

HERMANUS PUBLIC PROTECTION (HPP)

The HPP NPC is the Management Body of the Hermanus Special Rating Area (HSRA)
Non-Profit Company (NPC) | Registration Number 1999/015007/08
20 Hope Street, Hermanus, Western Cape, 7200
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8 May 2025

Dear Mr du Toit,

Re: Your Objection to the HSRA Extension Application (2025 - 2030)

Thank you for your letter dated 2 May 2025, objecting to the application for the extension of the Hermanus Special Rating Area (HSRA) for the 2025 - 2030 term. We appreciate your engagement and acknowledge your longstanding interest in the matters of the HSRA and Hermanus Public Protection (HPP).

We have reviewed your submission and respond below to the issues raised:

1. Public Participation and Transparency

HPP, as the management body of the HSRA, has followed the officially agreed process for the extension of Special Rating Areas (SRAs). This process was discussed and confirmed in joint SRA forums with the Overstrand Municipality Chief Financial Officer (CFO), the responsible official overseeing SRAs, and was followed in collaboration with the other two SRAs in the Overstrand area: Kleinmond and Onrus/Vermont.

Contrary to your assertion that the process lacked transparency or sought to avoid objections, a comprehensive and multi-faceted public engagement process was followed. The extension process was in full alignment with the OM SRA By-law and Policy and with guidance from the CFO. The steps taken included:

- Notice and resolution passed at the 2023 AGM to initiate extension;
- Extensive ratepayer engagement via surveys, newsletters, meetings, and press coverage;
- A ratepayer opinion survey showing 91% support for extension and 85% confidence in HPP's governance;
- An AGM in August 2024, with quorum achieved and 68 of 69 voting members supporting the extension;
- The notice of intention to extend the HSRA being published in the Hermanus Times on 16 April 2025 and emailed to all ratepayers on the HPP database. In addition, it was highlighted in HPP's monthly newsletter.

There was no requirement to repeat the full establishment process, as the core business plan, boundaries, and objectives remain unchanged.

2. Business Plan Consistency and Mandate

As per the SRA By-law, the business plan is valid for a five-year term. It remains unchanged throughout that term. The original business plan, as gazetted, remains intact. The key services, supplementary public safety, camera surveillance, and cleansing have not deviated from the initial mandate. Each annual implementation plan and budget was approved at HPP's AGM and submitted to the Municipality as per the SRA By-law. HPP does not alter its scope without due process or consultation.

The 2025 - 2030 business plan remains consistent with the original 2020 - 2025 plan in terms of purpose, scope, and services: public safety, camera surveillance, and cleansing. No material changes have been made that would elicit the need to reinitiate the original establishment process under the By-law.

Minor operational adjustments made in response to emerging safety or environmental concerns (e.g., illegal dumping, protest risk mitigation, call for action to address vagrancy and homelessness) fall within the approved scope and are consistent with the IDP of the Overstrand Municipality.

3. Budget Process and Role of the Municipality

The HPP Board prepares and submits an annual budget aligned with the approved five-year business plan. This is tabled at the AGM and adopted by voting members. The Overstrand Municipality then reviews the submitted budget to confirm that:

- It aligns with the approved business plan;
- The projected additional rate is affordable for ratepayers and within the parameters of the Property Rates Act and SRA Policy Special Rating Area Policy.

The Municipality does not determine the HSRA services. Those are guided by the needs and feedback of HSRA property owners, as determined through public perception surveys, individual engagements, stakeholder meetings and community forums.

The budget is prepared annually and aligned with the five-year business plan. The total budgeted expenditure is divided among all rateable properties in the HSRA, based on municipal valuations, to determine an additional rate (cents in the Rand).

The draft budget is approved by HPP members at the Annual General Meeting and submitted to the Overstrand Municipality (OM) for review and inclusion in the municipal budget process. OM imposes the additional rate via Council resolution and is responsible for advertising it as part of public consultation.

OM collects the special rate and disburses funds to HPP under a finance agreement. The agreement governs permitted expenditures, payment mechanisms, and financial controls.

4. Accountability and Financial Governance

The HPP NPC is a registered non-profit company governed by the Companies Act. Its directors are elected by members at AGMs and operate under an approved Memorandum of Incorporation. The company complies with all relevant provisions of the Overstrand SRA By-law, including:

- Annual submission of audited financials;
- Transparent appointment of service providers;
- Regular oversight by the appointed councillor-observer;
- Quarterly meetings and publication of minutes on the website.

The suggestion that HPP operates “in secret” is unfounded. Board Members represent the various HSRA precincts and are expected to represent relevant interests at Board level. Meeting minutes, budgets, surveys, audited financials, and business plans are available publicly via the HPP website. PAIA requests are processed in accordance with applicable legislation. Specific grounds for refusal, where applicable, were provided.

5. Services Provided by HPP

The core services of the HSRA have remained consistent and aligned with the business plan adopted in 2020. HPP provides the following supplementary municipal services:

- **Public Safety and Crime Prevention:** HPP deploys vehicle, foot, and bicycle patrols throughout the HSRA, operating 24/7 in coordination with SAPS and OM Law Enforcement. Patrols monitor and respond to suspicious activity, support law enforcement operations, and engage directly with the public.
- **Camera Surveillance and Monitoring:** The HSRA operates and maintains a strategically placed CCTV camera network across the area. These are monitored continuously and have contributed to reduced incidents on the Cliff Path and other high-risk locations.
- **Cleansing Services:** Dedicated cleansing teams provide additional litter collection and waste removal, particularly on the Cliff Path, Hoy’s Koppie, and in the CBD. HPP also supports community clean-ups and educational outreach to promote environmental responsibility.
- **Incident Coordination and Reporting:** The control room serves as a central hub for dispatching patrols, coordinating responses with law enforcement stakeholders, municipal departments, and tracking all public incidents reported by residents.
- **Public Communication and Accountability:** Monthly newsletters, satisfaction surveys, website updates, and open forums with community members ensure HPP remains responsive and accountable.

These services are defined and prioritised through formal perception surveys, stakeholder planning workshops, and ongoing feedback from property owners, not imposed by the municipality.

6. On Access to Information and Transparency

You have on several occasions requested detailed documentation. HPP has clearly communicated, both in writing and verbally, that we are willing to meet with you in person to share information relevant to your queries. However, certain operational and contractual information is not suitable for email circulation due to confidentiality, data protection and regulatory compliance concerns.

This approach is intended to balance transparency with our legal obligations to protect confidential, third-party, and personal information as required under the PAIA and POPIA frameworks.

You have not taken up these offers, instead repeating requests via email that are not suitable for digital distribution.

7. Board Conduct and Representation

The HPP NPC operates as a registered non-profit company with a duly constituted board of directors elected by its members, in compliance with the Companies Act and the SRA By-law. Directors serve on a voluntary basis, each with a specific portfolio, and have declared no financial interests in any service providers.

As recorded in the Minutes of the AGM held on 29 August 2024, the Board consists of registered and unregistered directors. Currently, Jerry van Niekerk, Leon Rauch, Ann Wright, Stephen Grundlingh and Rod MacLeod are registered with the Companies and Intellectual Property Commission (CIPC) and four additional board members who are not registered. This arrangement is followed by many NPCs with the aim to minimise the administrative burden and costs. The registered directors bear legal responsibilities, ensuring compliance with relevant laws, financial oversight, and strategic decision-making. They are accountable for the organisation's performance and actions.

Board members, who are not registered directors, play an advisory role. They contribute strategic input, oversee specific areas, and bring specialised expertise to the organisation.

Your repeated allegations regarding board influence and director accountability lack any supporting documentation or regulatory context. We invite you, once again, to engage constructively on specific matters you wish to raise.

8. Mischaracterisations and Unsubstantiated Claims

Your objection contains numerous often repeated broad claims regarding secrecy, mismanagement, and undue influence. However, these are not substantiated with specific allegations, nor do they reference any breach of legislation, policy, or fiduciary duty.

HPP has made extensive efforts to operate lawfully and transparently. You are the only objector to the extension application, and while we value your right to object, we urge that any concerns be clearly stated and supported with evidence if they are to be meaningfully addressed.

9. On the Public's Right to Object

We acknowledge that you have objected to the HSRA since its inception in 2020. While your ongoing concerns are noted, it is equally important to reflect that yours remains the sole formal objection received in response to this extension application.

While dissent is valued, it is important to note that your objections are not substantiated with legal or procedural grounds and stand in contrast to broad community support, as evidenced through surveys, general meetings, and engagement.

10. Conclusion

Your objection has been fully considered. The HSRA extension application and related processes were conducted lawfully, transparently, and in line with the Overstrand Municipality's approved framework.

We respectfully submit that your objections do not constitute grounds to reject the extension, and we remain open to meeting with you to discuss your concerns in good faith.

Yours sincerely,



Marcia Bown
HPP Executive Officer
For and on behalf of the HPP Board