

18.2 EOI for Café Services at Proposed Kingston Park Kiosk (Report No: 417/20)**Motion – Exclusion of the Public – Section 90(3)(b)****C081220/2179**

1. That pursuant to Section 90(2) of the Local Government Act 1999 Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 417/20 EOI for Café Services at Proposed Kingston Park Kiosk in confidence.
2. That in accordance with Section 90(3) of the Local Government Act 1999 Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 417/20 EOI for Café Services at Proposed Kingston Park Kiosk on the following grounds:
 - b. pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is proposing to conduct business or would prejudice the commercial position of the Council as it discusses possible business cases.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.
3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Councillor Lindop, Seconded Councillor Lonie

Carried

On 10 November 2020 Council endorsed that Administration undertake further concept and detailed design on the Kiosk at Kingston Park. After a review of possible locations for the Kiosk, Council endorsed that designs be undertaken for the site in the south western corner of the Brighton Beachfront Holiday Park. In addition, Council noted that the design be brought back to Council with a final budget for approval and financial feasibility assessment.

To assist with the development of the final concept and finalisation of the financial feasibility assessment, this report recommended that Council undertake an Expression of Interest (EOI) for a provider to supply café services for the proposed

Kiosk at Kingston Park. The EOI would ensure any interested parties that the development of a Kiosk is still subject to approval by Council.

Motion

C081220/2180

That Council:

- 1. approves an Expression of Interest be undertaken for a provider to supply café services for the proposed Kiosk at Kingston Park; and**
- 2. notes that interested parties applying will be informed the Kiosk is subject to final approval by Council.**

Moved Councillor Lindop, Seconded Councillor Lonie

Carried

CONFIDENTIAL

CONFIRMED

27 January 2021

MAYOR

ITEM NUMBER: 18.2

CONFIDENTIAL REPORT

EOI FOR CAFÉ SERVICES AT PROPOSED KINGSTON PARK KIOSK (Report No: 417/20)

Pursuant to Section 90(2) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

- b. Information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and would, on balance, be contrary to the public interest.**

Recommendation – Exclusion of the Public – Section 90(3)(b) Order

- 1** That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 417/20 EOI for Café Services at Proposed Kingston Park Kiosk in confidence.

 - 2.** That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 417/20 EOI for Café Services at Proposed Kingston Park Kiosk on the following grounds:
 - b.** pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is proposing to conduct business or would prejudice the commercial position of the Council as it discusses possible business cases.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

 - 3.** The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.
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Item No: **18.2**

Subject: **EOI FOR CAFÉ SERVICES AT PROPOSED KINGSTON PARK KIOSK**

Date: 8 December 2020

Written By: General Manager, Strategy and Business Services

General Manager: Strategy and Business Services, Ms Pamela Jackson

SUMMARY

On 10 November 2020 Council endorsed that Administration undertake further concept and detailed design on the Kiosk at Kingston Park. After a review of possible locations for the Kiosk, Council endorsed that designs be undertaken for the site in the south western corner of the Brighton Beachfront Holiday Park. In addition, Council noted that the design be brought back to Council with a final budget for approval and financial feasibility assessment.

To assist with the development of the final concept and finalisation of the financial feasibility assessment, this report recommends that Council undertake an Expression of Interest (EOI) for a provider to supply café services for the proposed Kiosk at Kingston Park. The EOI would be ensure any interested parties that the development of a Kiosk is still subject to approval by Council.

RECOMMENDATION

That Council:

- 1. approves an Expression of Interest be undertaken for a provider to supply café services for the proposed Kiosk at Kingston Park; and**
 - 2. notes that interested parties applying will be informed the Kiosk is subject to final approval by Council.**
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COMMUNITY PLAN

Placemaking: Creating lively and safe places

Placemaking: Developing walkable connected neighbourhoods

Placemaking: Building character and celebrating history

Community: Celebrating culture and diversity

Economy: Boosting our visitor economy

Environment: Protecting Biodiversity

COUNCIL POLICY

Not Applicable.

STATUTORY PROVISIONS

Not Applicable.

BACKGROUND

At its meeting on 10 November 2020, Council considered a multi-phase feasibility study and business case to examine options for a food and beverage outlet (Kiosk) on the Kingston Park Foreshore. The report determined whether a food and beverage outlet would be financially viable at Kingston Park and it examined the different options and undertook a more thorough analysis of each option.

At that meeting Council endorsed for Administration to undertake further concept and detailed design for a location at the south-western corner of the Brighton Beachfront Holiday Park. The Council also noted that further concept and detailed work would be brought back to Council with a final construction budget and financial feasibility assessment for approval.

REPORT

To assist in the finalisation of the concept design, and to assist with the financial feasibility assessment, Administration is seeking approval to undertake an Expression of Interest (EOI) for the supply of café services for the proposed Kiosk at Kingston Park. The successful applicant will be able to provide input in the design, and how the Kiosk could function from an operational perspective. In addition, an EOI will give a better indication to Council what the market is for a lease for a Kiosk at that location, enabling finalisation of the financial feasibility assessment.

The risk exists that Council may decide not to approve the construction of a Kiosk at Kingston Park, disadvantaging the successful applicant of the EOI process. All interested parties will be informed that this Kiosk is still subject to final approval by Council. While this may deter some potential applicants, Administration has received enough interest from possible suppliers that it believes that undertaking the EOI process will result in interest from suitable applicants.

BUDGET

The 2020/21 Annual Business Plan includes a capital budget of \$350,000 for construction of the Kingston Park Kiosk pending the approval of a feasibility study.

LIFE CYCLE COSTS

Not Applicable