

CITY OF HOLDFAST BAY

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 October 2009 at 7:02pm.

PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillor	R D Beh
Councillor	R M Bouchée
Councillor	P N Crutchett
Councillor	J L Deakin
Councillor	L R Fisk
Councillor	J D Huckstepp
Councillor	S C Lonie
Councillor	T D Looker
Councillor	A C Norton
Councillor	L van Camp
Chief Executive Officer	J P Lynch
General Manager City Assets	S G Hodge
General Manager City Services	R A Thomas
General Manager Corporate Services	I S Walker
Manager Governance and Policy	P E Aukett

1. Opening

His Worship the Mayor declared the meeting open at 7:02pm.

2. Kurna Acknowledgement

With the opening of the meeting His Worship the Mayor stated:

We acknowledge Kurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kurna People today.

3. Prayer

His Worship the Mayor requested all present to pray and read the following Prayer:

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

4. Apologies

- 4.1 Apologies Received Councillor P D H Heysen
4.2 Absent Nil

5. Items Presented to Council

5.1 2009 NAIDOC Week School Initiative

His Worship the Mayor presented to Council a plaque in appreciation of Council's support and commitment to the NAIDOC Week Schools Initiatives program which was conducted in July 2009.

5.2 2009 Australian Safer Communities Awards

His Worship the Mayor presented to Council the 2009 Australian Safer Communities Award presented to the City of Holdfast Bay as the State Winner in the Local Government (collective) Category for the Community FloodSafe Project "Better FloodSafe than sorry".

FloodSafe is a partnership between local councils and state and federal governments.

The FloodSafe program is funded by the Federal Government through Emergency Management Australia, and local funding from Councils including Adelaide, Mitcham, Marion, Unley, Holdfast Bay and West Torrens. The key creek systems in the program include Brown Hill, Keswick, Sturt, Chamber, Minno and the Patawalonga.

The FloodSafe program uses existing State Emergency Service volunteers, as well as new community volunteers with good presentation skills, to reach into communities to raise awareness in flood-prone areas. Initiatives will include articles in Council newsletters, street corner meetings, community group meetings, internet sites, brochures, school education and public relations. The focus will be risk, consequences and self-help.

5.3 Gifts from the Town of Hayama

Councillor Lonie will present to Council gifts received from our Sister City, Hayama during her visit. Mayor Mori presented to Council the two traditional Japanese face masks. Mr Miyake, Chair of the Hayama Town International Liaison Association presented Council with the wooden vase.

Councillor Lonie spoke about the trip to Japan and our Sister City, Hayama.

6. Declaration of Interest

Members were reminded to declare their interest before each item.

7. Confirmation of Minutes

Councillor Looker moved and Councillor Fisk seconded that the minutes of the Ordinary Meeting of Council held on 22 September 2009 be taken as read and confirmed.

CARRIED

8. Questions by Members

8.1 Without Notice

8.1.1 Taxi Rank Monitoring – Colley Terrace and Jetty Road Glenelg

Councillor Bouchée asked a question regarding the monitoring the taxi rank on Colley Terrace and Jetty Road. She has noticed that very few taxis are on Jetty Road at the taxi rank.

The General Manager City Assets, Mr S Hodge provided a response.

8.1.2 Anti Whaling Message

Councillor Norton asked a question if we should be communicating the anti-whaling message with our Sister City especially as it is proposed that the hunting of the Southern Right Whales will occur this season.

His Worship the Mayor, Dr A K Rollond provided a response and indicated to Members that he will convey Council's concerns during the Japanese Consul General's visit and in particular the issue of the hunting of the Southern Right Whales.

8.1.3 Motorcycle Parking on Colley Terrace

Councillor Fisk asked a question regarding the motorcycles which park in the 15 minute zone in front of post office. Is there a need for more motorcycle parking in Glenelg?

The General Manager City Assets, Mr S Hodge provided a response.

8.2 With Notice Nil

9. Member's Activity Reports Nil

10. Public Presentations

10.1 Petitions Nil

10.2 Presentations Nil

10.3 Deputations Nil

11. Motions on Notice

11.1 King Street Bridge

Councillor Beh withdrew his notice of motion.

12. Adjournment for Permanent Committees to meet

C131009/517

Councillor Beh moved and Councillor Clancy seconded that Council stand adjourned to enable the following committees to meet:

- **Social and Organisation Committee; and**
- **Strategy and Development Committee**

CARRIED

13. Social and Organisation Committee**14. Strategy and Development Committee****15. Resumption**

C131009/518 Councillor Deakin moved and Councillor Looker seconded that Council resume at 7.49pm.

CARRIED

16. Minutes - Social and Organisation Committee

The Chairperson, Councillor Beh reported that the Social and Organisation Committee had met this evening and had processed the business contained in the agenda documents.

C131009/519 Councillor Lonie moved and Councillor Beh seconded:

- 1. That the report of the Chairman of the Social and Organisation Committee, and the Committee agenda documents together with Administration recommendations be received.**
- 2. That the recommendations of the Social and Organisation Committee be adopted as follows:**

16.7.1 Items in Brief (Report No: 437/09)

Report No: 437/09 was presented detailing items which were presented for the information of Members.

C131009/519.1 **That the Committee recommends that the report be noted and items of interest be discussed.**

16.7.1.1 Seacliff Surf Life Saving Club

Councillor Deakin drew members attention to the opportunity which the Seacliff Surf Life Saving Club has to gain approval of their project.

Councillor Crutchett asked a question on how does this effect the budget cycle.

The Chairperson, Councillor Beh took the question on notice.

The General Manager City Services, Ms R Thomas provided a response.

16.7.2 SALA Festival – Living Art at the Bay Outcomes (Report No: 438/09)

Council successfully hosted a 2009 SALA (South Australian Living Artists) Festival event between 8th and 23rd September 2009. Under a theme of Living Art at the Bay, two exhibitions were established with the support of over 50 local artists using 25 Moseley Street, Glenelg as a venue for the display of fine art works and Jimmy Melrose Park, Glenelg for an outdoor community sculpture display entitled “the Dog-Dog-Dog Project” on the foreshore reserve.

An estimated viewing public of 700 people attended the open days of the fine art display and 17 of the paintings were sold from the 200 pieces on exhibition.

C131009/519.2 **That the Committee recommends:**

- 1. That Council notes Report No. 438/09 and commends the local artists and volunteers who assisted in staging the “Living Art at the Bay” 2009 SALA Festival event.**

2. That Council notes the difficulty in marketing the event and the potential opportunity an LED sign at the entrance to the City of Holdfast Bay, such as ANZAC Highway, Brighton Road or Jetty Road, would create.

16.7.3 Recreation and Community Donations Scheme 2009 (Report No: 439/09)

As part of its community development agenda, Council provides funds in its annual recurrent budget to support local clubs, groups, organizations and individual young persons.

The purpose of this report is to detail the applications for major and minor donations received and selected for approval by Administration for the information of Members.

C131009/519.3

That the Committee recommends that Report 439/09, outlining Council's 2009/10 Community Donation Scheme, be noted.

16.7.4 Community Garden within the Holdfast Bay Community Centre (Report No: 440/09)

At its meeting on Tuesday 22 September Council resolved to support the establishment of a pilot community garden project within the current leased area of the Holdfast Bay Community Centre on the corner of King Street and King George Avenue, Hove.

Prior to this in February 2009 Council agreed, 'in principle', to support the concept of establishing Community Gardens at a venues to be selected within Holdfast Bay. Agreement has been reached that the initial Community Garden be established for the 2009/2010 summer growing season and to achieve this goal an area of land on the south portion of the Holdfast Bay Community Centre, on the corner of King George Ave and King Street, was selected as a "pilot project" to demonstrate to Council the need and commitment the local community has for a Community Garden.

This report provides information requested by Council in relation to the Community Garden and suggests a Community Donation be offered to the Garden Group to assist them in starting the project.

This Matter was referred to Council for further consideration due to a Tied Vote.

That this matter be adjourned until the negotiations with the Holdfast Bay Community Centre is concluded. It is anticipated that this will be completed by the next Council meeting to be held on 27 October 2009.

16.7.5 Corporate Plan 2009 - 2014 (Report No: 441/09)

The Corporate Plan 2009 – 2014 has been prepared by Administration to replace the current Corporate Plan which had a four year horizon, 2005 – 2009. The Plan is presented in two parts – an abridged or executive summary, The Big Picture, and the complete City of Holdfast Bay Corporate Plan 2009 – 2014. The complete Plan provides additional detail not included in the Big Picture and presents clear objectives and strategies. It looks outward at the ways in which the organisation can achieve the objectives of the Strategic Plan, and it looks inward at the organisational culture that will make this achievement possible.

The Corporate Plan is written in plain English, marking a change in the way planning is articulated across the organisation.

C131009/519.4

That the Committee recommends that Council endorses the City of Holdfast Bay Corporate Plan 2009 – 2014.

CARRIED**17. Minutes – Strategy and Development Committee**

The Chairperson, Councillor Deakin reported that the Strategy and Development Committee had met this evening and had processed the business contained in the agenda documents.

C131009/520**Councillor Deakin moved and Councillor Lonie seconded:**

- 1. That the report of the Chairman of the Strategy and Development Committee, and the Committee agenda documents together with Administration recommendations be received.**
- 2. That the recommendations of the Strategy and Development Committee be adopted as follows:**

17.7.1 Items in Brief (Report No: 442/09)

Report No: 442/09 was presented detailing items which were presented for the information of Members.

C131009/520.1**That the Committee recommends that the report be noted and items of interest be discussed.****17.7.2 Response to Adelaide Airport Preliminary Draft Masterplan Submission (Report No: 443/09)**

On 14 July 2009, Council provided a detailed submission to Adelaide Airport Limited on the Preliminary Draft Master Plan for Adelaide Airport. The submission detailed several concerns regarding the significant expansion of non-aviation land uses on Airport land and the lack of integration with state and local government strategic directions and planning policy. Adelaide Airport Limited has provided a detailed response to Council's submission which demonstrates that due regard has been given to the concerns raised.

C131009/520.2**That the Committee recommends that the Committee recommends to Council that the draft response letter located at Attachment 2 to Report Number 443/09 be forwarded to Adelaide Airport Limited in response to their letter dated 7 August 2009 regarding Council's submission on the Preliminary Draft Master Plan for Adelaide Airport.****17.7.3 Development Plan Amendment Priorities (Report No: 446/09)**

In adopting its last Section 30 Development Plan Review in March last year, Council adopted a schedule of programmed amendments to its Development Plan over the next five (5) years. However, given a number of influencing factors, including major planning reforms by the Government, budgetary constraints and recent approaches by other parties to commence Amendment processes, it is appropriate that Council re-affirm its Development Plan Amendment priorities for the remaining four (4) years.

C131009/520.3**That the Committee recommends:**

- 1. That completion of the Residential Coastal and Residential Foreshore Zones and Miscellaneous Amendments Development Plan Amendment and a Heritage and Character Development Plan Amendment be undertaken as a matter of priority.**
- 2. That Council notes formal lodgement of the Statement of Intent (SOI) for the Brighton and Hove District Centre DPA with the Minister for Urban Development and Planning and a need to commence the Developer Funded DPA within the timeframes agreed to by the**

Minister.

3. That Council notes the status of the Developer Funded Seacliff Park Mixed Density Residential and Neighbourhood Activity Centre DPA as outlined in Report Number (446/09) and the likely need for a new Statement of Intent to be prepared to further progress this policy amendment.
4. That the following order of priority for future Development Plan Amendments (DPAs) be endorsed for the next four (4) years:
 - Brighton and Hove District Centre DPA
 - Better Development Plan DPA, including City Wide Liquor Licensing Policies
 - Seacliff Park Mixed Density Residential and Neighbourhood Activity Centre DPA
 - Centres and Retailing DPA
 - Residential (Institutions) Zone DPA
 - Urban Stormwater DPA
 - Industry DPA
 - Natural Resources and Environment DPA
 - Tourism DPA
5. That Administration work with the Department of Planning and Local Government to develop a draft Statement of Intent (SOI) for Council's consideration to initiate a Better Development Plans Development Plan Amendment of the Holdfast Bay (City) Development Plan prior to the preparation of any further SOIs, with the exception of a new SOI for the Seacliff Park Mixed Density Residential and Neighbourhood Activity Centre DPA should current negotiations between the site's owners and the Government allow.
6. That the Minister for Urban Development and Planning be advised of Council's revised Development Plan Amendment priorities as part of the ongoing legislative requirement to implement the recommendations of the Section 30 Development Plan Review.

17.8.1 Coast Park Working Group

C131009/520.4

That Councillor Norton be appointed to be a member of the Coast Park Working Group.

CARRIED

18. Reports of Committees, Subsidiaries and Development Assessment Panel

18.1 Minutes – Jetty Road Mainstreet Management Committee, 9 September 2009 (Report No: 445/09)

The Jetty Road Mainstreet Management Committee (JRMMC) has been established to undertake work to benefit the traders on Jetty Road, Glenelg, using the levy raised for this purpose. The Council has endorsed the committees Terms of Reference and given the committee delegated authority to manage the business of the committee.

The Minutes of the Jetty Road Mainstreet Management Committee of its meeting held 9 September 2009, are attached and presented for Councils' information.

C131009/521

Councillor Norton moved and Councillor Clancy seconded that the following minutes of the Jetty Road Mainstreet Management Committee held 9 September 2009 be noted:

Sponsorship Expenditure

- 1. That the Sponsorship Expenditure Report be received and noted.**

Christmas Decorations

- 2. That the laser shows, the Christmas tree installation and removal, the life size cardboard cut outs for Santa's cave and Santa's cave, as per the Christmas Decoration Options Report, be approved.**
- 3. That the 32 large Christmas banner sleeves, the Christmas banner design costs and the Christmas banner installation and removal, as per the Christmas Decoration Options Report, be approved up to a maximum of \$12,000.**
- 4. That the Committee agrees 'in principle' to use stainless steel fittings but will resolve this item at the October meeting following a review of the budget.**

CARRIED

18.2 Minutes – Caravan Park Advisory Committee, 29 September 2009
(Report No: 454/09)

The Caravan Park Advisory Committee was established to investigate a range of issues and opportunities for the Brighton Caravan Park at Kingston Park to ensure its future viability in the context of the Kingston Park Urban Design Framework, including:

- Optimal layout of the facility, access arrangements, signage and future redevelopment;
- Integration with surrounding environment, land uses and movement routes;
- Environmental performance and initiatives,
- Design and/or performance of permanent and non-permanent buildings and structures;
- Marketing and 'point of difference';
- Policy development (eg future planning, management and tenure policies); and
- Developing a self-sustaining business model for ongoing improvements and operations based on sound asset management principles.

The Minutes of the Caravan Park Advisory Committee meeting held 29 September 2009, are presented and submitted to Council for information and endorsement, noting in particular the Committee's recommendations presented below for endorsement.

Council in its 2009/2010 Budget allocated \$200,000 for the Brighton Caravan Park – upgrade/renewal of facilities. The committee is recommending that some of these funds be spent on the recommendations listed below.

C131009/522

Councillor Deakin moved and Councillor Norton seconded that the minutes of the Caravan Park Advisory Committee be received and the

recommendations numbered 1 - 7 be endorsed by Council:

Consideration of Discussion Paper Recommendations and Strategic Priorities

1. That Council allocate an existing cabin located to the rear of the Caravan Park (eastern side) for the purposes of converting it into a staff laundry/storage facility at the expense of the Caravan Park Operator for the management of the facility in response to Action 9.3 in the Discussion Paper Dated August 2009
2. That funding for works identified as Action 9.3 in the Discussion Paper dated August 2009 involving an existing cabin located to the rear of the Caravan Park (eastern side) be allocated to the Caravan Park Operator for the purposes of converting it into a staff laundry/storage facility for use by the Caravan Park Operator.
3. That as per Action 9.4 in the Discussion Paper dated August 2009 Council reimburse the Caravan Park Operator the sum of \$5,000 for urgent electrical work recently carried out to lighting infrastructure and electrical services points due to corrosion subject to written confirmation of payment by the Caravan Park Operator.
4. That as per Action 9.5 in the Discussion Paper dated August 2009 Council adjourn the matter regarding the replacement of washing machines pending further clarification of the Council and the Caravan Park Operator's obligations under the lease agreement and subsequent further discussion between Administration and the Caravan Park Operator, with the matter clarified to the Committee Members through electronic communication prior to Council's decision.
5. That Administration develop a Project Brief and commence a Tender process to engage a suitably qualified consultant to develop a Masterplan for the Caravan Park to identify and stage for the optimum layout and redevelopment to a budget of \$60,000 and include the following:
 - a. Consideration of options for securing future water for the Caravan Park site;
 - b. A report on the dilapidation of existing Caravan Park facilities and compliance with the Building Code of Australia in the context of the Building Fire Safety Committee's report;
 - c. Clarification of the Caravan Park's compliance with the Disability Discrimination Act (ie. existing structures/layout);
 - d. Recommendations regarding the Caravan Park's longer-term tenancy arrangements;
 - e. Consideration of the potential future expansion of the boundary of the lease area in the context of the recent Ministerial Development Plan Amendments and future location of the Kingston Park kiosk;
 - f. A report on the development of a new business model to consider future opportunities for revenue generation of the Caravan Park facility.
6. That \$20,000 be allocated from the Caravan Park budget to undertake

a water study canvassing options for Kingston Park.

CARRIED

C131009/523

Councillor Deakin moved and Councillor Fisk seconded that Administration report on a short term irrigation management plan for the Seacliff Caravan Park.

CARRIED

19. Reports by Officers

19.1 Items in Brief (Report No: 447/09)

Report No: 447/09 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C131009/524

Councillor Lonie moved and Councillor Beh seconded that the report be noted and items of interest be discussed.

CARRIED

19.2 Chief Executive Officer Employment Contract (Report No: 451/09)

The Chief Executive Officer's employment contract provides for, amongst other things, a review of performance within the first six months and the setting of performance criteria for his annual performance review in 2010.

Councillor Looker moved and Councillor Huckstepp seconded:

- 1. That prior to 18 November 2009 Council reviews the Chief Executive Officer's performance and discuss it with him; and considers and agrees performance criteria with the Chief Executive Officer to apply in relation to his annual performance review in 2010.**
- 2. That following satisfactory completion of the qualifying period by the Chief Executive Officer, Council considers an increase in the TEC Package to a level comparative to other councils of similar size and complexity.**
- 3. That Council considers engaging Hender Consulting to assist it in setting performance criteria and considering an increase in the Chief Executive Officer's TEC Package.**

C131009/525

Councillor Deakin moved and Councillor Clancy seconded that this matter be adjourned to be considered in confidence later in the agenda.

CARRIED

A division was called.

Voted For

R D Beh
R A Clancy
J L Deakin
L R Fisk
J D Huckstepp
S C Lonie
A C Norton
L van Camp

Voted Against

R M Bouchée
P N Crutchett
T D Looker

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

20. Resolutions subject to formal motions

Presented for the information of Members is a listing of resolutions subject to formal resolutions to adjourn or lay on the table items of Council business, for the current term of Council.

21. Urgent Business – Subject to the Leave of the Meeting

21.1 Item 7.4 – Social and Organisation Committee - Community Garden within the Holdfast Bay Community Centre (Report No: 440/09)

At its meeting on Tuesday 22 September Council resolved to support the establishment of a pilot community garden project within the current leased area of the Holdfast Bay Community Centre on the corner of King Street and King George Avenue, Hove.

Prior to this in February 2009 Council agreed, 'in principle', to support the concept of establishing Community Gardens at a venues to be selected within Holdfast Bay. Agreement has been reached that the initial Community Garden be established for the 2009/2010 summer growing season and to achieve this goal an area of land on the south portion of the Holdfast Bay Community Centre, on the corner of King George Ave and King Street, was selected as a "pilot project" to demonstrate to Council the need and commitment the local community has for a Community Garden.

This report provides information requested by Council in relation to the Community Garden and suggests a Community Donation be offered to the Garden Group to assist them in starting the project.

At the Social and Organisation Committee meeting held 13 October 2009, the committee was unable to resolve the following resolution and referred the matter to Council for further consideration.

"Councillor Looker moved and Councillor Bouchée seconded that this matter be adjourned until the negotiations with the Holdfast Bay Community Centre is concluded. It is anticipated that this will be completed by the next Council meeting to be held on 27 October 2009.

*TIED VOTE
THIS MATTER WAS REFERRED TO COUNCIL FOR FURTHER
CONSIDERATION"*

C131009/526

Councillor Looker moved and Councillor Crutchett seconded that this matter be adjourned until the negotiations with the Holdfast Bay Community Centre.

LOST

Councillor Clancy moved and Councillor Bouchée seconded:

- 1. That Report No. 440/09, outlining the progress to date and future steps proposed in establishing a pilot Community Garden project, be noted.**
- 2. That Council provides \$3,500 from the Council Community Donations Scheme to assist the establishment of the Community Garden.**

taking into consideration the matters raised by the Holdfast Bay Community Centre.

Councillor Crutchett under Regulation 19 of the Local Government Procedures at Meetings Regulations requested that the articles of association for the Holdfast Bay Community Garden be tabled at the next meeting of Council before a decision being made.

His Worship the Mayor declared the motion unable to be voted on due to the Regulation 19 request.

21.2 Local Government Representative Being Sought for Natural Resources Management (NRM) Council (Report No: 457/09)

The Minister for Environment and Conservation, the Hon Jay Weatherill MP, has written to the Local Government Association requesting nominations for a Local Government Member and Deputy Member on the Natural Resources Management Council for a term commencing mid 2010. Nominations must be received by the Local Government Association by close of business Friday 6 November 2009.

C131009/527 Councillor Looker moved and Councillor Fisk seconded that the report be received.

CARRIED

C131009/528 Councillor Looker moved and Councillor Fisk seconded that Council nominates Councillor Bouchée to the Local Government Association, to be considered for the position on the Natural Resources Management Council for a two year term.

CARRIED

21.3 Email Regarding Federal Government Grant Funding to Councils

The City of Holdfast Bay has been advised that it will receive an untied grant of \$70,000 in the second round of the regional funding from the Federal Government. The Senior Leadership Team is currently looking at projects which are Council approved and 'shovel ready' to be used for this funding.

C131009/529 Councillor Crutchett moved and seconded that the \$70,000 be awarded to the repairs to the stone walls at Glenelg Oval and the savings be allocated to general revenue for other priority listed projects.

CARRIED

A division was called.

Voted For

R D Beh
R M Bouchée
R A Clancy
P N Crutchett
L R Fisk
J D Huckstepp
S C Lonie
T D Looker
A C Norton
L van Camp

Voted Against

Councillor Deakin left the chamber at 8:21pm.

His Worship the Mayor called for those against the motion.

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

Councillor Deakin rejoined the chamber at 8.22pm.

21.4 Local Government Association – Annual General Meeting Summary of Motions to be Debated

His Worship the Mayor advised to Council that he will be distributing summaries to members, so that at the next council meeting Council has a chance to discuss the items listed on the agenda.

21.5 Strata 358 Letter

C131009/530

Councillor Looker moved and Councillor Bouchée seconded that the Strata 358 letter dated 8 October 2009, circulated to His Worship the Mayor and Councillors Beh, Fisk, Heysen, Bouchée, Crutchett and Looker be received.
LOST

A division was called.

Voted For

R D Beh
R M Bouchée
T D Looker

Voted Against

R A Clancy
P N Crutchett
J L Deakin
L R Fisk
J D Huckstepp
S C Lonie
A C Norton
L van Camp

HIS WORSHIP THE MAYOR DECARED THE MOTION LOST

22. Items in Confidence

The adjourned matter 19.2 from this meeting was considered.

19.2 Chief Executive Officer Employment Contract (Report No: 451/09)

The matter was not considered in confidence.

The Chief Executive Officer's employment contract provides for, amongst other things, a review of performance within the first six months and the setting of performance criteria for his annual performance review in 2010.

Councillor Looker moved and Councillor Lonie seconded:

1. **That prior to 18 November 2009 Council reviews the Chief Executive Officer's performance and discuss it with him; and considers and agrees performance criteria with the Chief Executive Officer to apply in relation to his annual performance review in 2010.**
2. **That following satisfactory completion of the qualifying period by the Chief Executive Officer, Council considers an increase in the TEC Package to a level comparative to other councils of**

similar size and complexity.

3. That Council considers engaging Hender Consulting to assist it in setting performance criteria and considering an increase in the Chief Executive Officer's TEC Package.

AMENDMENT

C131009/531

Councillor Crutchett moved and Councillor Deakin seconded that Council call for 3 quotes from recruitment agencies to provide support to council to review the CEO performance in accordance with his contract and that the Executive Committee report back to Council in accordance with the policy.
THE AMENDMENT ON BEING PUT WAS CARRIED

THE MOTION, AS AMENDED, ON BEING PUT WAS CARRIED

FURTHER AMENDMENT

C131009/532

Councillor Clancy moved and Councillor Norton seconded that Hender Consulting be included in the three quotations obtained.
THE FURTHER AMENDMENT ON BEING PUT WAS CARRIED

THE MOTION, AS FURTHER AMENDED ON BEING PUT WAS CARRIED

The documents were not retained in confidence.

22.1 Adjourned Item – [Report No: 333/09] Visitor Information Centre/Dolphins Café (Report No: 449/09)

Council Officers Remaining: Mr J Lynch, Mr S Hodge, Ms R Thomas, Mr I Walker
Ms P Aukett and Ms W Matthews

C131009/533

Councillor Lonie moved and Councillor Beh seconded that, pursuant to Section 90(2) and 90(3)(h) of the Local Government Act 1999 the Council order that the public be excluded from attendance at the meeting, with the exception of Council officers and any other visitors permitted to remain, after taking into account the relevant considerations under Section 90(3), on the basis that it will receive, discuss or consider the following:

- legal advice.

CARRIED

Councillors Beh and Lonie left the chamber at 8:49pm.

Adjourned Item – [Report No: 333/09] Visitor Information Centre/Dolphins Café (Report No: 449/09)

Councillors Beh and Lonie rejoined the chamber at 8:52pm.

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C131009/535

Councillor Lonie moved and Councillor Huckstepp seconded that pursuant to Section 90(2), 90(3)(h) and 91(7) of the Local Government Act 1999:

1. The Council orders that the documents and minutes relating to Report No: 449/09 with the exception of Resolution No: C131009/533 for going into confidence be kept confidential and not available for public

inspection on the basis that they deal with legal advice, under Section 90 (2) and 90(3)(h) of the Act.

2. **This resolution will be reviewed on or before 30 June 2010 by the Council.**

CARRIED

22.2 Items in Brief (Report No: 452/09)

Council Officers Remaining: Mr J Lynch, Mr S Hodge, Ms R Thomas, Mr I Walker
Ms P Aukett and Ms W Matthews

C131009/536

Councillor Beh moved and Councillor Lonie seconded that, pursuant to Section 90(2) and 90(3)(b) of the Local Government Act 1999 the Council order that the public be excluded from attendance at the meeting, with the exception of Council officers and any other visitors permitted to remain, after taking into account the relevant considerations under Section 90(3)(b), on the basis that it will receive, discuss or consider the following:

- **information or matter the disclosure of which –**
 - (i) **could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and**
 - (ii) **would, on balance, be contrary to the public interest.**

CARRIED

Items in Brief (Report No: 452/09)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C131009/538

Councillor Lonie moved and Councillor Huckstepp seconded that pursuant to Section 90(2), 90(3)(b) and 91(7) of the Local Government Act 1999:

1. **The Council orders that the documents and minutes relating to Report No: 452/09 with the exception of Resolution No: C131009/536 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which:**
 - (i) **could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and**
 - (ii) **would, on balance, be contrary to the public interest under Section 90(2) and 90(3)(b) of the Act**
2. **This resolution will be reviewed on or before 30 June 2010 by the Council.**

CARRIED

22.3 Application for a Variation of Extended Trading Authorisation –
Brighton Metro Hotel (Report No: 444/09)

Council Officers Remaining: Mr J Lynch, Mr S Hodge, Ms R Thomas, Mr I Walker
Ms P Aukett and Ms W Matthews

C131009/539

Councillor Lonie moved and Councillor Beh seconded that, pursuant to Section 90(2) and 90(3)(b) of the Local Government Act 1999 the Council order that the public be excluded from attendance at the meeting, with the exception of Council officers and any other visitors permitted to remain, after taking into account the relevant considerations under Section 90(3)(b), on the basis that it will receive, discuss or consider the following:

- **information or matter the disclosure of which –**
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and**
 - (ii) would, on balance, be contrary to the public interest.**

CARRIED

Application for a Variation of Extended Trading Authorisation – Brighton Metro Hotel (Report No: 444/09)

Councillor Crutchett left the chamber at 9:09pm.

Councillor Crutchett rejoined the chamber at 9:11pm.

C131009/540

Councillor Deakin moved and Councillor Beh seconded that the meeting proceed to the next item of business.

CARRIED

A division was called.

Voted For

R D Beh
R M Bouchée
P N Crutchett
J L Deakin
T D Looker
A C Norton
L van Camp

Voted Against

R A Clancy
L R Fisk
J D Huckstepp
S C Lonie

HIS WORSHIP THE MAYOR DECARED THE MOTION CARRIED

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**C131009/541**

Councillor Bouchée moved and Councillor Clancy seconded that pursuant to Section 90(2), 90(3)(b) and 91(7) of the Local Government Act 1999:

1. **The Council orders that the recommendation be released from confidence and that the Report No: 444/09 not be released from confidence with the exception of Resolution No: C131009/539 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which:**
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and**
 - (ii) would, on balance, be contrary to the public interest**

under Section 90(2) and 90(3)(b) of the Act

- 2. This resolution will be reviewed on or before 30 June 2010 by the Council.**

CARRIED

- 23. Resumption**

C131009/542

Councillor Lonie moved and Councillor Clancy seconded that Council resume as an open meeting of Council at 9.21pm.

CARRIED

- 24. Closure**

The Meeting closed at 9.21pm.

CONFIRMED Tuesday 27 October 2009

MAYOR