

- 18.3 **New Management Agreement – Somerton Surf Lifesaving Club Inc** (Report No: 161/20)

**Motion – Exclusion of the Public – Section 90(3)(d)**

**C230620/1947**

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: 161/20 New Management Agreement – Somerton Surf Lifesaving Club Inc. 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: 161/20 New Management Agreement – Somerton Surf Lifesaving Club Inc. on the following grounds:
  - d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.
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 Clancy, Seconded Councillor Miller

**Carried Unanimously**

The Somerton Surf Lifesaving Club Inc (Club) has a lease over the Somerton Surf Lifesaving Club building for a term of 21 years from 7 December 2005 to 6 December 2026.

The Club previously operated a bistro and function business on the premises by using paid and/or voluntary staff managed by the Club itself. However this has proved to be unsatisfactory (economically and otherwise) and the club has discontinued bistro operations.

The Club is seeking approval to enter into a Management Agreement with a third party (being Gambell & Sutton Pty Ltd) to manage and operate the bistro and upstairs bar initially under the Club's control and direction, but ultimately for the 3rd party to operate a bistro as a full commercial restaurant the under a sub-lease arrangement.

The request to operate the bistro under a management agreement is generally routine, however the longer term question of whether to allow a fully commercial business to operate from the club under a sub-lease agreement is relatively new to

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council and issues such planning, development approval, change of land use, liquor licencing and revenue sharing will need to be considered by Council. All current leases require the Lessee to seek landlord approval prior to sub-lease part of their leased premises.

**Adjournment****C230620/1948**

That the report be adjourned until the next Council meeting on the basis that Council require further information to be provided at a workshop before the meeting.

Moved Councillor Smedley, Seconded Councillor Bouchee

**Carried**

CONFIDENTIAL

**CONFIRMED****14 July 2020****MAYOR**