

**Conflict of Interest**

Councillor Fletcher declared a perceived conflict of interest for Item 18.5 Glenelg Football Club – New Lease and Licence (Report No: 357/22). The nature of the perceived conflict of interest (pursuant to Section 75 and 75A of the *Local Government Act 1999*) was that her daughter's partner plays for the Glenelg Football Team.

Councillor Fletcher dealt with the perceived conflict of interest by making it known to the meeting and remained in the meeting as she was acting in the interests of the community. Councillor Fletcher voted for the motion.

18.5      **Glenelg Football Club – New Lease and Licence (Report No: 357/22)****Motion – Exclusion of the Public – Section 90(3)(b & d) Order**

C230822/7231

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: 357/22 Glenelg Football Club - New Lease and Licence of 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: 357/22 Glenelg Football Club - New Lease and Licence 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 would prejudice the commercial position of the Council.
  - 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.

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 Fletcher, Seconded Councillor Snewin

**Carried Unanimously**

The Glenelg Football Club Incorporated ("Club") has occupied its current premises at Glenelg Oval under a lease and license arrangement since 1 July 2001. At its Meeting held on 11 July 2017, Council resolved to enter into a new lease and licence agreement with the Club for a period of five (5) years commencing 1 October 2017 and ending on 30 September 2022, with an option to renew for a further five (5) years thereafter. Following preliminary discussions with the Club, it was proposed that Council now enter into a new lease and license agreement with the Club for a period of five (5) years commencing 1 October 2022, with an option to renew for a further five (5) years thereafter, with an annual payable rent of [REDACTED] (excl GST) from 31 October 2023. It was also recommended that negotiations commence to finalise the terms of a sub-lease between the Club and the commercial entity currently enjoying exclusive use of a section of the first floor in the Clubroom building. Full details of the proposal were outlined within the report.

**Motion**

**C230822/7232**

**That Council:**

1. **authorise the Chief Executive Officer to holdover the current licence agreement between the City of Holdfast Bay and the Glenelg Football Club Incorporated for the seasonal use of Glenelg Oval and surrounds over portion of land contained within Certificate of Title Volume 5869 until 31 October 2023.**
2. **authorise the Chief Executive Officer to holdover the current lease agreement between the City of Holdfast Bay and the Glenelg Football Club Incorporated for the Glenelg Football Club building and Edward Rix Grandstand over portion of land contained within Certificate of Title Volume 5869 until 31 October 2023.**
3. **authorise Administration to review the terms of the lease agreement between the City of Holdfast Bay and the Glenelg Football Club Incorporated (the Club) for the Glenelg Football Club building and Edward Rix Grandstand over portion of land contained within Certificate of Title Volume 5869 at the time commensurate with, and having regard to, the review of the Club's financial arrangements as sought by Council Resolution No. C141221/2502 made on 14 December 2021.**

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

4. That having considered Agenda Item 18.5 in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, 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 from the date of this decision and that the Chief Executive Officer is authorised to release the documents at the expiry of that period and that this order be reviewed every 12 months.

Moved Councillor Smedley, Seconded Councillor Fleming

Carried Unanimously

CONFIDENTIAL