



# POLICY ON COMMITTEES OF COUNCIL

The purpose of this policy is to ensure that in the application of the National Heritage Resources Act (NHRA) and its regulations the committees of the Council of Heritage Western Cape (HWC):

- possess the expertise and professional capacity necessary to make sound decisions with regard to their areas of jurisdiction and that they are credible agents of the organisation;
- undergo a smooth transition at the time of the triennial appointment of a Council;
- have an efficient system for replacement of members who resign during the term of office of the Council; and
- adhere to the operational practices and policies of the organisation.

## 1. Committees of the Council:

a. The following are the standing committees of the Council:

- The Appeals Committee
- The Archaeology, Palaeontology and Meteorites Committee (APM Com)
- The Built Environment and Landscape Committee (BELCom)
- The Impact Assessment Committee (IACom)
- The Inventories, Gradings and Interpretations Committee (IGI Com)

b. The Executive Committee (ExCo).

c. Other *ad hoc* committees which may from time to time be appointed by the Council for a specific purpose and duration.

## 2. Membership and appointment of committees:

a. The Council shall from time to time determine the number of members of each of its committees, subject that the number of members of the Appeals Committee shall not be less than the numbers set out in paragraph 2(b)(iii).

b. Membership of committees shall be as follows:

- i. The Executive Committee shall be chaired by the chairperson of the Council and is made up of the chairpersons of the standing committees.

- ii. All committees shall where possible be chaired by a member of the Council.
- iii. All committee chairpersons shall report in writing or in person to Council and the ExCo as required.
- iv. The Appeals Committee shall consist of at least five members, including at least two members of the Council who have not previously considered the matter being brought on appeal. No member of any of the three committees which deal with applications may serve on the Appeals Committee. Those members of the Appeals Committee, who are not members of the Council, shall be members of the professions mentioned in 2 c. and d. below and shall be chosen to make up the balance of expertise that may be required to address the areas covered by those committees. It is preferable that at least one lawyer who is able to provide assistance with regard to the workings of the National Heritage Resources Act and administrative law serve on the committee.
- v. The Archaeology, Palaeontology and Meteorites Committee (APM):  
Members other than the chairperson shall be respected members of the archaeological, palaeontological and geological or astronomical professions appointed with regard to the need to cover the areas of jurisdiction and subject matter of Section 35 of the National Heritage Resources Act and related provisions pertaining to archaeology, palaeontology and geology.
- vi. The Built Environment and Landscape Committee (BELCom):  
Members other than the chairperson shall be respected members of the architectural, planning, urban design, history and related professions appointed with regard to the need to cover the areas of jurisdiction and subject matter of Sections 27, 29 and 34 of the National Heritage Resources Act and related provisions pertaining to the built environment and landscapes.
- vii. The Impact Assessment Committee (IACom):  
Members other than the chairperson shall be respected members of the same professions as those set out in 2 c. and d. above appointed with regard to the need to cover the areas of jurisdiction and subject matter of Section 38 of the National Heritage Resources Act and related provisions pertaining to impact assessment.
- viii. The Inventories, Gradings and Interpretations Committee (IGIC):  
Members other than the chairperson shall be appointed with regard to their expertise and experience in the compilation of inventories of heritage resources and the grading and interpretation thereof. With regard to professional expertise they should as a group also as far as possible cover the major subject areas dealt with by HWC in terms of its jurisdiction.
- ix. Legal professionals:  
Respected members of a relevant branch of the legal profession may be appointed to any standing committee should the Council deem such expertise necessary for the smooth functioning of the committee. Persons appointed in such a capacity should

have experience in the area of legal expertise specifically needed by the committee in question.

- c. Committees shall be appointed within no longer than three months following the first meeting of the council at the commencement of each of its three year terms of office.
- d. An incoming Council should ratify the continuing existence of standing committees for a period of up to three months in order to allow itself time to appoint new committees for its term of office.
- e. The Council shall select members on the basis of nominations which may be made by Council members and the staff and which shall include the CVs of candidates.
- f. Candidates for appointment to a standing committee, both Council members and non-Council members, must be able to demonstrate that they have some exposure to and/or familiarity with the workings of those sections of the NHRA applied by the committee in question and at least 50% of the members of a standing committee must either have previously served on the committee or a committee conducting closely related work or be familiar with the workings of the committee through regular interaction with it or application of the sections of the NHRA which it applies.
- g. Chairpersons of standing committees must have a working knowledge of the area of operations of the committee in question..
- h. No individual may serve more than two consecutive three year terms on a committee, except where this is necessary to ensure continuity or where a limited field of specialists is available for election. (It is recognised that it is not always possible to ensure rotation of membership areas such as for example archaeology and palaeontology where there is a shortage of skilled and willing professionals.)
- i. There is no obligation on members of the Council to serve on committees other than in positions occupied on an *ex officio* basis.

### **3. Jurisdiction of Committees:**

- a. The areas of jurisdiction of a standing committee other than the Appeals Committee and IGI Com shall be set out in delegations made by the Council.
- b. The IGI Com shall be an advisory committee that considers matters pertaining to and makes recommendations to the Council regarding surveys; inventories; grading of sites; declaration and other formal protection of sites, excluding provisional protections; and interpretation of sites and erection of plaques.
- c. The Appeals Committee shall deal with appeals in terms of the National Heritage Resources Act and its regulations.

- d. The Executive Committee shall deal with business requiring attention between the meetings of the Council and with other matters referred to it by the Council. It may instruct and/or provide advice to the CEO and make recommendations to the Council without derogating from its decision making powers.
- e. The jurisdictions of ad hoc committees shall be determined at the time of their establishment.
- f. The jurisdictions of all committees are governed by the relevant provision of the NHRA, its regulations, the policies of HWC and any other legislation that may apply.

#### **4. Replacement of members of committees:**

- a. A member who wishes to resign shall do so in writing to or after discussion with the chairperson of the committee.
- b. A member who, in terms of regulations, has without leave failed to attend three consecutive meetings is considered to have vacated his or her position. Such a member of a committee shall be so informed by the CEO after discussion with the chairperson of the committee in question.
- c. If a member of a committee resigns or for any other reason is no longer able to serve on a committee s/he shall be replaced by the Council or Executive Committee, whichever is the first to meet following the departure of the member.
- d. In making such appointments the Council will consider the recommendations of the committee concerned.
- e. Appointments shall be confirmed to a new member in writing by the CEO or a delegated member of staff.
- f. A new member shall only be considered to have formally taken up appointment to a committee once s/he has completed all the documentation required in terms of 5.a. below.
- g. A member who fails to adhere to the Rules of Order or otherwise demonstrates that he/she is unwilling or unable to adhere to HWC policy or otherwise behaves in a manner that may bring embarrassment or disrepute to HWC may have her/his membership terminated by the HWC Council.

#### **5. Other matters:**

- a. All committees and their members are bound by the 'Rules of Order and Conduct of Meetings of the Council of Heritage Western Cape and its Committees' and the 'Code of Conduct for Council, Committees and Members of Council and its Committees' and members are required to sign copies thereof prior to taking up positions on committees.

- b. All members of the Council and standing committees are required to sign a declaration of interest form prior to the 31 March each year, or upon first being appointed should that occur at any time other than between 1 March and 31 April.
- c. Members of *ad hoc* committees that are empowered to take decisions on matters pertaining to the application of the NHRA and who are not already members of the Council or a standing committee are required to sign declaration forms on the same basis as set out in 5.b. above.
- d. Liaison between a member of a committee and staff shall be conducted through the Chairperson and CEO.
- e. For each calendar year the dates of the meetings of all standing committees; the Council and Executive Committee shall be set by the Council by no later than the end of the preceding September and shall be published on the website of the organisation.

**6. Withdrawal of previous decisions:**

- a. With the approval of this policy all previous decisions specifically concerned with the appointment of committees, other than those pertaining to *ad hoc* committees in existence at the time of implementation of the policy, are withdrawn.
- b. The existing membership of committees at the time of approval of this policy is confirmed.

APPROVED BY THE COUNCIL OF HERITAGE WESTERN CAPE: 28 February 2013