

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 13 December 2016.

17. ITEMS IN CONFIDENCE

13.1 Minutes – Alwyndor Management Committee – 10 November 2016 (Report No: 307/16)

Motion

C131216/614

Recommendation – Exclusion Of The Public – Section 90(3)(a) 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: 307/16 Minutes – Alwyndor Management Committee – 10 November 2016 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: Report No: 307/16 Minutes – Alwyndor Management Committee – 10 November 2016 on the following grounds:
 - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being the Manager Operations Alwyndor Aged Care because it affects his employment.
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 Lonie

Carried

Minutes – Alwyndor Management Committee – 10 November 2016 (Report No: 307/16)

The Minutes of the Alwyndor Management Committee meeting on 10 November 2016 are provided for information.

Motion

C131216/615

That the minutes of the Alwyndor Management Committee meeting on 10 November 2016 be noted.

Councillor Donaldson left the chamber at 8.37pm.

Councillor Donaldson rejoined the chamber at 8.38pm.

Moved Councillor Lonie, Seconded Councillor Patton

Carried

Retain In Confidence - Section 91(7) Order

Motion

C131216/616

That having considered Agenda Item 13.1 Minutes – Alwyndor Management Committee – 10 November 2016 (Report No: 307/16) in confidence under section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the attachment to Report 307/16 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Aust

Carried

17.1 **Leave of Absence**

Recommendation – Exclusion Of The Public – Section 90(3)(a) Order

Motion

C131216/617

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 Leave of Absence 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 Leave of Absence on the following grounds:
 - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
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 Bouchee, Seconded Councillor Clancy

Carried

Motion

C131216/618

That Council grants Councillor Snewin a Leave of Absence from Council and Committee Meetings until 31 March 2017.

Moved Councillor Clancy, Seconded Councillor Smedley

Carried

17.2 Matter Regarding a Former Mayor**Recommendation – Exclusion Of The Public – Section 90(3)(a) Order****Motion****C131216/619**

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 the Matter Regarding a Former Mayor 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 provided on the following grounds:
 - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
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 Bouchee, Seconded Councillor Clancy

Carried

Councillor Bouchee provided members with an update on the health of the former Mayor, Ken Rollond.

Motion**C131216/620**

That having considered 17.2 Matter Regarding a Former Mayor in confidence under section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the minutes be retained in confidence for a period of 12 months.

Moved Councillor Lonie, Seconded Councillor Donaldson

Carried**Leave of the Meeting**

His Worship the Mayor sought Leave of the Meeting to change the order of Reports and to consider Report No: 328/16, then Report No: 329/16 and Report No: 330/16.

Leave of the meeting was granted.



17.3 **Motion on Notice – Glenelg Football Club – Councillor Bouchee (Report No: 328/16)**

Recommendation – Exclusion Of The Public – Section 90(3)(d) Order

Motion

C131216/621

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: 328/16 Glenelg Football Club 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: 328/16 Glenelg Football Club 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, because it relates to the operations of the Glenelg Football Club.

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 that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances as the benefit or detriment to Council in not disclosing information relating to Glenelg Football Club outweighs the public interest at this time.

Moved Councillor Lonie, Seconded Councillor Donaldson

Carried

Motion on Notice – Glenelg Football Club – Councillor Bouchee (Report No: 328/16)

Councillor Bouchee proposed the following motion:

BACKGROUND

Both club's circumstances and needs are changing and I believe this motion will assist both clubs to meet these challenges and reassess strategies.

Conflict of Interest

His Worship the Mayor, S Patterson declared a perceived conflict of interest for Motion on Notice – Glenelg Football Club – Councillor Bouchee (Report No: 328/16). The nature of his perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) was that his company has a business relationship with the Club. His Worship the Mayor dealt with this perceived conflict of interest by making it known to the chamber and left the meeting at 8.54pm.

His Worship the Mayor vacated the chair at 8.54pm and the Deputy Mayor, Councillor Lonie took the chair at 8.54pm.

Conflict of Interest

Councillor Snewin declared a perceived conflict of interest for Motion on Notice – Glenelg Football Club – Councillor Bouchee (Report No: 328/16). The nature of his perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) was that he is the President of the Glenelg District Cricket Club. Councillor Snewin dealt with this perceived conflict of interest by making it known to the chamber and left the meeting at 8.56pm.

Motion

C131216/622

1. That the CEO initiates discussions with the Glenelg Football Club and the Glenelg Cricket Club with a view to negotiating new leases with these clubs.
2. That the Glenelg Football Club lease payment to the City of Holdfast Bay be for the amount of \$40,000 for the next 3 financial years from 31/10/16 to 31/10/19, after which time a new lease amount is to be renegotiated between Council and the Glenelg Football Club for the remaining term of the lease as per Council Policy.
3. That the Glenelg Cricket Club lease payment to the City of Holdfast Bay be negotiated for an amount up to \$5,000 for the next 3 financial years from 31/10/16 to 31/10/19, after which time a new lease amount is to be renegotiated between Council and the Glenelg Cricket Club for the remaining term of the Lease as per Council Policy.
4. That any reasonable maintenance in relation to the Glenelg Football Club and the Glenelg Cricket Club be undertaken by the City of Holdfast Bay.

Amendment

1. That the CEO initiates discussions with the Glenelg Football Club and the Glenelg Cricket Club with a view to negotiating new leases with these clubs.
2. That the Glenelg Football Club lease payment to the City of Holdfast Bay be for the amount of \$50,000 for the next year from 31/10/16, after which time a new lease amount is to be renegotiated between Council and the Glenelg Football Club for the remaining term of the lease as per Council Policy.

3. That the Glenelg Cricket Club lease payment for the period 31.10.16-31.10.17 be zero and a lease renegotiated between Council and the Glenelg Cricket Club for the remaining term of the Lease as per Council Policy.
4. That any reasonable maintenance in relation to the Glenelg Football Club and the Glenelg Cricket Club be undertaken by the City of Holdfast Bay

Moved Councillor Clancy, Seconded Councillor Smedley

Lost

Division called

A division was called:

Those voting for: Councillors Charlick, Smedley, Clancy and Bradshaw (4)

Those voting against: Councillors Aust, Wilson, Donaldson, Yates, Patton and Bouchee (6).

The Deputy Mayor, Councillor Lonie declared the motion

Lost

Motion

That the question be put.

Moved Councillor Aust, Seconded Councillor Patton

Tied Vote

The Deputy Mayor, Councillor Lonie used her casting vote against the motion and declared the motion

Lost

The substantive motion was put.

Moved Councillor Bouchee, Seconded Councillor Donaldson

Carried

Retain In Confidence - Section 91(7) Order

Motion

C131216/623

That having considered Report No: 328/16 Glenelg Football Club 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, minutes and attachments be retained in confidence until the clubs are advised.

Councillor Smedley left the chamber at 9.34pm.

Councillor Donaldson left the chamber at 9.34pm.

Councillor Yates left the chamber at 9.34pm.

Councillor Smedley rejoined the chamber at 9.35pm.

Councillor Donaldson rejoined the chamber at 9.35pm.

Moved Councillor Bouchee, Seconded Councillor Donaldson

Carried

Councillor Snewin rejoined the chamber at 9.35pm.



Councillor Yates rejoined the chamber at 9.35pm.
 Mayor Patterson rejoined the chamber at 9.35pm and resumed the chair.
 Councillor Lonie left the chamber at 9.36pm.
 Councillor Donaldson left the chamber at 9.36pm.

17.4 **Motion on Notice - Glenelg Football Club and Cricket Club – Councillor Bouchee**
 (Report No: 329/16)

Conflict of Interest

His Worship the Mayor, S Patterson declared a perceived conflict of interest for Motion on Notice - Glenelg Football Club and Cricket Club – Councillor Bouchee (Report No: 329/16). The nature of his perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) was that his company has a business relationship with the Club. His Worship the Mayor dealt with this perceived conflict of interest by making it known to the chamber and if it becomes apparent he would have a Material Conflict of Interest this will be declared.

Recommendation – Exclusion Of The Public – Section 90(3)(d) Order

Motion

C131216/624

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: 329/16 Glenelg Football Club 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: 329/16 Glenelg Football Club 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, because it relates to the operations of the Glenelg Football Club.

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 that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances as the benefit or detriment to Council in not disclosing



information relating to Glenelg Football Club outweighs the public interest at this time.

Moved Councillor Patton, Seconded Councillor Bouchee

Carried

Motion on Notice - Glenelg Football Club and Cricket Club – Councillor Bouchee
(Report No: 329/16)

Councillor Bouchee proposed the following motion:

BACKGROUND

This is an opportunity to initiate elements of an integrated plan which would encompass the future use of this Sports Hub and give Council the opportunity to investigate Government and Sport grants.

Councillor Lonie rejoined the chamber at 9.37pm.

Councillor Donaldson rejoined the chamber at 9.37pm.

Councillor Wilson left the chamber at 9.38pm.

Motion

C131216/625

That Administration prepares a report to Council outlining the potential for the Glenelg Football Club and Cricket Club site to employ cost saving environmental initiatives for solar panels and water retention etc.

Moved Councillor Bouchee, Seconded Councillor Donaldson

Carried

Division called

A division was called:

Those voting for: Councillors Snewin, Aust, Lonie, Donaldson, Charlick, Yates, Smedley, Clancy, Patton, Bradshaw and Bouchee (11)

Those voting against: Nil (0).

His Worship the Mayor declared the motion

Carried

Councillor Wilson rejoined the chamber at 9.39pm.

Retain In Confidence - Section 91(7) Order

Motion

C131216/626

That having considered Report No: 329/16 Glenelg Football Club 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, minutes and attachments be released from confidence.

Councillor Clancy left the chamber at 9.40pm.



Moved Councillor Bouchee, Seconded Councillor Lonie **Carried**

17.5 **Glenelg Football Club (Report No: 330/16)**

Recommendation – Exclusion Of The Public – Section 90(3)(d) Order

Motion **C131216/627**

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: 330/16 Glenelg Football Club 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: 330/16 Glenelg Football Club 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, because it relates to the operations of the Glenelg Football Club.

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 that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances as the benefit or detriment to Council in not disclosing information relating to Glenelg Football Club outweighs the public interest at this time.

Moved Councillor Snewin, Seconded Councillor Lonie **Carried**

Conflict of Interest

His Worship the Mayor, S Patterson declared a perceived conflict of interest for Glenelg Football Club (Report No: 330/16). The nature of his perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) was that his company has a business relationship with the Club. His Worship the Mayor dealt with this perceived conflict of interest by making it known to the chamber and if it becomes apparent he would have a Material Conflict of Interest this will be declared.

Conflict of Interest

Councillor Snewin declared a perceived conflict of interest for Glenelg Football Club (Report No: 330/16). The nature of his perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) was that he is the President of the Glenelg District Cricket Club. Councillor Snewin dealt with this perceived conflict of interest by making it known to the chamber and left the meeting at 9.41pm.

Councillor Clancy rejoined the chamber at 9.41pm.

Glenelg Football Club (Report No: 330/16)

Subsequent to Council's decision at its last meeting on 22 November 2016, Council has received a response from the Glenelg Football Club.

Motion

Councillor Donaldson left the chamber at 9.43pm.

1. **That Council note:**
 - the letter dated 5 December 2016 from Glenelg Football Club; and
 - the letter dated 5 December from Glenelg District Cricket Club.
2. **That the Chief Executive Officer negotiate for the balance of the first tranche of the sale proceeds held by SANFL (\$162,000) be released to the Club and applied to repay Council's loan. If this cannot be successfully negotiated, the Chief Executive Officer is authorised to negotiate a sharing of the first tranche of the sale proceeds held by SANFL between the Council and ANZ with Council receiving not less than \$110,000.**
3. **The Chief Executive Officer to negotiate an in principle arrangement with Glenelg Football Club to share the SANFL sale proceeds on a basis of ⅔ to Council and ⅓ to ANZ Bank (excluding the balance of the first tranche currently held by SANFL) but, if this cannot be successfully negotiated, the CEO is authorised to negotiate a sharing of not less than ⅔ to Council and ⅓ to ANZ Bank. Any agreement is to be brought back to council for endorsement and formalisation.**

Moved Councillor Lonie, Seconded Councillor Aust

His Worship the Mayor, refused to accept the motion as proposed, after taking into account the Guiding Principles as he considered that the motion should be dealt with by the way of notice of motion under r12(6) of the *Local Government (Procedures at Meetings) Regulations 2013*.



Motion**C131216/628****That Council note:**

- the letter dated 5 December 2016 from Glenelg Football Club; and
- the letter dated 5 December 2016 from Glenelg District Cricket Club.

Moved Councillor Lonie, Seconded Councillor Aust

Carried**Retain In Confidence - Section 91(7) Order****Motion****C131216/629**

That having considered Report No: 330/16 Glenelg Football Club 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, minutes and attachments be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Yates

Carried**CONFIRMED****Tuesday 17 January 2017****MAYOR**