

**RELEASED 24/07/2023**18.2 **Beach Activation Agreement (Report No: 17/21)****Motion – Exclusion of the Public – Section 90(3)(d)&(k) Order C270121/2204**

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: 17/21 - Beach Activation Agreement 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: 17/21 - Beach Activation Agreement 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 Report No: 17/21 - Beach Activation Agreement 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.

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.
  - k. pursuant to Section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda Item are tenders for the provision of services relating to a beach activation agreement.
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 and discussion confidential.

Moved Councillor Lonie, Seconded Councillor Lindop

**Carried Unanimously**

Councillor Abley left the meeting at 9.43pm.  
Councillor Abley re-joined the meeting at 9.44pm.

Councillor Fleming left the meeting at 9.50pm.  
Councillor Fleming re-joined the meeting at 9.51pm.

On 27 August 2019 Council endorsed that Administration seek Expressions of Interest (EOI) in the final year of the current Beach Club agreement, to test the market place and consider all proposals brought forward by the EOI process.

This report reviewed the outcomes of the Expression of Interest process and the appointment of the successful proponent as per the terms of the EOI.

**Motion**

**C270121/2205**

**That Council:**

1. **approves the appointment of the RD Jones to activate Glenelg Beach with the Moseley Beach Club from November 2021 – March 2023, with a further option to extend for two years, subject to the annual conditions set out in the Event Licence; and**

**RETAIN IN CONFIDENCE - Section 91(7) Order**

2. **having considered Agenda Item 18.2, Beach Activation Agreement in confidence under Section 90(2) and (3)(d)&(k) of the *Local Government Act 1999* (the Act), the Council, pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a period of 24 months or the Chief Executive Officer is authorised to release the documents earlier if all parties to the contract consent and that this order be reviewed every 12 months.**

**This order is subject to Section 91(8)(b) of the Act which provides that details of the identity of the successful tenderer must be released once Council has made a selection. In addition, Section 91(8)(ba) of the Act requires details of the amount(s) payable by the Council under a contract for the supply of goods or provision of services must be released once the contract has been entered into by all concerned parties.**

Moved Councillor Patton, Seconded Councillor Chabrel

**Carried**

**Division Called**

A division was called and the previous decision was set aside.

Those voting for: Councillors Miller, Smedley, Patton, Chabrel, Abley, Snewin, Lindop, and Lonie (8)

Those voting against: Councillors Bouchee, Fleming, Clancy and Bradshaw (4)

Her Worship the Mayor declared the motion

**Carried**