

	<p>MINUTES IN RESPECT OF:-</p> <p><u>DEVELOPMENT OF A CRAFTERS' PRECINCT IN NIEU-BETHESDA: 12/2/3/5/2:-</u></p> <p style="text-align: center;">EXCO-108.3/21 (08/09/2021) COUN-046.1/21 (07/10/2021)</p>	
EXCO– 108/21	<u>REPORTS FOR CONSIDERATION: 3/1/1/3/2</u>	
EXCO-108.3/21	<p><u>DEVELOPMENT OF A CRAFTERS' PRECINCT IN NIEU-BETHESDA: 12/2/3/5/2:-</u></p> <p><u>PURPOSE</u></p> <p><i>“Everyone has inherent dignity and the right to have their dignity respected and protected.”</i></p> <p>This item serves to obtain confirmation of Council’s support for the development of a Crafters’ Precinct / Trading Stalls, close to the Owl House, situated in New Street, Nieu-Bethesda.</p> <p><u>BACKGROUND/INTRODUCTION</u></p> <p>The Owl House in Nieu-Bethesda is a world-famous Outsider Art destination. It is a major tourist attraction that draws thousands of people from all over to marvel at the unique legacy left behind by the late Helen Martins.</p> <p>As the museum (which was declared a National Heritage Site in September 2017) gained popularity, some local crafters and informal traders started setting up very basic structures next to and diagonally opposite the Owl House, displaying their wares and hoping to make a living from selling their hand-made items to the tourists visiting the museum. The informal trading started around 1995 and continued to grow over the years; along with the increasing number of rickety and ramshackle stalls that were erected along New Street.</p> <p>Up until the end of 2000, the then Nieu-Bethesda Town Council investigated several options to address the situation and there were several consultations with the Crafters, the Owl House Foundation, Telkom and other parties – about suitable sites that could be utilised as trading areas. It had become clear at that stage that the circumstances in which the crafters were trading were undesirable and that their operations had to be formalised and regulated.</p> <p>After the Local Government Elections on 5 December 2000, with the establishment of Camdeboo Local Municipality, the matter was taken up again and a few proposals were referred to the Camdeboo Council, with several requests for the Municipality to assist in addressing the issue of the informal traders and their pitiful circumstances. The intention was always there to uplift and upskill them, and some programmes were implemented in this regard.</p>	MM DCS

However, the burning issue that remained was the lack of a suitable, designated trading area, where decent stalls could be constructed – in close proximity to the tourist attraction where they had already established their trade.

Proposals that were made over the years were presented by *inter alia* former Directors / Chairpersons of the Owl House Foundation (e.g. Mark Wilby, Terry Winship, Peet van Heerden) and some of the Crafters themselves (e.g. Freddie Jacobs and the late Dennis Farmer). One of the last presentations to the former Camdeboo Council was in 2014, whereafter a visit was paid to Nieu-Bethesda by the previous MM Rev. Noël Pietersen, accompanied by a delegation of Officials and Councillors.

All of the afore-mentioned proposals had always been supported in principle by Council, but never realised, due to funding that could not be sourced. The District Municipality had been approached on more than one occasion to avail assistance.

Then, early in 2017, after being alerted to the ongoing and worsening dilemma, Cllr Deon de Vos, Mayor of Dr Beyers Naudé Local Municipality, visited Nieu-Bethesda and consulted with the Crafters. They explained their situation to him and also stated that they were not prepared to move away from the site that they were trading from; also that they did not want to be accommodated on private property. At that stage, they had already started the process of registering as a Co-op, which was finalised early this year.

Upon the Mayor's recommendation, an application to develop a Crafters' Precinct on a portion of New Street was drawn up (with the assistance of the then Visionary Team that had been established by the Owl House Foundation) and submitted to our Town Planning Unit in August 2017. Prior to this, formal meetings and other consultations had been held, for the purpose of considering the best options and also to ensure that all the parties were in agreement and supportive of the initiative.

There were delays in dealing with the application, and this necessitated the submission of another reworked version in 2019, after the Owl House Foundation indicated that it would take hands with the Municipality and, as part of the secondary Object in its new Memorandum of Incorporation, drive the process of drafting and submitting a new application, with the necessary concept plans, through the services of a professional Town & Regional Planner in Port Elizabeth and on behalf of the Municipality. The OHF further undertook to oversee the construction of the precinct and assist with the management of the facility.

CONTENT

In addition to the above historical context, it is confirmed that the development of Trading Stalls or a Crafters' Precinct has featured in the Ward Plans and Ward Development Priorities of Nieu-Bethesda for the past two decades and has been captured in the IDPs and SDFs of Nieu-Bethesda Municipality, Camdeboo Municipality and Dr Beyers Naudé Municipality respectively. These

priorities have been considered, supported and approved by all three Councils. Some extracts are provided in the Annexure to this Item Report, as evidence.

FINANCIAL IMPLICATIONS

This item seeks to confirm the support for such a development to take place, which is being undertaken by the Owl House Foundation, on behalf of Dr Beyers Naudé Local Municipality. Thus far, all costs incurred have been carried by the OHF.

LEGAL FRAMEWORK

- THE SOUTH AFRICAN CONSTITUTION, ACT 108/1996
 - CHAPTER 2, BILL OF RIGHTS
Section 10 : Human dignity – as quoted above under Purpose of the Item.
 - CHAPTER 7, OBJECTS OF LOCAL GOVERNMENT
Section 152 (1)(c) : To promote social and economic development.
Section 156 (1) : A Municipality has executive authority of, and has the right to administer (a) The Local Government matters listed in Part B of Schedule 4 and Part B of Schedule 5...
 - SCHEDULE 5, PART B
Which lists, *inter alia*, Local amenities, Markets and Street Trading as part of Local Government's legislative competence.

From the above, it is understood that we need to create enabling environments that are conducive to economic growth, as well as provide the necessary economic infrastructure (such as designated, regulated trading areas and basic services).

- CAMDEBOO STREET TRADING BY-LAWS
Provincial Gazette No. 1634 (11/12/2006) as amended by Provincial Gazette No. 3084 (04/12/2013), of which Section 2 – Principles and Objectives, is highlighted :

- (1) The Municipality, acting in terms of section 6A(1)(a)(i) of the Businesses Act, 1991 (Act 71 of 1991), and –
 - (a) having regard to the principles set out in the Act and in the Constitution;
 - (b) taking into consideration the need of the residents to actively participate in economic activities; and
 - (c) taking into consideration the need to maintain a clean, healthy and safe environment, in this by-law provides mechanisms, procedures and rules to manage street trading.

- (2) In the development and management of its obligations and the implementation of this bylaw, the municipality also recognises the infrastructural, social and economical disparities and inequalities resulting from previous local government dispensations and shall strive to overcome

such disparities and inequalities by supporting the new goals for local government as determined in section 152 of the Constitution.

(3) In the implementation and enforcement of this by-law, the municipality may take into consideration the realities of the Camdeboo area, the different customs, cultures, circumstances, geographical areas, kinds of premises levels of development and conventions and the municipality may use the devices provided for in this by-law, including the application of different norms, standards and guidelines, the granting of exemptions and the utilisation of liaison forums.

➤ **SALGA GUIDELINES & RECOMMENDATIONS PUBLISHED IN 2018**

- Discussion Document on the regulation of Informal Trade at Local Government Level.
- Informal Trade in South Africa : legislation, case law and recommendations for Local Government.

CONCLUSION

Dr Beyers Naudé Local Municipality has a constitutional obligation to attend to the plight of the Owl House Crafters in Nieu-Bethesda. The Owl House Foundation, a registered Non-Profit Company, with whom the Municipality has entered into a Lease Agreement to manage and maintain the Owl House (erf 306, Nieu-Bethesda), is desirous of assisting the Municipality in this regard, but requires the Municipality's commitment and support in taking this project forward.

DISCUSSION BY THE EXECUTIVE COMMITTEE

The above item was submitted to the Executive Committee for consideration. The Director: Infrastructure Services indicated that the item was submitted as a result of the process emanating from the resolution taken by the Appeal Authority.


Proposed: Councillor: E. L Looock

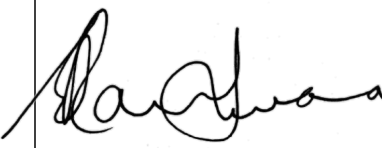
Seconded: Councillor: N. P Vanda

RECOMMENDATIONS TO COUNCIL

It is recommended that:

- (a) The Council of Dr Beyers Naudé Local Municipality reaffirm its commitment and support to address the inhumane circumstances of the Owl House Crafters in Nieu-Bethesda,
- (b) The development of a formal trading area on a portion of New Street, next to the Owl House and referred to as the Owl House Crafters' Precinct, be supported,
- (c) All attempts be made to secure funding for the development of this facility through the LED Office, other socio-economic development partners and agencies, and

	<p>(d) The Municipality further assist with the maintenance of the facility, upkeep of the public toilets and other amenities for tourists and the general public making use thereof.</p>	
	 <p>Dr. Beyers Naudé MUNICIPALITY MUNISIPALITEIT UMASIPALA <i>rising together for development</i></p> <p>DR. BEYERS NAUDÉ LOCAL MUNICIPALITY</p> <p>MINUTES</p> <p>ORDINARY COUNCIL MEETING THURSDAY, 07TH OCTOBER 2021 AT 10H00</p>	
<p>COUN-046/21</p>	<p><u>REPORTS FROM THE EXECUTIVE COMMITTEE: 3/2/1/2</u></p>	
<p>COUN-046.1/21</p>	<p><u>DEVELOPMENT OF A CRAFTERS' PRECINCT IN NIEU-BETHESDA: 12/2/3/5/2:-</u> <i>EXCO-108.3/21</i> COUN-046.1/21</p> <p><u>DISCUSSION BY COUNCIL</u></p> <p>Councillor: A. Booysen proposed and seconded by Councillor: Ruiters the following additions on the item:</p> <ul style="list-style-type: none"> - That all Municipal fees be waived for submission and processing of application for this development by the Owl House Foundation on a portion of New Street in Nieu-Bethesda (on behalf of Dr Beyers Naudé Local Municipality), - That timeframes be adhered to, and the process be expedited, and - That the Council Resolution and Report be made available to the Owl House Foundation. <p><u>COUNCIL RESOLVED</u></p> <p>It was resolved that:</p> <ul style="list-style-type: none"> (a) The Council of Dr Beyers Naudé Local Municipality reaffirms its commitment and support to address the inhumane circumstances of the Owl House Crafters in Nieu-Bethesda; (b) The development of a formal trading area on a portion of New Street, next to the Owl House and referred to as the Owl House Crafters' Precinct, be supported; 	<p>MM DCS</p>

	<p>(c) All attempts be made to secure funding for the development of this facility through the LED Office, other socio-economic development partners and agencies;</p> <p>(d) The Municipality further assist with the maintenance of the facility, upkeep of the public toilets and other amenities for tourists and the public making use thereof;</p> <p>(e) That all Municipal fees be waived for submission and processing of application for this development by the Owl House Foundation on a portion of New Street in Nieu-Bethesda (on behalf of DBNLM);</p> <p>(f) That timeframes be adhered to, and the process be expedited; and</p> <p>(g) That the Council Resolution and Report be made available to the Owl House Foundation.</p>	
	<p>I hereby certify that the document is a true reflection of the proceedings during an Ordinary Council Meeting held on the 07th October 2021.</p> <p></p> <p>DR. E. M. RANKWANA MUNICIPAL MANAGER</p>	<p>22 October 2021</p> <p>_____ DATE</p>