

FISH HOEK VALLEY RATEPAYERS & RESIDENTS ASSOCIATION

(Incorporating Fish Hoek, Clovelly and Sun Valley)

Central Circle, Fish Hoek 7975

Web: <https://www.fhvrra.org.za/>

Facebook: www.facebook.com/FHVRRA/

Heritage Western Cape: Conservation Body

TO: EDDIE SCOTT eddie.scott@capetown.gov.za
<https://www.capetown.gov.za/layouts/15/WebFeedback.SharePoint/webfeedback.aspx?id=%20de2418a0-b497-43ee-aa57-be66c216b468>

SUBJECT: COMMENT ON THE DRAFT CITY IMPROVEMENT DISTRICT BY-LAW ¹
AND POLICY ^{2 3}

DUE: 15 SEPTEMBER 2021

The Fish Hoek Valley Ratepayers and Residents Association's (FHVRRA) supports “enhancing the public participation on the Business Plan to include the broader community” and “strengthening governance and oversight”.

We are thankful that “local community” is now defined and includes civic organisations and resources in terms of Section 15 (4) (c) of the by-law and definitions of the policy.

The definition of ARP in both the by-law and policy should include the lessee: business owner or residential tenant and thus, have all will have equal rights. This enfranchises both the property owner, who may be entirely absent from the community eg abroad, a company or a Trust; and the community resident or business who is affected by the condition and management of the BID, but also pays towards the special rate.

“Steering committee” in the policy and all similar references to ‘property owners’ in the by-law and policy need to be revisited to strengthen and support direct authority and involvement of business owners and residents, for reasons per statement above on ARPs.

We are glad to see “objectives” further defined in Section 3 (3) and Schedule 1 of the by-law and Section 3 of the policy rather than just leaving it to the CID to draft a business plan. However, we would like to see Section 3.1.1.5 of the policy include and align with the communicated mandate of the City's 2020 wording here is more specific and covers all critical areas affecting businesses, residents, tourists and neighbouring communities:

The City Improvement Districts are established by communities in order ...:

- To improve safety in the public space
- To promote and safeguard the interests of residents and businesses in the area.
- To address social issues in a unified, cooperative and sustainable manner.
- To improve, upgrade and protect the natural and built environment of the area.
- To provide additional cleansing and waste management.
- To promote inter-community collaboration as well as with organisations and,
- Facilitating investment to the area and building investor confidence leading to employment opportunities.

1 https://resource.capetown.gov.za/documentcentre/Documents/Bylaws%20and%20policies/Draft_CID_By-Law.pdf

2 https://resource.capetown.gov.za/documentcentre/Documents/Bylaws%20and%20policies/Draft_CID_Policy.pdf

3 <https://www.capetown.gov.za/City-Connect/Have-your-say/Issues-open-for-public-comment/draft-city-improvement-district-by-law-and-policy>

We are extremely happy to see the inclusion of “public participation” as being a requirement in the by-law and policy.

However, we are concerned that Section 9 of the by-law and Section 6 of the policy does not include proxy members, although the policy's Section 19 does. Our experience is that ARPs may not always be able to attend meetings, but also that they lose interest and stop attending altogether. An interested proxy could keep the management body alive and serve the interests of the CID and community, as currently experienced in our community. Similarly, board officers resign mid-term and thus, a mechanism is needed to replace the vacant seat.

We support the POPI Act. However, Section 6.4 of the policy must allow the contact details of the ARPs, lease periods and any by-law contraventions to be shared with the steering committee in order that communication is possible with the ARPs within the SRA to fulfil Section 3.1.1 of the policy “in order to improve and upgrade the CID”.

We are not glad to see the ability of altering the business plan in Sections 25 and 26 of the policy without consent of the ARPs, public participation or advertisement of the changes proposed. Please include this governance oversight.

Our understanding of the policy's Section 31 is that expenditures must NOT include board member lunches, as is current practice.

Chapter 7 Services and Projects of the policy leans almost exclusively on two aspects, public safety in Section 33 and 34, and cleansing in Section 36, but omits the other seven aims of the BID NPC as stated above. This should be reviewed. Although these are direct support services which help the City to do it's day-to-day work, the other aims are far more significant to the development and sustainability of the community.

Section 29.4.4 Part B Performance Information in the policy also leans and focuses exclusively on safety, cleansing and homelessness, two being direct support services which help the City to do it's day-to-day work, but the other five aims are far more significant to the development and sustainability of the community. This also needs to be reviewed.

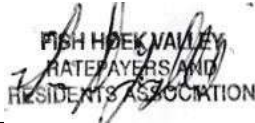
Schedule 1 Code of Conduct of the policy, doesn't allow for escalation to an ombudsman or relevant COCT official to investigate and if necessary, take action against the NPC (BID) board.

SUMMARY

In conclusion, we wish to see the following amendments:

- Definitions of ARP and steering committee in both the by-law and policy should include the lessee: business owner or residential tenant;
- “Objectives” in Section 3.1.1.5 need to include “the other five mandates” of promoting the interests of residents and businesses, addressing social issues, improving the natural and built environment, promoting inter-community collaboration and facilitating investment in the area;
- Proxy members in Section 9 of the by-law and Section 6 of the policy, needs to be included, as stated in the policy's Section 19, as well as ongoing elections of board officers;

- Contact details of ARPs in Section 6.4 of the policy, must be known by the steering committee in order for communication to fulfil Section 3.1.1 of the policy;
- Alterations of the business plan must gain consent of the ARPs, include a public participation process and to advertise the changes proposed in Sections 25 and 26 of the policy and Section 37 of the policy;
- Mechanism for replacing board officers needs to be described;
- Expenditure reports must be monitored to no include lunches for the board to remain in compliance with the policy's Section 31;
- Chapter 7 Services and Projects of the policy's Section 33. 34 and 36 should be reviewed to contain the other five mandates;
- Section 29.4.4 Part B Performance Information in the policy adds homelessness, but also needs to be reviewed to contain the other mandates; and
- Schedule 1 Code of Conduct of the policy needs to add an ombudsman or relevant COCT official to improve escalation for good governance against the NPC (BID) board, where necessary.

NAME & SURNAME	<i>Brian Youngblood, Chair: Fish Hoek Valley Residents and Ratepayers Association (FHVRRA)</i>
CONTACT NUMBER	<i>Cell: 084 3 99 99 33</i>
E-MAIL ADDRESS	<i>FishHoekRRA@gmail.com</i>
SIGNATURE	
DATE	14 September 2021