



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

City of Cape Town Events Department overview and services: policy and by-law updates

11 May 2015

Making progress possible. **Together.**

Events and the City

- IDP strategic objective.
- Strong track record and global brand in events
- Events destination of choice
- Improve business perceptions
- Fine-tune permitting of Events
- Event platform to catalyse
 - Economic growth,
 - Job creation,
 - Social inclusivity and
 - Environmental goals.



Strategy into Action

Various tools to implement

Staffing –
On-going

Systems –
Special Events
Committee March
2013

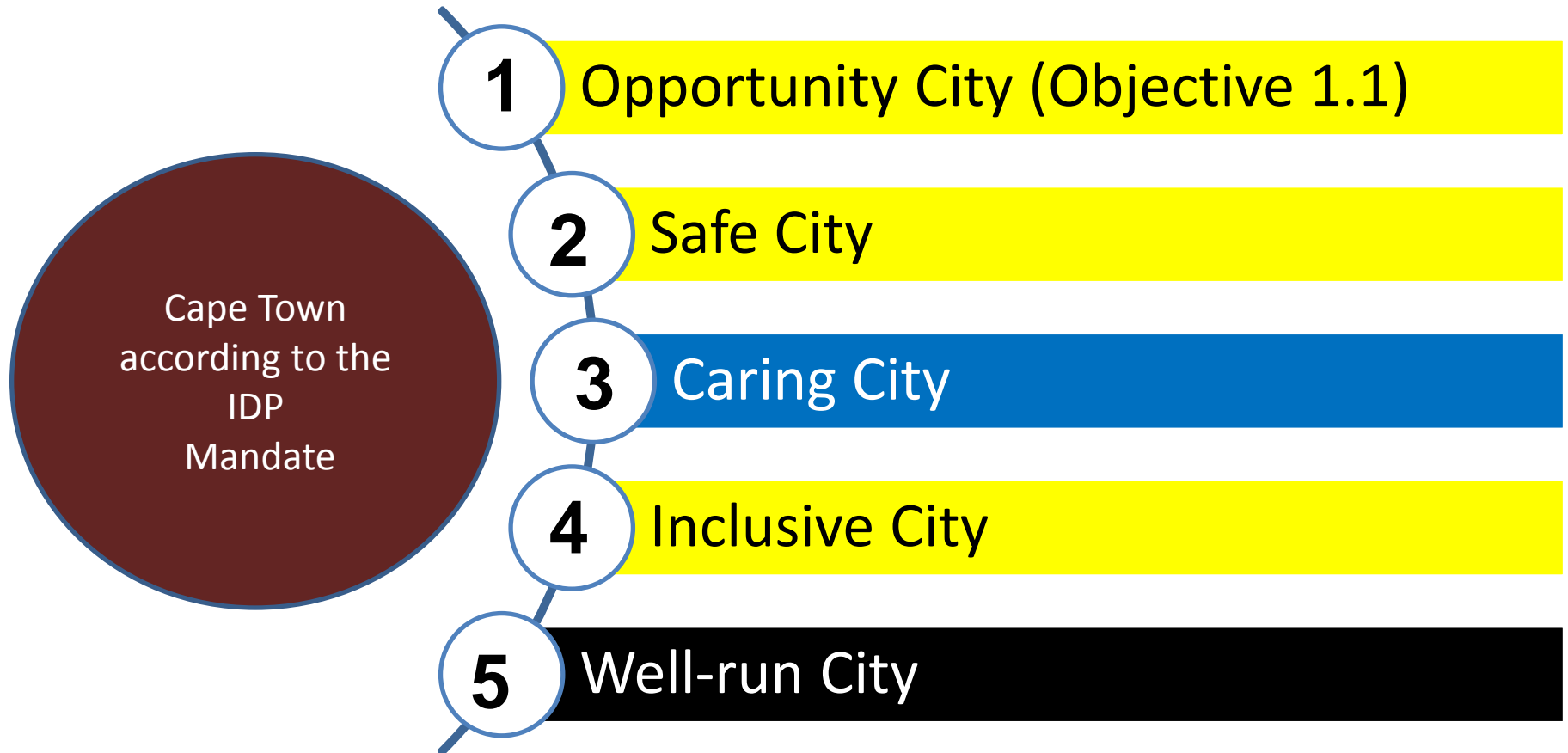
Budget –
Annual Events
Approval, Multi-
year contracts

Events By-Law –
Council: May 2015

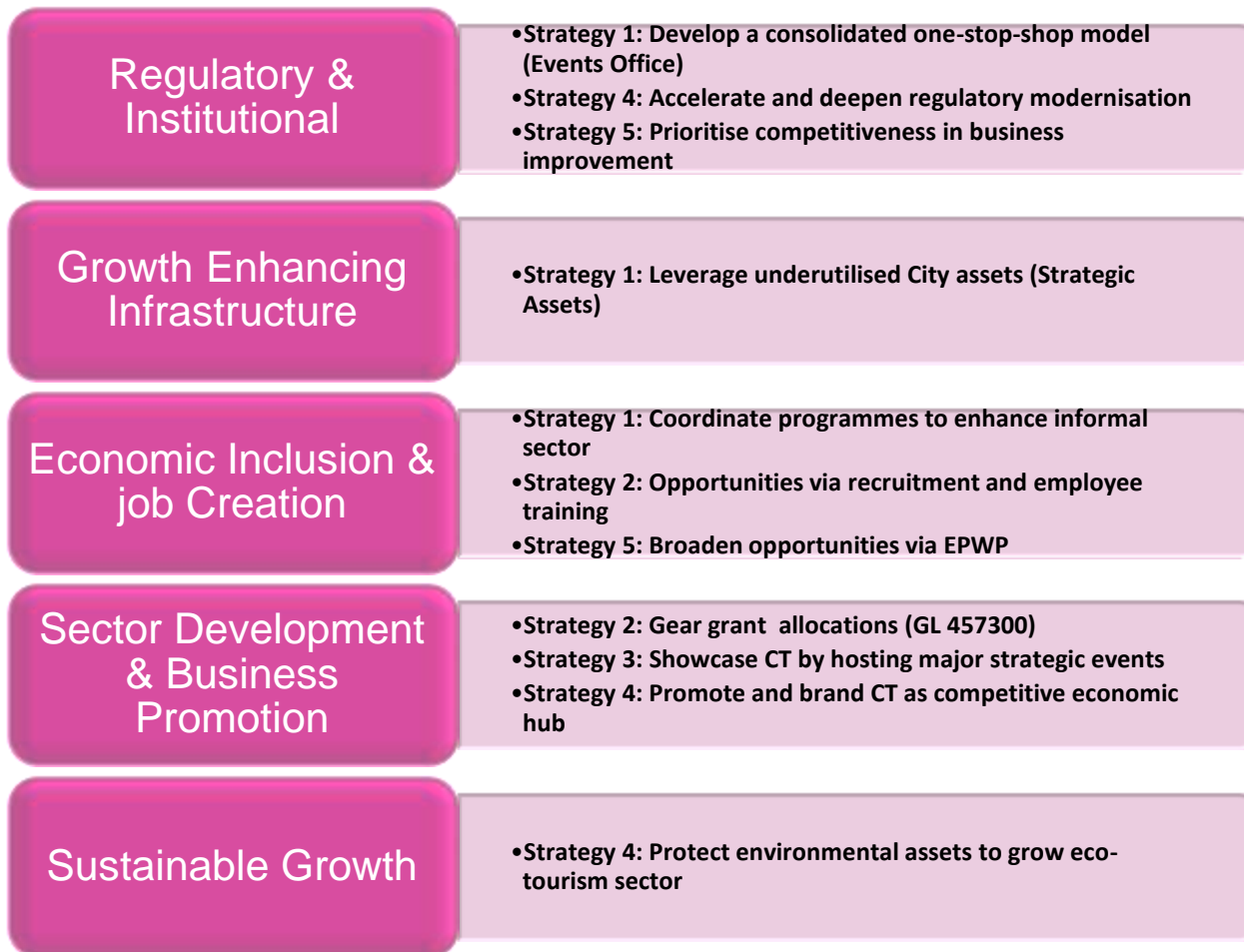
Policy –
Target Adoption
May 2013

Strategy –
IDP, SGS, EGS, IES

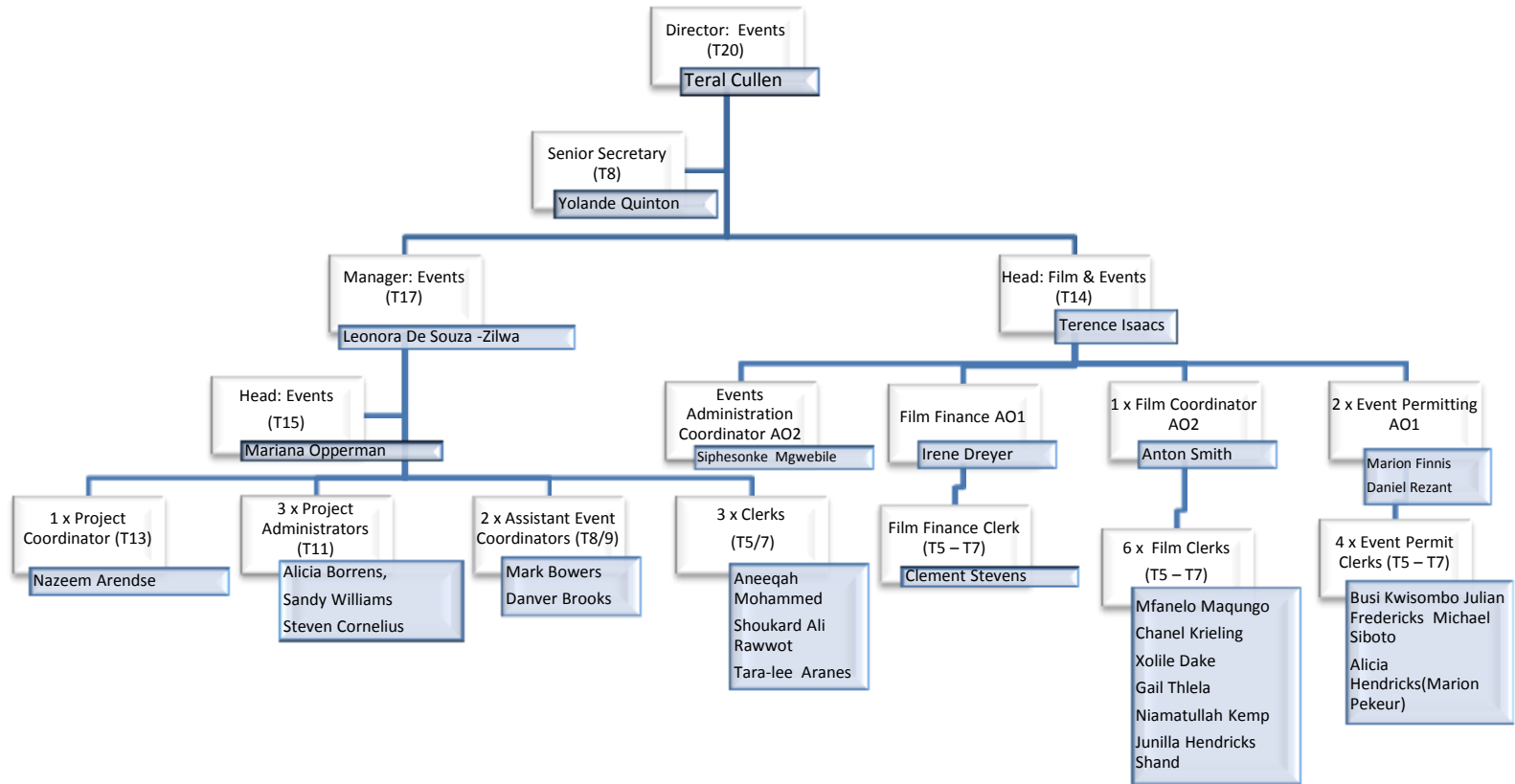
IDP Alignment



Alignment to the Economic Development Strategy



Current Departmental Structure



Key Indicators

| Area | Indicator |
|---------------------------------------|-----------|
| Events Calendar City Partnered Events | 70 |
| Events Calendar supported Events | 350 |
| Events Permits Issued | 1300 |
| Film Permits Issued | 7000 |
| Film Policy/By-Law adopted by Council | Complete |
| On-Line Events Permit System | Initiated |

Past Years Performance

| Indicator | 2013/14 | 2014/15 (YTD) |
|---|---------------|---------------|
| Event Support Applications Considered | 228 | 252 |
| Events Supported (SPEV & Annual Calendar) | 70 | 88 |
| Events Supported (Corporate) | 287 | 265 |
| Event Permit Applications | 1505 | 1492 |
| Event Permits Issued | 1147 | 1142 |
| Film Permits Issued | 9371 | 4 179 |
| Policy & By-Law Updates | Events Policy | Events By-Law |

EVENTS POLICY (12329)

Events Policy Adopted May 2013

The Events Policy aims to:

- Create mutually beneficial outcomes for Cape Town residents, businesses and visitors
- Guide the City in managing event related activities in an efficient and effective manner
- Create an enabling mechanism for new approaches to event initiatives
- Create stability in the events Calendar and hosting great events



This policy applies to

- Events where City services are required
- Events where city certification is required
- Cultural, Business and Sporting Events of Strategic significance



This policy does not apply to

- Workshops organised by City departments
- Gatherings, as defined in the Gatherings Act
- Private or community function which do not require certification or the services of the City



Policy Directive External

1. Classification of Events

2. Events Calendar

3. Event Support

4. Event Bidding

5. Event Permits

6. Inter governmental Coordination



Policy Directive Internal

7. Hospitality

8. Guest list Management

9. Ticket Distribution

10. Event Marketing

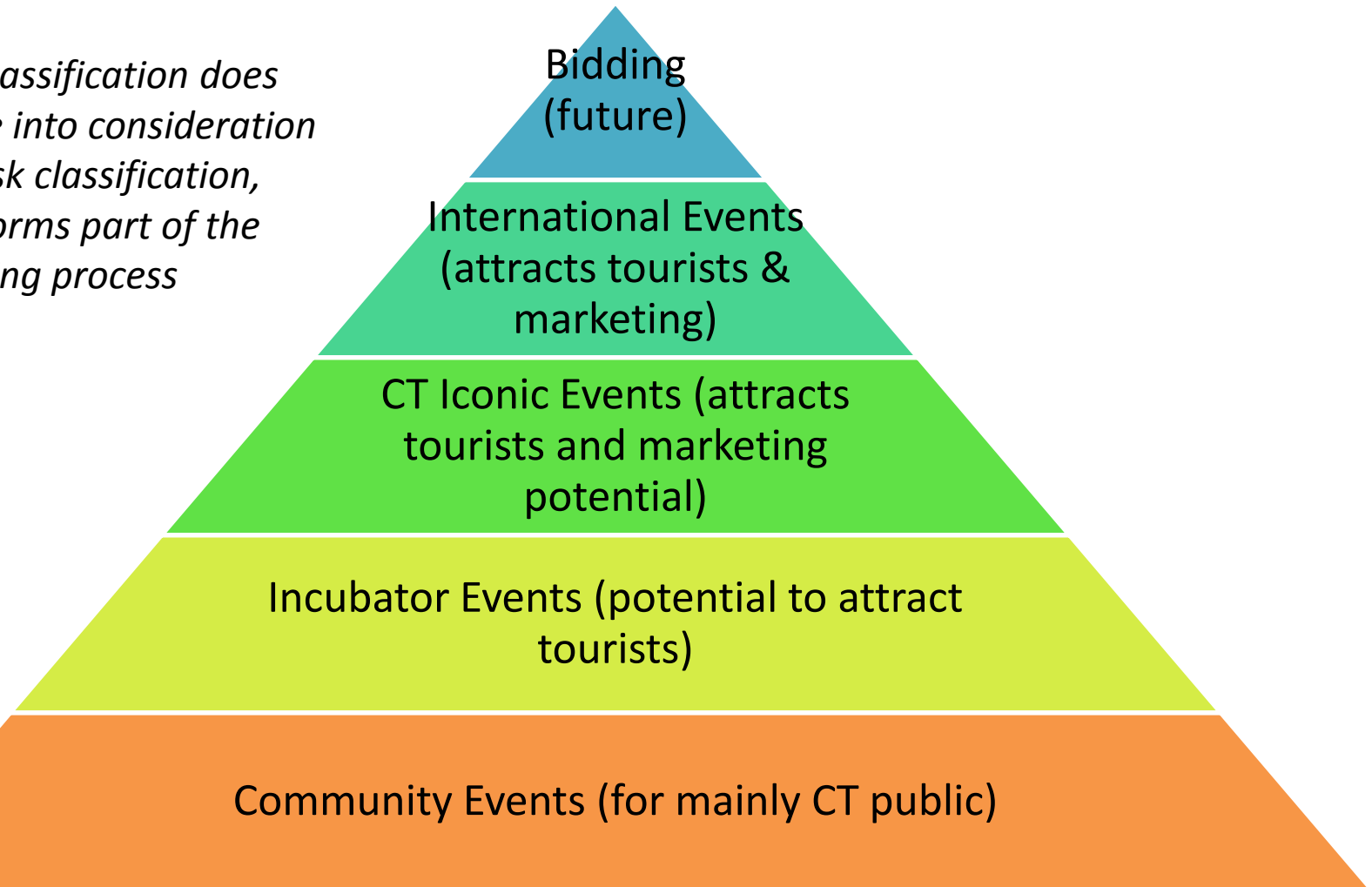
11. Event Services

12. Role of City Structures

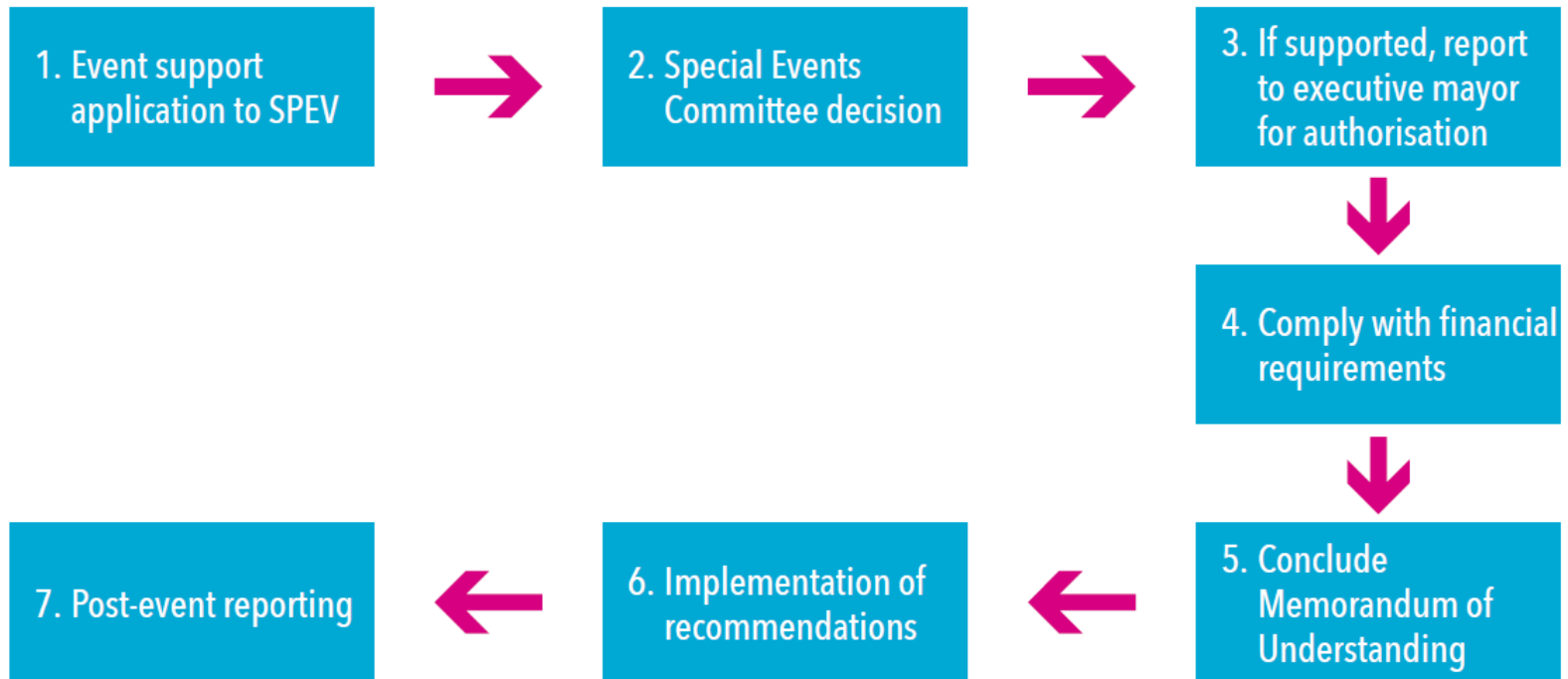


Classification of Events

** This classification does not take into consideration SAPS Risk classification, which forms part of the Permitting process*



Event Support



Event Permit

- Events Permits are required
- City Events By-Law



TOURISM, EVENTS & MARKETING – FILM AND EVENTS PERMIT OFFICE

Date: 2013-2-02

PER E MAIL: richardw@uctrag.co.za

The Event Organiser
"SPRINGBOKS"
 C/o UCT RAG
 Room 527
 Leo Marquard Hall
 Lower Campus
 University Of Cape Town
 7780

ATTN: Mr R Wilson

Dear Sir,

Your application received on 5 December 2013 refers.

PERMISSION IS HEREBY GRANTED TO UCT RAG TO HOST AN EVENT; "SPRINGBOKS" WITH THE FOLLOWING DETAILS:

Date: 02/03 February 2013
Time: 20h00 – 02h00 (Event Time)
 20h00 – 23h00 (Outside Stage to shut down at 23h00).
Location: Springbok Pub , Newlands

I have pleasure in advising that there is no objection to your organisation hosting the abovementioned event.

The Municipality of the City of Cape Town hereby grants permission on the following conditions.

SPECIAL CONDITIONS

- The Event Organiser will comply with the Conditions imposed in terms of Section 42 of the Land Use Planning Ordinance 15 of 1985 as contained in the Temporary Departure in Terms Section 15 Of The Land Use Planning Ordinance No. 15 Of 1985 (Annexure A);
- Immediate Emergency Vehicular access and egress to be guaranteed at all times;
- All requirements as per the Community Fire Safety By-law including Community Fire Safety Amendment By-law are to be complied with;
- The conditions as stipulated by the Fire Safety Branch of the Cape Town Fire and Emergency Service Department must be complied with at all times;
- The instructions of all Law Enforcement, Disaster Management, Fire and Safety, Medical and/or Emergency Services personnel are to be obeyed at all times.

- All food handlers must comply with the requirements of "Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food; R918 of 30 July 1999" and be in possession of a valid Certificate of Acceptability and a valid Business/Hawkers License.
- The PA/music system must be modulated so as not to create a noise nuisance and the sound system speakers are to be placed in such a way so as to minimise spill over of amplified sound into the surrounding residential buildings.
 The Event Organiser will ensure that complaints relating to excessive noise are promptly responded to and that sound – levels are lowered/reduced accordingly.
- The requirements of Section 2 (1) of the Tobacco Products Control Act, 1993 (Act No. 83 of 1993) and related Regulation R975 dated 29 September 2001 must be complied with.
- All conditions attached to the permission for the implementation of any road closure issued by the Director: Roads and Stormwater must be complied with at all times.
- All conditions attached to any temporary liquor license issued in terms of the Regulations in terms of Sect 162 of the Liquor Act, 1989 (Act No. 27 of 1989) for the duration of the event must be complied with at all times.
- The Event Organizer, where applicable, will ensure compliance with the Department of Labour requirements in terms of the Machinery Regulations provisions made under the Occupational Health & Safety Act, Act 85 of 1993.
- The Event Organiser and/or Venue Manager will ensure measures are in place to manage access and egress of patrons so as to ensure the approved capacity (population) numbers for the (individual) buildings are not exceeded.

Standard Conditions:

- That this approval will require the deployment of traffic officers to facilitate traffic control during the event. In regard thereto kindly contact the following Traffic Official immediately to arrange for a written quotation to be issued.
Senior Inspector Nolan Williams - 021 406 8872
- that the Municipality shall be indemnified against all actions, suits, proceedings, claims, demands, costs and expenses arising out of the permission given;
- that precautions shall be taken to avoid damaging any of the Municipality's roads/streets surfaces, kerbs, pavements, etc.;
- that the temporary closure of the Municipality's roads/streets must be facilitated with barricades, warning signs and lights in accordance with the requirements as contained in Chapter 13 of the S A Road Traffic Sign Manual (SARTSM) for the duration of the event and be also placed with the approval of the Traffic Manager in terms of those ;
- that preparation of any refreshments shall take place on private property and not any public street or road ;
- that applicants shall, at the conclusion of the event, clean the area to the satisfaction of the Municipality;
- that any additional permissions that may be required in terms of those laws governing the assembly of persons in public places must also be applied for;
- that applicants must ensure that the relevant By-laws relating to Nuisance, use of Loud-speakers, Traffic etc. are complied with at all times;
- that applicants must comply with the requirements and instructions received from any of the Municipality's uniformed law enforcement agencies or its own law enforcement officers at all times;
- That applicant's must see to the removal of litter and obstructions during and at the conclusion of the event. The clearing of the road and collection of waste will be for your account. Also

UPDATES

- The City of Cape Town Events Policy has not been updated since adoption in 2013.

DRAFT AMENDMENT EVENTS BY-LAW



What this By-Law Amendment is trying to achieve.

- City of Cape Town Events By-Law was last amended in 2009
- In 2010, the **Safety and Sports and Recreation Events Act, Act 2 of 2010** was enacted.
- Between 2010 & 2014, the SSREA has a major impact on the role and processes of the City and Event Organisers in approving Event Permits.
- **The main purpose of this By-Law revision is to align the By-Law to the Act.**
- The City has since 2010 operated the By-Law in conjunction with the Act
- The act places a strong emphasis on **PLANNING** in order to reduce **RISK**



Areas where the By-Law and SSREA (ACT 2;2010) interface

Topics to be aligned

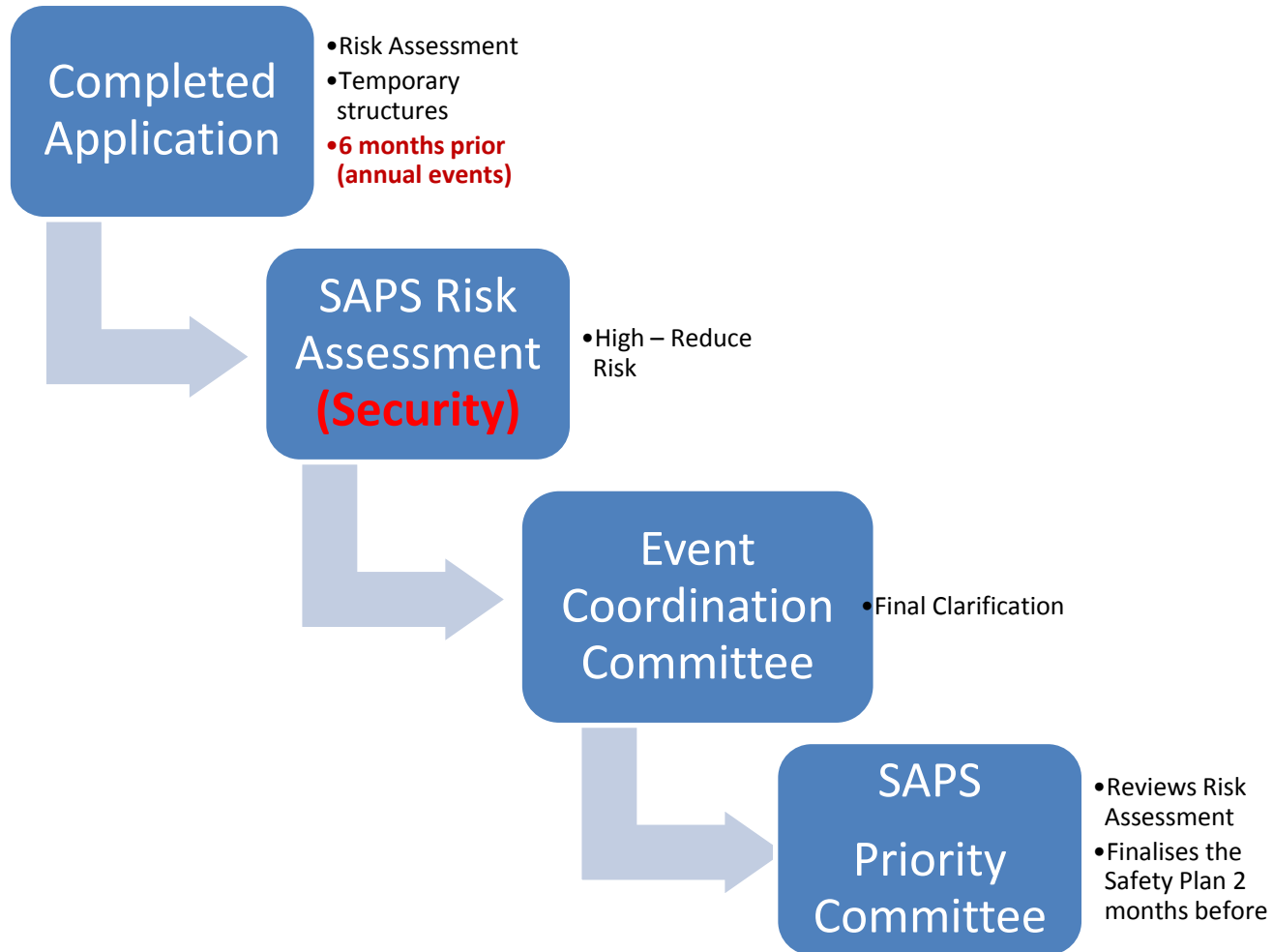
1. Safety & Security planning Committee, the ECC & Event Risk Profiling & Deviations
2. Safety Officer
3. Liability (non-delivery on the safety plan, protection of Assets)
4. Stoppage of Events / Enforcement
5. Systems, Time frames and Sizes of Events
6. Offenses and Penalties

Current Event Size and Risk Profile

| | Events By-Law Applicable | SSREA & Events By-Law Applicable |
|-------------------------------------|--|--|
| Size | [50] – 1 999 people – proposing raising the minimum to 200 | > 2000 persons |
| LOW Security Risk Profile | Low Risk Must have a Safety Officer (DRM Act) | Low Risk – No SAPS deployed. Must have a Safety Officer (DRM Act) |
| Medium Security Risk Profile | Medium Risk – A VOC will be established. SAPS on site Must have a Safety Officer (DRM Act) | Medium Risk – A VOC will be established. SAPS on site Must have a Safety Officer (DRM Act) |
| High Security Risk Profile | High Risk – No approval, risks must be mitigated to acceptable levels. Must have a Safety Officer (DRM Act) | High Risk – No approval, risks must be mitigated to acceptable levels. Must have a Safety Officer (DRM Act) |



PROCESS FLOW



PURPOSE OF THE BY-LAW AMMENDMENT

- To amend the City of Cape Town: Events By-law, 2009, so as to amend and insert certain definitions;
- To amend the provisions relating to the scope of application;
- To amend and make further provisions relating to requirements and conditions for an event;
- To make provision relating to a safety officer;
- To make provision relating to the minimum criteria for appointment as safety officer;
- To make further provisions relating to decisions on events;
- To provide and regularise the role of the authorised official;
- To provide that a compliance notice is to be issued by an authorised official;
- To delete the provision regarding the written notice as a requirement of access to property;
- To provide for the immediate stoppage of non-permitted events and events that are non-compliant with permit conditions;

PURPOSE OF THE BY-LAW AMMENDMENT

- To provide clear consequences for offending event organisers and event owners;
- To provide that the event organiser must provide evidence to the City Manager regarding appropriate indemnity cover and public liability insurance;
- To provide that event owners shall be held liable for any damages to City property resulting from the holding of an event ;
- To provide for the mitigation of damage to City property;
- To amend the provisions relating to Offences and Penalties;
- To make provision for the written confirmation of the appointment of a safety officer for an event;
- To repeal the Schedule of Fines; and to provide for matters connected therewith.

SUMMARY OF ISSUES RAISED DURING THE PUBLIC PARTICIPATION PROCESS

Issues Raised

- **Structure of the Draft Amendment By-Law**
 - The Legal Services advise that the By-Law was drafted according to good practice. The comments have been noted and future By-Law Amendments will include the original By-Law to improve readability.
- **By-Law too regulatory and no focus on City's intent in hosting events.**
 - By-Laws are intended to regulate. Intent and support for events have been dealt with in the Events Policy 12329, approved in May 2013.
- **“One size fits all” approach to approvals and exempting community events from compliance.**
 - The Act specifies the requirements. The Events By-Law is complimentary to ensure that all “essential services and emergency services” as defined and required by the act and must be provided by the City are in alignment. The City does not have the power to exempt event organisers from complying with national legislation.

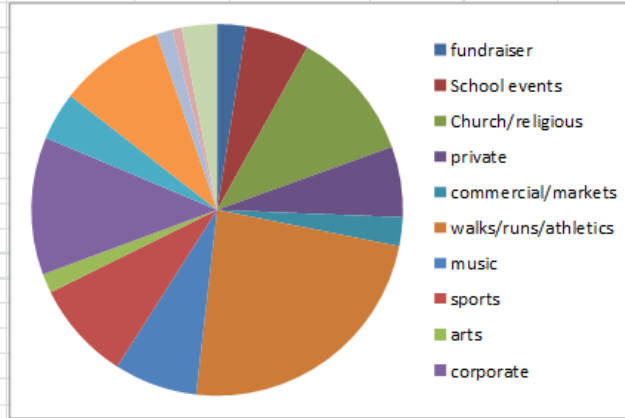
Issues Raised

- **Event Owner and Event Organiser interchangeable use throughout the document**
 - The Event Owner and the Event Organiser can be the same person. The Act only defines only the Event Organiser but includes persons who fund the event. In the By-Law, we have distinguished between the two in order to provide clarity to the event industry that both the funders and their appointed staff carry responsibility.
- **Increasing the applicable number from 50 persons to 200 persons**
 - Public Comments were both for and against the proposal. Given the fact that basic information is still required in order for the proposed exemption (up to 200) to be applicable, we have decided not to amend the current minimum figure of 50.
- **Process to determine numbers at Events**
 - In the event that an event is not ticketed, the population certificate number will be determined by square meterage of available space to accommodate spectators and the marketing plan.

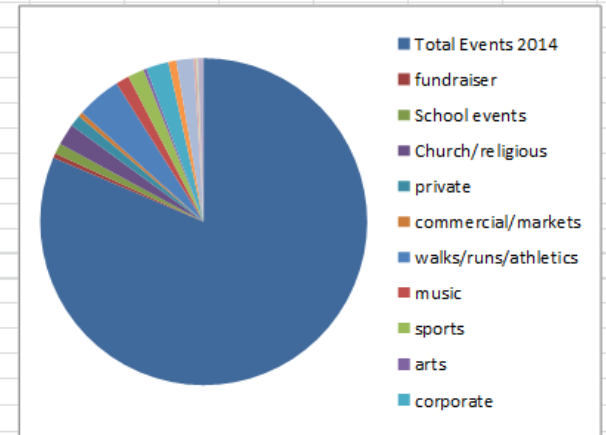
Events 50 - 220 pax

| | |
|--------------------------|-------------|
| Total Events 2014 | 1571 |
| fundraiser | 9 |
| School events | 20 |
| Church/religious | 41 |
| private | 22 |
| commercial/markets | 9 |
| walks/runs/athletics | 85 |
| music | 26 |
| sports | 31 |
| arts | 6 |
| corporate | 43 |
| other | 15 |
| Community/NGO | 33 |
| service delivery | 5 |
| party | 3 |
| CCT | 11 |
| | 359 |

2014 Events -200 pax = 359



Events under 200 pax vs Total Events (1571)



Issues raised

- **Time-frames**

- The time-frames are set based on processing times of the various City departments that need to be consulted and the fact that the system is manual. Event Organisers that would like an application considered outside the time-frames set out in the By-Law need to discuss the specific event requirements with the Events Permit Office. Permission may be granted outside the pre-scribed time-frame but not less than 15 working days, depending on the complexity, available resources and whether the event plans are complete.

- **Provisional Permit**

- The Events Amendment By-Law makes provision for a Provisional Permit to be issued

Issues Raised

- **Safety Officer**

- This requirement is specified by the Act. With respect to the responsible party for procuring the services of a safety officer, after due consideration it was decided that the responsibility will remain with the Event Organiser.
- This appointment is a professional appointment (similar to the case with the Engineer to sign off structures). The public request for the City to provide the Safety Officer has budgetary and human resource implications which the City has not made provision for.
- With respect to the deployment time for the Safety Officer, the Occupational Health and Safety Act specifies that the health and safety officer should be on-site for the duration of the event.

Issues Raised

- **SAPS Command**
 - The SAPS Venue Operations Centre (VOC) Commander is the responsible party in medium risk events and the Safety Officer is low risk events.
- **Risk Assessment (Event complexity)**
 - The Safety Officers are required to submit and Risk Assessment. This document captures the event complexity. In addition, SAPS Risk assessment categorises the event complexity from a Security Risk perspective.
- **A SAPS risk rating application**
 - Must be submitted and is required for all events from 2000 persons upwards.

Issues Raised

- **Schedule 15 Offenses and Penalties**

- Comments were received relating to the reference to “upon conviction” in the Offenses and Penalties section. The offenses and penalties listed in Schedule 15 was previously approved by Council in 2009 but not enacted in the Provincial Gazette.

- **Schedule of fines**

- A suggested schedule of fines will be sent to the Magistrates after the By-Law is adopted.

- **Spot Fines**

- With respect to Spot Fines, it must be noted that the Department of Justice has increased the limit of spot fines to R15 000, therefore a request in the comments for a spot fine of R25 000 is not possible.

Issues Raised

- **Animal Slaughter**

- Animal slaughter and related matters is governed by the Meat Safety Act and is therefore not addressed in the Events By-Law.

- **Sound Amplification Guidelines**

- The Noise Control Regulations guide the issuing of the Noise Exemption Certificate. City Health advises that in order to set guidelines for noise control, an Acoustic Consultant must be appointed. Such applications must be made timeously and can only be reviewed on a case by case basis. In general application, a noise exemption certificate will not include reference to decibels.

- **Heritage Properties**

- It is not possible to extend the prohibition to Heritage sites in the By-Law as the definition will be too broad. Many heritage sites are on private properties and their use/alteration is subject to the National Heritage Resources Act.

Issues Raised

- **Prescription of suppliers (cleansing) and the provision of lists of suppliers to events**
 - The Supply Chain Management department confirms that this is not possible as it conflicts with the City's supply Chain Management policies.
- **Public Liability**
 - Clause 25 of the Act requires Public Liability Insurance. Reference to public liability insurance in the By-Law is in alignment to the Act.
- **Specialised Risk Insurance**
 - The City's Insurance department advises that event organiser will not be able to insure the assets belonging to the City. We have therefore amended the clause to exclude Specialised Risk Insurance.

Issues Raised

- **Hand-over and Hand-back of facilities**
 - This depends on the facility being used. In the case of a public venue such as a road, the City's insurance department advises that the General Insurance Fund does not cover "street furniture" (e.g. robots, street lighting, etc). This however does not mean that the City will have recourse to claim for damage to its infrastructure from the event organiser
- **Stoppage of Events**
 - Many comments relating to the capacity of SAPS and Metro Police to stop events were received. Also comments related to the "level" of the Authorised Official who could stop an event.
- **Capacity of Law Enforcement**
 - While these operational concerns are noted, the responsibility for enforcement of laws remains the responsibility of SAPS and other agencies such as Metro Police and Law Enforcement.

Issues Raised

- **Authorised Official**
 - The Act defines the authorized official who has the power to inspect and stop an event. The By-Law extends the definition of the authorized official to allow city staff who are generally responsible for the safety and compliance at events to act.

Amendment to the Draft By-Law after Public Participation

Amendments

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

Further Amendments (Highlighted in Yellow)

- **Page 2**
 - Removal of liable for costs
- **Page 4**
 - Inclusion of (b) “person who holds the rights to an event”
- **Page 5**
 - Change on definition of “on-line event campaigns”
- **Page 7**
 - Inclusion of “high risk”
- **Page 8**
 - Inclusion of the set-up and break-down phases of the event for the Safety Officer deployment.
- **Page 9**
 - Minor amendments to the “decline of an application section”
 - Addition of provision for accepting a “late application”

Further Amendments (Highlighted in Yellow)

- Page 10
 - Additional provision relating to Issuing of Compliance Notice
- Page 12
 - Inclusion of “or not paid for”
 - Clarification on the provision for liability relating to events.
- Page 13
 - Clarification on “driving pegs”
 - Minor amendments to the “Offenses and Penalties” section
- Page 14
 - Minor amendment to accommodate the new Planning Legislation which will come into effect later this year.



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Thank You

Making progress possible. Together.