

## OVERSTRAND MUNICIPALITY: EVENTS POLICY

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## 1. **PREAMBLE**

The hosting of events is a significant part of the Overstrand Municipality's competitiveness strategy. Events in our area play an important role to enhance cultural and social cohesion in communities, and support economic growth. Events also have a close connection to other sectors within our economy, including tourism, and addresses seasonality and sustainability challenges and imperatives. Communities are central in making events successful.

There are a range of stakeholders involved in events and events management in various ways, including the Municipality, other spheres of government, event organizers, the event industry, businesses, ward committees, local tourism board, Fernkloof Advisory Body, Whale Coast Conservation, and Cape Nature.

The Overstrand Municipality Events policy provides a framework and direction for the various role players with regard to current and future events, processes and the Municipality's events calendar. The approach is mindful of the need to balance the economic development needs with those of the community such as health, safety, amenities and environmental management.

The Overstrand Municipality is also mindful of the various environmentally sensitive areas within its jurisdiction, including Fernkloof nature reserve, and thus recognizes the importance of the input from role players such as the Fernkloof Advisory Board, Cape Nature, Botanical Society, Whale Coast Conservation, as well as the local tourism board, whenever Fernkloof Nature Reserve, or any other reservation area, is or may be involved.

Through this policy, the Overstrand Municipality aims to support the coordination and collaboration between all role players, to promote partnerships and to facilitate an appreciation of the requirements, expectations and responsibilities of all concerned.

In this way, mutually beneficial outcomes may be achieved for the Overstrand area, and its residents, business, and visitors and thereby contribute to growth and development.

## 2. **DEFINITIONS**

"Authorised Official" means any peace officer authorised in terms of section 334 of the Criminal Procedures Act, 1977 (Act No 51 of 1977), as amended, or any employee of the Municipality, authorised by the Municipality to enforce the provisions of this By-law;

"Chief Fire Officer" means the person appointed by the Municipal Manager who is responsible for the administration and enforcement of Fire Safety Standards and the requirements of the Community Fire Safety By-law;

"DBA", means the sound pressure level measured in decibels, which is A-weighted to approximate the response of the human ear;

"Event Coordinator" is the area manager for the area in which the event will be held, and who will be responsible for the facilitation, coordination and approval / rejection of the application to host an event.

"Event" -

- (a) a sporting, recreational or entertainment event, including live acts, held outside the venue or building, or which by their nature, size or impact are considered outside the normal usage parameters for the venue ;

- (b) an educational, cultural or religious event;
- (c) a business event including marketing, public relations and promotional, or exhibition event;
- (d) a charitable event, including any conference, organisational or community event;
- (e) filming which is of such a nature that it may have an impact on vehicular or pedestrian traffic or may attract crowds, or;
- (f) any similar event;
- (g) hosted at a stadium, venue or along a route within their respective precincts;

But excludes -

- i. marches which are regulated by the provisions of the Regulation of Gatherings Act (Act 205 of 1993) as amended, for which a system of approval is already in place, funerals and funeral processions;
- ii. events held at purpose-built venues, the grounds of any school, playgrounds, places of worship, hotels conference centers, stadiums, athletic fields, arenas, auditoriums or similar permanent places of assembly when used for events normally held in such venues;
- iii. Events regulated by the Safety at Sport and Recreation Events Act, 2010 (Act 2 of 2010).
- iv. A private event hosted by a natural person, including family and community events held at private properties or purpose built venues, but subject to any other legislation;
- v. events of less than 50 people where there is no amplified sound and/or no temporary structures to be used;
- vi. Weddings held at wedding venues established for purposes of weddings or at community halls or similar entertainment facilities, and wedding processions, which fall outside the boundaries of an environmentally protected area;
- vii. Weddings held at wedding venues established for purposes of weddings or at community halls or similar entertainment facilities, and wedding processions;
- viii. Cultural rituals held by cultural groups and families in the community;
- ix. Funerals and Funeral processions.
- x. Annual General Meetings of civil society organizations.

"Event Organiser(s)" An event organiser, in relation to an event, is any person or legal entity who plans, is in charge of, manages, supervises, holds an event and/or sponsorship rights to, or in any manner controls or has a material interest in the hosting of an event and includes any person who holds himself/herself out to be and/or conducts himself/herself in a manner which may reasonably be equated to the activities of an event organiser, provided that such person shall be at least 18 years of age, and possess the necessary capacity, resources and events-related experience to organise and host an event.

"Event Plan" means a management plan outlining activities and procedures to be followed during the staging of an event, compiled by an Event Organiser in consultation with the Event Committee. The plan shall include a schedule of activities, a contingency plan, and departmental plans.

"Events Planning Guideline" means a guideline on public safety planning for events staged in the Overstrand Municipal jurisdiction;

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

"Municipality" means the Overstrand Municipality and includes any duly delegated and/or appointed officials and/or service providers in terms of service level agreements of the Overstrand Municipality;

"Owner" means:-

- (a) in relation to premises, other than a building, either a natural or juristic person whose identity/name is determined by operation of law;
- (b) in relation to a building, either a natural or juristic person in whose name the land on which such building is or was erected or such land, as the case may be, and is registered in deeds registry;
- (c) in relation to an installation, either a natural or juristic person in whose name a contract is entered into regarding approval, erection and maintenance of the installation, provided that such a person is not the owner mentioned in (b); and,
- (d) in the event of the controlling authority being unable to determine the identity/name of a person mentioned in (a), (b) and (c), any person who is entitled to the benefit of the use of such premises, building or installation or who enjoys such benefit;

"Permit" means a permit issued by the Events Coordinator on the recommendation of the events committee for the holding of Events;

"Person", means and includes for purpose of this By-law, a natural person, a juristic person, any industrial or commercial undertaking and an organ of state;

"Population Certificate" means a population control certificate that is issued by the Chief Fire Officer in terms of sections 16 and 21 of the Community Fire Safety By-law as determined by SANS10400A:2010 (20)

"Private Property", means-

Immovable property registered in the name of a person, or private entity including in the case of a sectional title scheme, a sectional title unit registered in the name of a person;

"Purpose built venue", means a building, structure or premises, specifically built and suitably equipped as a venue, for the holding of specific events, on a premises zoned specifically to be used as venue for events;

"SANS code", means a South African National Standard as contemplated in section 2 of the Standards Act, 2008 (Act No 8 of 2008), as amended, and the use of the abbreviation "SANS" followed by any sequel of numbers, means a reference to a SANS code of practice, specification or standard, published under the corresponding number;

"Stakeholder", includes any person, organization or institution, who is involved in the management or holding of an event or who will be affected by an event;

"Venue", means any open space, enclosed or semi – enclosed temporary structure or permanent structure zoned and constructed in terms of the Municipality's planning and building control legislation –

- (a) within which a temporary or permanent structure may be erected, where an event is to be hosted;
- (b) which, for the purposes of any categorization, designation, and certification of an event may consist of seating for spectators, attendees, or an audience; or field of play or a permanent or temporary podium or other area within a venue, reserved for purposes of hosting an event.

"Venue owner", means any person or legal entity that, directly or indirectly owns, leases, acquires or exercises the powers of ownership or occupation of venues used for events.

"Western Cape Noise Control Regulations", means the Western Cape Noise Control Regulations, promulgated in terms of the Environment Conservation Act, 1989 (Act No 73 of 1989), as amended, per PN 200/2013 on 20 June 2013.

### **3. VISION AND STRATEGIC INTENT**

The Overstrand Municipality seeks to use events in a proactive, creative, and inclusive manner to promote and develop the Overstrand area as a whole as:

- (a) A vibrant, multi-dimensional, events-friendly area and year-round destination which supports, celebrates and complements it's unique identity and profile both nationally and internationally;
- (b) An area that recognises communities and the impact of events on them;
- (c) An area that has the highest standard of safety and integrated management;
- (d) An area where the importance of events is recognised as a major economic and social development driver;
- (e) An area where events contribute to the sense of experience and place through sport, recreation, arts and culture;
- (f) An area where events are developed and managed in such a way that they contribute to sustainable development, including responsible use of the natural environment;
- (g) An area that actively seeks or responds to opportunities for new events that support the vision for events in the area and that assists in making the best use of the areas events venues and assets.

### **4. OBJECTIVES OF THE OVERSTRAND MUNICIPALITY EVENTS POLICY**

The Overstrand Municipality's Events Policy is a strategic framework which:

- (a) Provides direction for the area's current and future events, processes and events calendar.
- (b) Identifies a consistent, proactive and integrated approach to events processes and management.
- (c) Determines the level of involvement of the Municipality in hosting and supporting events through:
  - i Approving the hosting of events by using a consistent decision - making framework and tools to assess proposals and plans related to events;
  - ii Linking some of the Municipality's financial and logistical support to those events that may facilitate strategic benefits to the Municipality and its community;
  - iii Providing the framework for the Municipality to support defined events which are aligned to its strategic objectives either financially or non-financially or both;
  - iv Ensuring the highest standard of public safety and health for all events with due consideration to the public interest;
  - v Balancing the benefits: short and long term, obtained from an event with the costs incurred by the Municipality.

Establishes the Overstrand Municipality as the authority for the approval of events and as a controlling body for events within its jurisdiction.

## 5. **SCOPE OF THE OVERSTRAND MUNICIPALITY'S EVENTS POLICY**

The Overstrand Municipality Events Policy applies to all events within its jurisdictional area which may in any way require the services of the Overstrand Municipality which occurs in a public and / or private place.

Events may range from international events (such as the Cape Epic), national, regional to local and community events hosted by event organisers, private organisations, individuals, community, or Non – Governmental organisations and / or any spheres of government and across the event spectrum (cultural, business and sport).

The policy applies to events held on public land and in public sector venues as well as on private land and in private sector venues which impact on public resources, have implications for public safety and the environment of the local community.

Where events are hosted with neighbouring Municipalities, such events will be subject to a formalised agreement between the Overstrand Municipality and the neighbouring Municipalities.

The Overstrand Municipality is committed to facilitating a sustainable number of events in accordance with this policy. The sustainable number of events will be guided by the Municipality's Event Policy objectives and strategic intent, as well as its resources and in consultation with the local community.

The Overstrand Municipality's Events Policy does not apply to public gatherings and demonstrations as defined in the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993 as amended). In terms of the Act, "gatherings" means any assembly, concourse or procession of more than 15 people in or on any public road as defined in the Road Traffic Act, 1989 (Act 29 of 1989), or any other public place or premises wholly or partly open to the air –

- (a) At which the principles, policy, actions or failure to act of any government, political party or political organisation, whether or not that party or organisation is registered in terms of any applicable law, are discussed, attacked, criticised, promoted or propagated; or
- (b) Held to form pressure groups, to hand over petitions to any person, or to mobilise or demonstrate support for or opposition to the views, principles, policy, actions, or omissions of any person or body of persons or institution, including any government, administration or government institution.

"Demonstration" in terms of the Act includes any demonstration by one or more persons, but not more than 15 persons, for or against any person, cause, action or failure to take action.

The Overstrand Municipality's Events Policy does not apply to events of less than 50 people where there is no amplified sound or no temporary structures to be used. However, the Overstrand Municipality may determine whether the impact and risk attached to an event of less than 50 persons would require the submission of an application for an event.

## 6. **EVENT TYPES**

The Overstrand Municipality recognises and defines events in the following way:

### **World or Special Event/International Event**

An event of international significance which also attracts international visitors and international media coverage and assists in the positioning of the Overstrand Municipality as a tourist or events destination including the global market. An example will be the Cape Epic Cycle event.

### **National Event**

An event of national significance attracting national (South African) visitors and national media coverage

### **Regional Event**

An event of regional significance which attracts regional (Cape Town and Western Cape) visitors and regional media coverage

### **Local Event**

A town – wide event which is of significance to any of the towns within the area and attract local interest and visitors

### **Community Event**

An event which takes place in a specific neighbourhood and attracts community interest

### **Major Event**

An event which attracts significant participation, attendance, visitor numbers and media coverage to the area. It also contributes significantly to the economy through direct and indirect benefits.

There are different types and sizes of events which will have varying impacts in terms of strategic fit to the Municipality's Events Policy, economic and social objectives and the safety and security management.

The following event genres are provided for guidance, and may be considered as an aid to assist with regard to the types of events but do not constitute an alternative definition of events.

#### **Business and corporate events:**

Any event that supports business objectives, including management functions, corporate communications, training, marketing, incentives, employee- and customer relations, scheduled alone or in conjunction with other events.

#### **Social awareness and social responsibility events:**

An event created by or for a charitable or cause – related group for purposes of attracting revenue, support, and / or awareness, scheduled alone or in conjunction with other events.

#### **Exhibitions, expositions and fairs:**

An event bringing buyers and sellers and interested persons together to view and or sell products, services, and other resources to a specific industry or the general public, scheduled alone or in conjunction with other events.

## **Entertainment and Leisure Events**

A one-time or periodic performance with free or ticket access or exhibition event created for entertainment purposes, scheduled alone or in conjunction with other events.

## **Festivals**

A cultural celebration, either secular or religious, created by and / or for the public, scheduled alone or in conjunction with other events.

## **Government and civic events**

An event comprised of, or created by or for communities, or municipal, provincial or national government entities or political parties scheduled alone or in conjunction with other events.

## **Marketing events**

A commercially orientated event to facilitate bringing buyers and sellers together to create awareness of a commercial product or service, scheduled alone or in conjunction with other events.

## **Meeting and convention events**

The assembly of people for purposes of exchanging information, debate, or discussion, consensus or decisions, education and relationship building, scheduled alone or in conjunction with other events.

## **Celebration/Occasion Event**

A private event, by invitation only, celebrating or commemorating a cultural, religious, communal, societal or life cycle occasion, scheduled alone or in conjunction with other events.

## **Sporting Events**

A spectator or participatory event involving recreational or competitive sports activities scheduled alone or in conjunction with other events.

## **7. STRATEGIC FOCUS OF THE EVENTS POLICY**

- (a) The strategic development and hosting of an event should deliver real social and community benefits;
- (b) The strategic development and hosting of events in the Overstrand municipal area should actively support the area's economic growth and maximise income-generating opportunities, including building and supporting small businesses and creating opportunities for communities;
- (c) Events should be used to market and showcase the Overstrand area as a global and national destination, highlight its service delivery, enhance and further build the Municipality's brand and reputation;
- (d) Events should build civic pride and social cohesion;
- (e) Events-management should support and position the Municipality in a positive way, use and create partnerships with all spheres of government, agencies, community and business associations, including the event industry to support the implementation of social objectives and the events policy;



- (f) The Municipality's capacity to lead and support events should be developed and systems and procedures put in place to ensure effective and efficient coordination, alignment, communication and planning of events;
- (g) Events should be held safely and securely.

## **8. LEGISLATION**

- (a) When staging events, an event organiser must comply with the provisions of applicable legislation or policies, particularly the following:

- i. Safety at Sports and Recreational Events Act (Act 2 of 2010)
- ii. National Road Traffic Act, 1996 (Act 93 of 1996)
- iii. National Land Transport Transition Act, 200 (Act 22 of 2010)
- iv. SA Police Services Act, 1995 (Act 68 of 1995)
- v. Occupational Health and Safety Act, 1993 (Act 85 of 1993)
- vi. Health Act, 1977 (Act 63 of 1977)
- vii. Regulation of Gatherings Act, 1993 (Act 205 of 1993)
- viii. Disaster Management Act 2002 (Act 57 of 2002)
- ix. National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977)
- x. Regulations Concerning Fireworks promulgated in terms of the Explosives Act, 1956 (Act 26 of 1956)
- xi. SANS 10400 Application of the National Building Regulations
- xii. Land Use Planning Act, 2014 (Act 3 of 2014)
- xiii. Overstrand Community Fire Safety By-law P.N. 6454 of 2007
- xiv. Overstrand Land Use Planning By-law
- xv. Noise Control Regulations (PN 627 of 1998) as promulgated in terms of Environment Conservation Act, 1989 (Act No 73 of 1989), as amended
- xvi. Overstrand Zoning Scheme Regulations;
- xvii. The Protected Areas Act of 2003;
- xviii. National Environmental Management Act of 1998 (as amended)

- (b) Event organisers must also comply with municipal By-laws and policies related to:

- i. The Overstrand municipality's Events By-law;
- ii. Land Use Planning By-law;
- iii. Streets, Public Places and Public Nuisances By-law;
- iv. Outdoor Advertising and Signage By-law;
- v. Water Supply and Sanitation Services By-law;
- vi. Liquor Trading Hour By-law;
- vii. Parking Management By-law; and
- viii. Community Fire Safety By-law.

## **9. EVENT ORGANISER**

An event organiser, in relation to an event, is any person or legal entity who plans, is in charge of, manages, supervises, holds an event and / or sponsorship rights to or in any manner controls or has a material interest in the hosting of an event and includes any person who holds themselves out to be and / or conduct themselves in a manner which one would reasonably equate to that of the activities of an event organiser, provided that such person shall be at least 18 years of age, and possess the necessary capacity, resourcing and events related experience to organise the event.

## 10. **ROLE OF THE SOUTH AFRICAN POLICE SERVICE**

The South African Police Service must do a risk categorisation to determine whether the event is low, medium, or high. If the event is classified as medium or high risk the National Commissioner must appoint a designated police official who must establish an event and safety committee.

## 11. **ROLE OF THE EVENTS COORDINATOR**

- (a) The Events Coordinator is the area manager delegated by the Municipal Manager to facilitate and coordinate the application;
- (b) Coordinates, develops and manages the Overstrand Municipality Events Policy, and By-law;
- (c) Coordinates the Municipality's operational requirements and needs with regard to events;
- (d) Liaises with the events committee, and external stakeholders, including ward committees, the Fernkloof Advisory Body, Whale Coast Conservation, the Botanical Society, and Cape Nature in the event that the venue encompasses a nature reserve, including the Fernkloof nature reserve;
- (e) Pursues standardisation of the event approval, planning, and monitoring procedures within the Overstrand Municipality, with National and Provincial Government and other Local Authorities, as well as the events industry;
- (f) Supports and coordinates the application process for the staging of events in our area;
- (g) Coordinates the approval or rejection of events and setting of event permit conditions;
- (h) Reviews, coordinates and facilitates as required, each event application and event plan/s which will be considered on its own merits according to the Municipality's strategic objectives, legal and operational requirements;
- (i) Issues a permit with appropriate conditions for an event, once the relevant appropriate line departments have advised, and provided feedback on the event and the relevant conditions as required
- (j) Monitors events and coordinates compliance requirements;
- (k) Coordinates the Municipality's response and / or action in respect of event non – compliance;
- (l) Coordinates event debriefing and reviews;
- (m) Coordinates event reports.

## 12. **EVENTS COMMITTEE**

- (a) Will focus on the operational aspects of events;
- (b) Ensures representation from all relevant municipal line departments;
- (c) Meets monthly or as required to consider event applications that are submitted to be staged in the municipal area;
- (d) Reviews and monitors event applications, the events and operational requirements and plans;
- (e) Municipal departments to provide timeous feedback and event conditions for all event applications to the Events Committee and the events coordinator in terms of their line functions, legislative requirements, and delegations;
- (f) Makes recommendations to the Events Coordinator;
- (g) Provides support to manage and monitor the specific event;
- (h) Must provide support to manage and monitor the event;
- (i) Ensures compliance with municipal policies and procedures regarding the staging of events;
- (j) Municipal departments to take appropriate action as required, when an event organiser, venue manager and / or event does not comply with legislation, the municipalities requirements, and the event permit;

- (k) Conducts debriefing and follow-up reviews.

The Events Committee for each event should comprise of the following disciplines, depending on the discretion of the Events Coordinator:

- i. Events Coordinator (Chairperson)
- ii. Disaster Manager;
- iii. Traffic officer, and our Law Enforcement officer;
- iv. Representative(s) from the South African Police Services (advisory capacity);
- v. Senior representative from the building control department;
- vi. Senior representative from the planning department;
- vii. Chief Fire Officer;
- viii. Representative from legal services;
- ix. District Health Officer;
- x. Representatives from the Fernkloof Advisory Board, Botanical Society, Cape Nature, and Whale Coast Conservation, in an advisory capacity, in the event that the event venue encompasses a nature reserve.

The Events Coordinator must provide administrative support to ensure that proper minutes of the events committee meetings are kept.

### **13. APPLICATION TO STAGE AN EVENT**

- (a) A formal application to stage an event must be prepared by the Event Organiser and submitted to the Events Coordinator:
  - i. by a person who is at least 18 years old or older;
  - ii. on the prescribed form;
  - iii. as stipulated in schedule 1;
  - iv. by or on behalf of a person with the necessary means and resources.
- (b) The application must contain all the information required on the application form and the municipality may require additional information. Failure to comply with these requirements may result in an application not being considered by the municipality.
- (c) The approval of building plans for new facilities or the redevelopment of current facilities that can be used for the staging of events, or land use applications with the intention to establish land use rights for events are not subject to timeframes as prescribed within schedule 1.
- (d) Normal building plan approval process must be followed for any building plan submission and may only be approved by the delegated official with input from the Events Committee and Events Coordinator. During the consideration of such plans by the delegated official, abovementioned applications should also be circulated to the Events Committee for comments. Public safety and the reduction of risk must be considered as a primary goal.
- (e) Land use applications with the intention of establishing the necessary land use rights to stage an event may only be approved by Council's Municipal Planning Tribunal or delegated official identified in terms of the Spatial Planning and Land Use Management Act, Act 16 of 2013 (SPLUMA).
- (f) Applications for the staging of events will only be considered if the necessary land use rights are in place for the event and the premises complies with all legal requirements. These legal requirements include compliance with all environmental legislation in the event that the venue encompasses a nature reserve or environmentally sensitive area which may trigger environmental legislation, and the Municipalities Land Use Planning By-law and zoning scheme regulations.
- (g) Input and requirements of all role players must be obtained prior to the approval of plans for the staging of events, including the Fernkloof Advisory Board, Whale Coast Conservation, Cape Nature, and the Botanical Society in the event that

the venue encompasses a nature reserve, or may trigger environmental legislation.

- (h) The application must be made to the Events Coordinator and include the name and contact numbers of the Event Organiser, the event venue owner, and provide as much information as possible about the planned event.
- (i) Depending on the size, type, location, date, duration event location, impact or risk of the event, the time frames as prescribed in schedule 1 of the Events By-law, and Annexure A of the policy will apply.
- (j) Depending on the size, and risk profile of the event the required listing for the event plan as contained in Schedule 2 of the By-law will apply.
- (k) The table in Annexure C of the policy contains a list of plans that will be required, depending on the nature, size, impact and risk associated with any event.
- (l) The forms listed in Annexure B of the Events policy need to accompany the initial event application to the Event Coordinator's office, and will be subject to the event type, its risk categorization, and size.

#### **14. APPROVAL / REJECTION OF APPLICATION TO STAGE AN EVENT**

- (a) The Events Coordinator can either approve or reject for various reasons an application for the staging of an event. During the approval process, the Events Coordinator must consider the following aspects:
  - i. The Overstrand municipality's By-law on Staging of Events;
  - ii. Compliance to the District's policies and guidelines on events;
  - iii. The risk profile or categorization of the event;
  - iv. The impact of the event on the surrounding area/community/environment including crime prevention issues;
  - v. Any restrictions regarding the duration of the event;
  - vi. National legislation;
  - vii. Provincial legislation and regulations;
  - viii. The recommendations by the Events Committee;
  - ix. The representations by the Fernkloof Advisory board, the Botanical Society, Whale Coast Conservation, Hermanus tourism, and Cape Nature if the event venue encompasses a nature reserve, or may trigger any environmental legislation.
  - x. Any conditions to be imposed on the event.
- (b) The Event Organiser submits the event application to the Events Coordinator for approval/rejection taking into consideration the statutory powers of Council, individual officials and external role players such as the SAPS.
- (c) The Event Coordinator with the recommendations from the Events Committee makes a decision and communicates the outcome to the Municipal Manager, who informs the Applicant/Organiser in writing. The Municipality may in respect of the respective certificates that it issues set out certain conditions which it considers necessary for the venue.
- (d) An approved event plan is a binding contract between the local authority and the event organiser, and must be complied with at all times.

#### **15. BASIS FOR REJECTION OF APPLICATION**

- (a) The Event Coordinator with the recommendations from the Events Committee may reject applications for the staging of events for the following reasons, which do not necessarily encompass all of the possible grounds for refusal:
  - i. Event application not submitted timeously before the event according to schedule 1 of the By-law;
  - ii. Event Plan not completed adequately and submitted for approval;
  - iii. Event Plan submitted but not approved;
  - iv. Event Organiser or any party involved in staging the event black-listed due to previous non-compliance;
  - v. Sufficient emergency services attendance is not possible due to other prior commitments and/or approved events;

- vi. Nuisance and noise concerns not satisfactorily addressed;
  - vii. Failure to comply with any relevant legislation, including environmental legislation;
  - viii. The purpose and objectives of staging the event are contra bonus mores or for an illegal purpose.
- (b) Upon the rejection of an application, the Event Organiser must be informed of the reasons for the rejection by the Municipal Manager or delegated official and has a right of appeal in terms section 62 of the Municipal Systems Act.

## 16. **CONTINGENCY PLAN**

- (a) An event contingency plan must be prepared by the event organiser as part of the event plan setting out the action to be taken in response to incidents at the event which might prejudice public safety or disrupt normal operations. This will include aspects such as pre-defined levels of emergency services involvement etc.
- (b) The plan must include contact details for the event organiser as well as Law Enforcement where the public can report any issues with regards to the applicable event.

## 17. **SETUP AND CONSTRUCTION (TEMPORARY STRUCTURES)**

An application must be submitted to the Municipality's Building Control department for the erection of a temporary structure in terms of the National Building Regulations A23 and the Municipality's Community Fire Safety By-law. The setup and construction of equipment and facilities may only be commenced with after final approval has been granted by the Municipal Manager or delegated official.

## 18. **NOISE CONTROL**

- (a) If the events committee has reason to believe that a proposed event could cause a disturbing noise or noise nuisance, it may instruct the person intending to host the event in writing to apply for an exemption in terms of regulation (12)(a)(ii) of the Western Cape Noise control regulations.
- (b) The Applicant needs to set out full reasons for the application, and the events coordinator will further have to invite potential interested and affected parties to submit their representations and then allow the applicant to comment on the representations.
- (c) The Events Coordinator needs to consider the application, and is entitled to make the exemption application subject to certain conditions.
- (d) The Events Coordinator may grant an exemption, subject to certain conditions, including that the Events Organiser provides a noise impact assessment in terms of SANS 10328 before making a decision. One of the conditions may further limit the date and time for which the exemption applies and whether noise levels must be monitored, and if so how, and that a record of such levels must be kept. One of the key considerations the Events Coordinator must consider is whether the event is likely to adversely affect the rights of interested and affected parties.
- (e) Before the Events Coordinator takes a decision it can call upon the applicant to submit a noise impact assessment by an accredited sound engineer. If the events coordinator with the input from the events committee is satisfied that the noise will not create a public nuisance or otherwise exceed certain levels, an exemption may be granted, subject to certain conditions.

**19. PUBLIC PARTICIPATION**

As part of the public participation process of the Overstrand Municipality concurrences from the ward committee, and / or ward councillor/s be submitted on behalf of the affected community to the events coordinator's office. In the event that the event falls within the boundaries of a nature reserve or an environmentally sensitive area the representations of the necessary environmental advisory bodies will be required.

**20. MINIMUM EVENT APPLICATION FEE AND DEPOSIT**

A minimum application fee will be levied to set-off staff costs, overtime, and services. Any remaining surplus of the application fee will be set-off from the actual cost, whilst any shortfall from the actual cost will be recoverable from the event organiser after the event.

The municipality may in writing require a deposit to recover any damages or additional expenditure to cover contingencies, and such deposit will be payable to the Municipality within 5 (five) working days of approval by the Events Coordinator.

**21. INDEMNITY FORM**

An Indemnity Form must be completed and submitted to the office of the Events Coordinator in order for the Municipality to be indemnified against all actions, lawsuits, proceedings, claims, demands, costs and expenses arising out of the permission. In addition, the insurer specifying the insurance coverage for public liability with such insurance company must submit a letter of confirmation.

**22. EVENT CANCELLATION**

- (a) The Municipality may, where the event organizer fails to comply with a compliance notice issued in terms of the By-law or on receipt of information on non-compliance to permit conditions by the event organizer, issue a written notice to the event organizer, informing the event organizer-
- i. that the approval for the event is immediately suspended, pending compliance with the permit conditions; or
  - ii. that the permit for the event has been cancelled, and that the event organizer is liable for any costs incurred, associated with the revoking of the permit,
  - iii. on condition that in the case of an emergency, or when it is not practical or possible to issue a written notice to the event organizer on non-compliance to permit conditions, a verbal notice or a notice in any other practical way shall be acceptable.
- (b) The Municipality may, where action has been taken in terms of subsection 10(1) of the By-law, withhold the repayment of the deposit paid by an event organizer for an event, as security for the payment of any associated costs.

**23. DISMANTLING AND CLEARING**

During the dismantling and clearing phase, the Event Organiser will be responsible to perform an audit on the environmental impact and (in the case of events conducted on municipal property) structural or other damage caused during the event and the cleanliness of the venue after the event. It is the responsibility of the event organiser to return the venue and its environment to the condition it was in prior to the event.

**24. DEBRIEFING**

At the conclusion of an event or at least within 1(one) month after the event, the Event Planning Committee may reconvene to consider lessons learned and address problems experienced in order to prevent these from occurring in future.

**25. REVIEW AND FURTHER DEVELOPMENT OF THE POLICY**

This policy is to be reviewed annually by the Events Committee

**26. ADOPTION OF THE POLICY**

Adopted by Council on: \_\_\_\_\_

Policy Section	Community Services
Current update	
Previous review	
Approved by Council	31 October 2018

**Annexure A**

<b>Size</b>	<b>Category – Attendee / Participation Size</b>	<b>Minimum time before an event to submit an application to the Municipality</b>
Small	<b>50 - 500</b>	<b>1 month</b>
Medium	<b>501 – 2000</b>	<b>2 months</b>
Large	<b>2001 – 5000</b>	<b>3 months</b>
Very Large	<b>5001 – above</b>	<b>6 months</b>

**NOTE:**

- (1) Events of fewer than 50 persons where there is no amplified sound or no temporary structures to be used need not submit an application. However, the Municipality may determine whether the impact and risk attached to an event of fewer than 30 persons would require the submission of an application.
- (2) Note this excludes any specific or special application directives which the Municipality 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 Municipality activity.
- (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 Act, 2014 (Ordinance No. 3 of 2014).
- (4) If an event includes food vendors, a minimum of 20 working days will be required if food vendors need to apply for licenses and Certificates of Acceptability.
- (5) Appeals against the decision of the Events Coordinator will be handled in terms of section 62 of the Municipal Systems Act.
- (6) The timeframes do not include event 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 determinable time frames will be dependent on the Municipalities Zoning Scheme Regulations and the Land Use Planning By-law.



## Annexure B: Event Application Checklist:

### Application Requirements

**NB: The forms listed below MUST accompany the initial Event Application submitted to the Events Coordinators Office:**

✓ = Mandatory Submission;

W/A = Mandatory Submission Where Applicable

Event Type	Event Application Form	Indemnity Form	Noise Exemption Application	Certificates of Acceptability for food Vendors –WA	Solid Waste Management Plan	Erection of Temporary Structure/s	Appoint of Registered Person	Population Certificate Application	Temporary Signage Application
<b>Sports / Action</b>	✓	✓	W /A	✓	✓	W /A	W /A	W /A	✓
<b>Concert / Music Festival</b>	✓	✓	✓	✓	✓	W /A	W /A	W /A	✓
<b>Fundraiser / Run / Walk</b>	✓	✓	W /A	✓	✓	W /A	W /A	W /A	✓
<b>Carnival</b>	✓	✓	W /A	✓	✓	W /A	W /A	W /A	✓
<b>Awards / Launches/Exhibitions</b>	✓	✓	W /A	✓	✓	W /A	W /A	W /A	✓
<b>Religious Festivals / Events</b>	✓	✓	W /A	✓	✓	W /A	W /A	W /A	✓
<b>Cultural / Minstrel Events</b>	✓	✓	W /A	✓	✓	W /A	W /A	W /A	✓
<b>Market</b>	✓	✓	W /A	✓	✓	W /A	W /A	W /A	✓

## MATRIX OF EVENT PLANS / APPROVALS REQUIRED: ANNEXURE C

Event Type	Event Size		Emergency Plan			Layout Plan	Transport Management Plan (Roads Closures, ect.)	Traffic Management Plan (Traffic Services)	Waste Management Plan	Environmental Health Plan			Temporary Structures & Fire Safety				Communication Plan	Environmental Protection Plan	SAPS Event Safety Grading Certificate	Appointment of Safety Officer
			Medical Plan	Security Plan	Evacuation Plan					Ablutions	Vending Plan	Certificate of Acceptability	BDM - (Temp Structures)	Registered Person Appt	Population Certificate	LP Gas Plan				
<b>ALL Event Types</b>	<b>Small</b>	<b>50 - 500</b>	√	√	W/A	W/A	W/A	√	√	W/A	W/A	W/A	W/A	W/A	W/A	W/A	W/A	W/A	tbc	tbc
	<b>Medium</b>	<b>501 - 2000</b>	√	√	√	√	W/A	W/A	√	√	W/A	W/A	W/A	W/A	W/A	W/A	W/A	W/A	√	√
	<b>Large</b>	<b>2001 - 5000</b>	√	√	√	√	√	√	√	√	√	√	W/A	W/A	W/A	W/A	√	W/A	√	√
	<b>Very large</b>	<b>5001 - above</b>	√	√	√	√	√	√	√	√	√	√	W/A	W/A	W/A	W/A	√	W/A	√	√

**Legend:** √ = Mandatory Submission  
**W/A** = Mandatory Submission Where Applicable (e.g. if temporary structures are erected/fireworks are planned)  
**tbc** = May be required depending on the nature, size, impact and risk associated with an event