

**APPROVED MINUTES OF THE MEETING
OF COUNCIL OF HERITAGE WESTERN CAPE,
Held on Wednesday, 20 February 2014, 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 10H00 by the chairperson Ms Laura Robinson, and she welcomed everyone present.

2. Attendance

Members

Ms Laura Robinson	LR
Ms Sarah Winter	SW
Ms Maureen Wolters	MW
Mrs Mary Leslie	ML
Ms Maureen Wicomb	MW
Ms Quahnita Samie	QS
Mr Siphiso Mavumengwana	SM
Dr Piet Claassen	PC
Mr Ignatius de Swardt	IdS
Mr Rowen Ruiters	RR
Mr Julian Kritzing	JK
Dr Antonia Malan	AM

Members of Staff

Mr Andrew Hall	AH
Ms Christina Jikelo	JC
Ms Lorelle Hutton	LH
Mr Olwethu Dlova	OD
Mr Zwelibanzi Shiceka	ZS
Ms Annalien George	AG

Members of EXCO

Mr Richard Summers	RS
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Visitors

Ms ML Roux

The Chairperson informed the members of the resignation of Ms Christina Jikelo as of the end of February. Ms Jikelo was thanked for her contribution to the work of HWC over the years and the Council wished her well for her new position with the National Heritage Council.

3. Apologies

3.1 Dr Lita Webley LW

4. Approval of Agenda

4.1 The Committee approved the agenda dated 20 February 2014 with following additional items:

- Standard Operating Procedure
- Application for registration as a conservation body: Bokaap Civic Association (BECA)

5. Approval of minutes of the previous meeting held 13 December 2013

5.1 The Committee resolved to approve the minutes without amendments.

6. Confidential Matters

6.1 None

7. Disclosure of Interest

7.1 None

8. Administration Matters

8.1 None

9. Appointments

9.1 The Committee noted the following appointments:

- Item 12.1, 12.1.1, 12.1.2 and 12.2 set for 11H00
- Item 11.7 set for 12H00
- Item 11.8.1 set for 13H00

10. Matters arising from previous minutes

10.1 Review of public entities

The CEO presented a verbal report that there has been no progress in this matter but that the matter is ongoing.

Andrew Hall

10.2 Conservation Bodies

10.2.1 Application for registration as a conservation body: Belvedere Civic Association (BECA)

The CEO presented a verbal report

DECISION

The Council resolved to approve the application for registration of Belvedere Civic Association (BECA) as a conservation body.

Andrew Hall

1.0.2.2 Application for registration as a conservation body: Bo-Kaap Civic Association

The CEO presented a verbal report.

DECISION

The Council resolved to approve the application for registration of Bo-Kaap Civic Association as a conservation body.

Andrew Hall

10.3 Role and powers of EXCO as per Act

Mr Mavumengwane presented a verbal report outlining his concern regarding a lack of clarity of the nature of delegations to the EXCO from Council. Mr Hall responded by explaining that the nature of such delegations were clearly set out in the regulations in the HWC briefing file.

DECISION

The Council resolved that:

- The agendas for EXCo meetings should be circulated to Council members to provide them with the opportunity to make any input that they might have on items prior to the meeting, and;
- Minutes of the Executive Committee meetings should be circulated to all Council members.

11. Standing Items

11.1 Local Government Matters

11.1.1 Cape Town delegation of powers

An opinion on the matter of the Appeals process had been received from Adv. Jaga. The CEO and the Chairperson presented a verbal report following on from a meeting held with legal adviser Andrea Campbell at which the opinion was discussed. It was noted that a meeting between the legal advisers to both HWC and the City of Cape Town is to be arranged.

DECISION

The Council resolved that:

- The legal opinion on the appeal procedures in terms of the delegation of powers to City of Cape Town to be tabled for discussion at the next Appeals meeting.
- The draft delegation document to be circulated to the Council members.

Andrew Hall

11.1.2 Cape Town Zoning Scheme

The CEO made a verbal report indicating that the finalisation of Cape Town zoning scheme is pending.

Andrew Hall

11.2 Report and feedback from EXCO

The Council noted a verbal report presented by the Chairperson

DECISION

The Council resolved that the EXCO be authorised to deal with any further issues relating to the Elim matter.

Laura Robinson

11.2.1 Draft Executive Minutes_16 January 214

The draft minutes of the Executive Committee meeting, dated 16 January 2014 were noted.

Laura Robinson

11.3 Report and Feedback from the Baboon Point Committee

Nothing to report.

Andrew Hall

11.4 Report and Feedback from BELCom

The Council noted a verbal report presented by Ms Winter.

Sarah Winter

11.5 Report and Feedback from the IACom

Dr Piet Claassen presented his report and recommended that:

- With regard to particularly long agendas;
 1. Special measures must be taken beforehand to handle the workload.
 2. It may be advisable to shorten the closed session at the beginning of the meeting considerably or alternatively have the closed session after the consideration of new applications in the open session.
- In view of the inadequate projection facilities
 1. The screen at the end of the hall (on which information about applications is projected) should be much larger.
 2. The projections on the side walls, where the resolutions are projected, are difficult to read. Hopefully projection facilities in the new venue will be much improved.
- With regard to the presentation of new applications
 1. Staff should select relevant and essential information to present to the Committee and not overcrowd the screen with information.
- Accessing applications on the blog

- With regard to the taking of resolutions more time needs to be spent on actually reading aloud every resolution, after it has been typed, to make sure that it represents exactly what the Committee intended.
- Reference to consultant's recommendations
 1. The consultant's recommendation should be referenced properly in the minutes

Where aspects of a report must be included in the minutes, such material should be available in digital format for the staff to copy and paste during the meeting so that the Committee can see (in the projection) what it is they are approving.

- Confusion regarding the adopting of minutes twice
 1. It must be made clear to all participants that all resolutions are adopted at the end of a meeting and cannot be amended later. For that reason the resolutions must be projected on the screen and read through aloud before adoption. There should be no ambiguity as to what we are adopting. It may be advisable to format the adopted resolutions differently within the "draft" minutes, for instance in bold letters.
 2. At the next meeting only the rest of the minutes ("record of discussion") should be adopted and not the resolutions.

The Council noted the report and adopted the recommendations prepared by Dr Claassen.

Piet Claassen

11.6 Report and Feedback from the APMCom

The Council noted a verbal report presented by Ms Mary Leslie

Mary Leslie

11.7 Report and Feedback from the Appeals Committee

Mr Richard Summers presented his report and recommended that:

- Council is requested to encourage members to be particularly diligent when assessing their fitness for recusal from service as if un-checked this could put unnecessary strains on the efficient administration and

functioning of the Appeals Committee (the same would hold true, however, in respect of Heritage Western Cape's other committees).

- The CEO is encouraged to open channels of communication with the relevant officials at the City of Cape Town to explore mechanisms and procedures for avoiding disputes and developing dispute resolution mechanisms in the context of heritage matters (and, in particular, urgent decisions required to be taken where structures pose a threat to health and safety).
- Heritage Western Cape committees dealing with the built environment are requested to consider mechanisms for ensuring that the objectives of any permission for partial demolition contain legally appropriate mechanisms imposed on the applicant to ensure and safeguard the integrity and conservation of the remaining structures. The purpose of which is to avoid, to the extent possible, the scenario in which total demolition is ultimately approved on the basis that the integrity of the buildings has been allowed to be compromised, for whatever reason.

The Council noted the report and adopted the recommendations prepared by Mr Summers.

The recommendations should be tabled at the next meeting of the relevant committees (BELCom, IACom and APM)

Richard Summers

11.8 Report and Feedback from the IGICom

The Council noted a verbal report presented by Dr Antonia Malan

Antonia Malan

11.8.1 Highclere, 8 Rancke Road, Erf 280, Blouberg

Ms ML Roux was present for this item as observer

The CEO made a verbal report reminding members that it had been agreed that a heritage statement for the property be developed and that a grading be assigned for the property before the Tribunal decision can be possibly implemented.

DECISION

The CEO and the Chairperson to meet with the legal advisor, Avd Estienne Pistorius to discuss the implications of decisions made by the Tribunal.

Andrew Hall

11.9 Report and Feedback from Independent Tribunals

Nothing to report.

Andrew Hall

11.10 Report of the Assistant Director: Professional Services – January-20 February 2014

The Committee noted a verbal report presented by Mr Zwelibanzi Shiceka

Zwelibanzi Shiceka

12. Financial Matters

12.1 Ms Annalien George and Ms Hutton presented a verbal report and the Council noted the financial report.

Annalien George

12.1.1 Statement of income of the application fees January 2014

Ms Annalien George and Ms Hutton presented a verbal report and the Council noted the report on the application fees.

**Annalien George
Lorelle Hutton**

12.1.2 HWC Budget Plan 2014/2015

Ms Annalien George and Ms Hutton presented a verbal report

DECISION

The Council resolved to approve the HWC Budget Plan for the year 2014/2015 as presented.

Andrew Hall

12.1.3 Proposals for revision of Tariffs

The CEO presented a verbal report.

DECISION

The Council resolved that 10% increase in tariffs be levied at the beginning of 2015.

Andrew Hall

12.2 Corporate governance (Investigation and recommendation about appropriate indemnity cover)

The CEO reported that a meeting has been arranged with the HoD.

Andrew Hall

13. Policy Matters

13.1 Revised draft regulations on Conservation Bodies

This item was discussed under 10.2 - conservation bodies. The draft still needs to be discussed with the Legal Advisor.

Andrew Hall

13.2 Policy regarding policy of Tariffs

The CEO presented a verbal report

DECISION

The Council resolved that:

- A fee of 50% of the permit fee be levied for amendments and changes to application that have already been resolved by HWC.
- That section D of the policy on levying of fees for application be amended as agreed to exempt Departments of Government and municipalities.

Andrew Hall

14. New Matters

14.1 Co-operation National Heritage Fund of Mauritius

The CEO presented a verbal report

DECISION

The Council welcomed and supported the proposal for an exchange programme between Heritage Western Cape and the National Heritage Fund of Mauritius, and R 20 000.00 be allocated for this purpose in the budget for the upcoming financial year.

Andrew Hall

14.2 Pinnacle Point Nedbank Properties

The CEO presented a verbal report on two properties repossessed by Nedbank.

Various options for the future ownership of these properties were presented and it was agreed that it was generally undesirable for HWC to take on ownership of property.

Andrew Hall

14.3 Standard Operation Procedure (SOP)

The CEO presented a verbal report.

DECISION

The Council resolved to approve the standard operation procedures in principle subject to the incorporation of various comments made by Council members. The final draft to be submitted to the next EXCO meeting for approval

Andrew Hall

14. **Proposed Date of the next meeting:** **15 May 2014**

15. Adoption of decisions and resolutions

The Council formally adopted the decisions and resolutions taken at the current meeting.

16. **Closure:** **15H30**

CHAIRPERSON _____ **DATE** _____

SECRETARY _____ **DATE** _____