utilisation, emergency access routes. The format of the 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.
- j. Environmental Management Plan.
- k. Integrated Waste Management Plan.
- 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 and/or mobile toilets.
- n. Completed Application forms for: Noise Exemption (incl. public participation); and erection of Stages/Marquees. Proof of submission of 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 use of the facility/venue to host the event.