

**APPROVED MINUTES OF THE MEETING
OF COUNCIL OF HERITAGE WESTERN CAPE,
Held on Wednesday, 15 March 2017, 1st Floor Boardroom at the Offices of the
Department of Cultural Affairs and Sport,
Protea Assurance Building, Greenmarket Square, Cape Town at 10H00**

1. Opening and Welcome

The meeting was officially opened at 10H05 by the Chairperson, Dr Antonia Malan, and she welcomed everyone present.

2. Attendance

Members

Dr Antonia Malan	AM
Mr Siphiso Mavumengwana	SM
Ms Corlie Smart	CSm
Mr Chris Snelling	CSn
Ms Karin Strom	KS
Mr Rowen Ruiters	RR
Mr Ignatius de Swardt	IdS
Mr Graham Jacobs	GJ
Dr Rolf Annas	RA
Ms Joline Young	JY
Ms Katherine Dumbrell	KD
Ms Quahnita Samie	QS

Members of Staff

Ms Colette Scheermeyer	CSc
Mr Zwelibanzi Shiceka	ZS
Ms Nuraan Vallie	NV
Mr Jonathan Windvogel	JL
Mr Olwethu Dlova	OD
Ms Waseefa Dhansay	WD
Mr Andrew September	AS
Ms Zahirah Abrahams	ZA

Visitors

Ernest Ford	EF
-------------	----

Observers

None

3. Apologies

Dr Daniel le Roux	DIR
Mr Mxolisi Dlamuka	MD
Ms Penelope Meyer	PM

4 Approval of Agenda

The Committee approved the agenda dated 15 March 2017 with no additional items.

5 Approval of Minutes of the Previous Council Meeting

The Committee resolved to adopt the minutes dated 3 December 2016 with the minor amendments.

6 Disclosure of Interest

None

7 Confidential Matters

7.1 None

8 Appointment

Council noted the following appointments: Ms Abrahams for item 11.1 set for 10:30, and Mr Ford for item 13.1 set for 12:00.

9. Administration Matters

9.1 None

10. Matters Arising from Previous Minutes

10.1 None

11. Standing Items

11.1 CEO's Report

CSc presented the CEO's report verbally.

It was noted that:

- The 2017/2018 APP is being presented at Provincial Parliament today. APP targets were met this financial year. The Auditor-General starts soon and will be reported at the next Council.
- ZS presented statistics on applications processed since March 2016. A detailed breakdown of which NHRA sections and Committees are involved is presented annually.
- Council requested that an estimate of the financial cost of projects should be investigated in order to calculate the impact of HWC in the provincial economy. Also the number of applications refused as opposed to the number of applications approved.
- HIMS security vetting still awaited, while discussions with SAHRA regarding integration with SAHRIS are ongoing. Council identified some issues and concerns:
 - HWC is obliged to establish its own database (s.24). HIMS currently covers items under s.34 (currently about 70% of applications) and s.27.
 - HIMS must be compatible with SAHRIS, the national system. SAHRIS is not user friendly (but can be improved).
 - The current degree of compatibility between HIMS and SAHRIS needs to be established, and what the cost implications for HWC of further development of HIMS would be.
 - It should be established what actual technical support SARHA can supply to enable integration.
 - It was agreed that HIMS definitely requires a dedicated specialist IT post and budget to be created in order that long term development, maintenance and management is ensured.
- ZA presented a summary financial statement and Council noted it with appreciation.
- The existing MOU between HWC and SAHRA is being reviewed.
- The Drakenstein Municipality has requested HWC to assess it as a competent heritage authority. Council is pleased that this process is underway.

- The CEO's office is following up on the appointment of another Council member.

MD

11.2 Local Government Matters

11.2.1 Delegations of Powers of City of Cape Town

CSc reported that there are no further developments.

CSc

11.3 Report and Feedback from Executive Committee

AM reported on the ExCo meeting held on 27 January 2017 and Council noted the report.

AM

11.3.1 Draft Executive Committee Minutes dated 29 July 2016

The Draft Executive Committee Minutes of 27 January 2017 are noted.

PM was not present to present her item.

The Council noted that:

- The Guidelines for Heritage Inspectors and procedures will be held over to the next meeting.
- Vacant posts: ASD and HO posts still not finalised. The Council once again noted its concerns over the length of time it takes to replace staff who resign, and the issue of non-competitive pay scales. Two interns will be appointed shortly.
- PM is in consultation with Senior Counsel regarding possible court action on the large development on Buitengracht.

AM

11.4 Report and Feedback on SAHRA Council

AM reported back on the matter.

AM

11.5 Report and Feedback on BELCom

KDS presented her report.

In discussion it was noted that:

- Protocols for email decisions (see Rules of Order and Conduct) to be circulated to all Committees for information and discussion as necessary.
- The impacts of the Gees judgement on decisions and minuting in Committees are of concern. CSm and PM to discuss the matter and provide Committees with information and guidance to enable Committees to implement it in the decision-making process.

- It is necessary for Adobe Acrobat to be available to staff to edit documents, especially in order to improve issues around the blog site: it was noted that an application can only be made in the next financial year.
- Ms Bam is to replace Ms Joubert in the BELCom. Ms Joubert has taken a post with the CoCT and resigned from the committee.
- CSc was asked to enquire if the new Council member could be selected on the basis of having expertise in landscape architecture, as BELCom needs a member with such background. It was however pointed out that the new Council member must be selected from the original nomination list. It was also noted that BELCom can co-opt a Landscape Architect.

DECISION

- PM to be asked to provide written clarification regarding the interpretation of the Gees Judgement relating to heritage resources.
- BELCom to liaise with IGICom regarding current thinking around the grading of Grade IIIC buildings, and buildings of the 1930s.
- HWC to consider recruiting a committee member with landscape architectural expertise.
- HWC to consider high priority budgeting for Adobe Acrobat for staff members.

KDS

11.6 Report and Feedback on IACom

CSn presented his report and the Council noted the report.

DECISION

The Council supports the recommendations prepared by Mr Chris Snelling that:

- HWC obtain legal opinion on the issue of recusals and HWC Policy.
- HWC investigate a means of making known all cases/applications previously considered and on file, easily accessible and available to the committees and the public.

CSn

11.7 Report and Feedback on APMCom

AM presented her report and the Council noted the report.

DECISION

The Council supported the recommendations prepared by Dr Antonia Malan and resolved that:

As a result of delegation of authority ito s.36(3), action be taken on:

- Human remains policy for HWC,
- Repositories registration and agreements,
- Review of Prestwich Memorial management forum.

AM to ensure that the archaeologists on IACom are kept fully informed of APM decisions.

AM

11.8 Report and Feedback on Appeals Committee

Csm presented her report and the Council noted the report.

DECISION

The Council supported the recommendations prepared by Ms Corlie Smart and resolved that action be taken on:

- Ensuring earliest brief notification to committee members of notice of Appeals to allow for recusals / quorums. Earliest notifications after receipt of notice of Appeal to be made by committee members to chair and staff of absence / apologies / conflict of interest.
- Inconsistency between Policy and Regulations for appeals relating to the notification date to applicants only and the method of notification, to be reviewed. In particular, the responsibility of the applicant/ HWC to notify third parties of the successful outcome of decision by committees. The impact thereof on the calculation of the 14 day appeals time period.
- PM and Csm to propose an additional paragraph for letters of decisions regarding the right of applicant / interested and affected parties to request reasons and the process thereof in order to conform to PAJA..
- Website accessibility and integrated management of HWC and Western Cape Government sites; particularly the access to agendas and minutes by the public as required by NHRA.
- Instead of Committee minutes and letters of decisions saying “It was noted”, this phrase is suggested in its stead:
“Among other things, the following was discussed:
 - Whether a local authority with delegated authority has accessed and graded the heritage resource.
 - The intrinsic, comparative and contextual significance of the place and structure/s in terms of sections 3(3) and 5(7).
 - The impact of the intervention on the resource.”(Additional items previously ‘noted’ to be inserted after the above.)
The decision should indicate:
 - What the grading is (either the grading of the local authority or what the committee decided it to be).
 - If the resource has heritage significance – whether the intervention will have an impact on the resource.
 - To approve or not, with or without conditions.[If a revised proposal is required, the decision should not indicate whether the decision was approved or not, and only indicate the requirement for redesign]
- The Guide to Grading is currently just a guide and neither contained in HWC policy nor contained in regulations. Should the categories of IIIA, IIIB and IIIC be appropriate and deemed to fulfil the criteria of the NHRA, the categories have to be prescribed by a Regulation. (A resource can only officially be graded as III until regulations provide for the sub-categories.)

Csm

11.9 Report and Feedback from IGICom

SM presented his report and the Council noted the report.

DECISION

The Council endorsed the report and resolved that.

PM to be asked to clarify the authority of Committees to grade and in particular the delegation of authority to IGICom to grade heritage resources. IGICom is currently an advisory Committee and should perhaps be a deciding Committee.

Sites for PHS resources are marked by a simple badge. A plaque stating a statement of significance should be erected alongside. HWC should consider cost sharing options with government department/s involved in the promotion of heritage and tourism.

SM

11.10 Report and feedback on Independent Tribunals appointed by the MEC

Nothing to report.

PM

11.11. Conservation Management Plans

11.11.1 None

11.12 Proposed PHS

11.12.1 Proposed grading of previous National Monument, 25 Long Street, Joubert House, Montagu

JW presented his report and the Council noted the report.

DECISION

The Council supports the IGICom assessment that the property does not meet the requirements of provincial heritage resource status. The building has high local significance. HWC to proceed with investigating the process of re-grading.

JW

12 Policy Matters

12.1 Heritage Inspector Policy

Carried forward to the next Council meeting when PM is available. However, it should be noted that Council is of the strong opinion that a stop work orders must not be served by email under any circumstances.

PM

12.2 Remuneration Policy

NV presented her report and the Council noted the report.

DECISION

The Council resolved to approve the Remuneration Policy.

NV

13. Conservation Bodies

13.1 To extend the Geographic Boundary of the Woodstock Aesthetics Advisory Committee (WAAC)

CSc presented the report and Council noted the report.

Mr Ernest Ford was present and took part in the discussion.

In discussion it was noted that:

- The request was to extend the boundary of WAAC to incorporate the area in which the organisation already comments.
- The boundary was initially established in line with CoCT Conservation Area policy (ca. 2001) and was related to the boundary of the then Upper Woodstock Civic. The boundary does not have any correlation with heritage resources within the Greater Woodstock area, or to the area of operation of the current WAAC.
- Council noted its concern that in Woodstock it is critical that commenting bodies are sensitive to, and take into consideration social and economic conditions, and take every opportunity to engage and consult with community, civic and cultural organisations affected by any heritage related matters.
- Registered conservation bodies are commenting and not decision-making bodies. HWC Committees are not bound by the comment and may, with due reason, qualify comment received in the course of deciding an item.
- A map of the area must indicate whether both sides of the boundary roads are included, while noting whether both sides of a boundary road should be included.

DECISION

The proposed boundary was approved by Council on condition that a new detailed map be supplied by the WAAC.

CSn and JY requested that they are put on record as not supporting the extended boundary.

AP

14. New Matters

14.1 Workplan Application Form

AS made a power-point presentation.

DECISION

The Council resolved to approve the Workplan application form.

AS

14.2 Increase in levying of Permit Application and Appeals Fees

CSc presented her report and Council noted the report.

In discussion it was noted that:

- Finance and the CEO to come back to Council on this matter.
- That in terms of rules of fair administrative justice an aggrieved party has a right to appeal a decision and can therefore not be charged for an appeal.

DECISION

The Council decided that the issue of raising fees and redirecting those funds back into the heritage needs of HWC must be addressed.

Fees should not be charged for submitting an appeal. This revision to be implemented as soon as possible.

CSc

14.3 Recording the proceedings of meetings of HWC Council and its Committees

CSc gave a verbal report.

In discussion it was noted that:

- The legal implications of recording of meetings to be discussed by PM and CSm.
- The CEO to provide further detailed information on how recordings will be taken, their management and archiving, and making them accessible to those who request them.

DECISION

The Council resolved to await feedback from the CEO.

MD

15 Adoption of decision and resolutions

The HWC Council unanimously adopted the decisions taken.

16 Proposed date of the next meeting 14 June 2017

17 Closure

The meeting closed at 16H30

CHAIRPERSON _____

DATE:

SECRETARY _____

DATE: