

**Confidential Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg, on Tuesday 14 July 2020.**

**18. ITEMS IN CONFIDENCE**

**13.1 Adjourned Report - New Management Agreement – Somerton Surf Lifesaving Club Inc. (Report No: 178/20)**

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

**C140720/1965**

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: 178/20 Adjourned Report - 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:178/20 Adjourned Report - 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.

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

Moved Councillor Miller, Seconded Councillor Lonie

**Carried Unanimously**

RELEASED  
C280223/7360

### **Conflict of Interest**

Councillor Clancy declared an a perceived conflict of interest for Item 13.1 Adjourned Report – New Management Agreement – Somerton Surf Lifesaving Club Inc. (Report No: 178/20). The nature of the perceived conflict of interest (pursuant to Section 75 of the *Local Government Act 1999*) is that she is a member of the Somerton Surf Lifesaving Club.

Councillor Clancy dealt with the perceived conflict of interest by making it known to the chamber and remaining in the chamber as she is acting in the best interest of the community.

Mayor Wilson declared a perceived conflict of interest for Item 13.1 Adjourned Report – New Management Agreement – Somerton Surf Lifesaving Club Inc. (Report No: 178/20). The nature of the perceived conflict of interest (pursuant to Section 75 of the *Local Government Act 1999*) is that she is a member of the Somerton Surf Lifesaving Club.

Mayor Wilson dealt with the perceived conflict of interest by making it known to the chamber and remaining in the chamber as she is acting in the best interest of the community.

Administration submitted Confidential Item 18.3, Report 161/20 New Management Agreement – Somerton Surf Life Saving Club Inc. for consideration by Council at its meeting on 23 June 2020.

Council subsequently resolved to adjourn the matter until the next Council meeting on the basis that Council required further time to discuss the matter at a workshop and further consider the report. The workshop was undertaken on the 30th June 2020.

### **Motion**

**C140720/1966**

1. **That the Somerton Surf Life Saving Club be granted approval to enter into a Management Agreement with a third party (being Gambell & Sutton Pty Ltd) to manage and operate a bistro, bar and function business as previously operated with Club resources subject to the following conditions:**
  - (a) **the initial approval is for a period of 12 months, with the Club either making:**
    - i. **an application to Council for a further 12 month extension prior to completion of the initial term; or**
    - ii. **submitting an application for a sub- lease whichever is the sooner;**
  - (b) **the bistro, bar and function facilities business must be under the Club's care and control and consistent with the existing lease conditions and any development approvals;**

- (c) not increase nor exceed the current scale of operations of the previous hospitality/catering business or change its approved hours of operation;
  - (d) operate under the Club's liquor licence and any applicable conditions thereof;
  - (e) must not give rise to a sub-lease or otherwise constitute a parting of possession of the leased premises; and
  - (f) generate revenue by way of a management fee and incentives or a profit share arrangement and cannot take the form of rent or similar payment which may give rise to a sub-lease or otherwise constitute rent.
2. Should the Club wish to enter into a sub-lease agreement or other commercial arrangement with a third party, they shall:
- (a) lodge a separate submission for Council approval as required by their lease, including details of the arrangement and any forecast commercial revenues, so that Council can assess the proposal and if necessary determine the effective community and commercial rent to be applied; and
  - (b) submit any necessary Development and Liquor Licence applications.
3. That Administration be requested to develop a range of options to determine commercial rental from sub-lease or other commercial arrangements that might arise under the Sporting and Community Lease Policy and submit same to Council for consideration.
4. That Administration be authorised to issue a letter of approval to the Club.

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

5. That having considered Agenda Item 13.1 (Report 178/20) Adjourned Report - New Management Agreement – Somerton Surf Lifesaving Club Inc. in confidence under section 90(2) and (3)(d) the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the report, attachments, recommendation and discussion be retained in confidence for a period of 24 months from the date of this decision and that the Chief Executive Officer is authorised to release the documents at the expiry of that period or when the Management Agreement has been signed whichever occurs first and that this order be reviewed every 12 months.