

ITEM NUMBER: 17.1

CONFIDENTIAL REPORT

MOTION ON NOTICE – GLENELG FOOTBALL CLUB – COUNCILLOR BOUCHEE

Pursuant to Section 83(5) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

- d. **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; and would, on balance, be contrary to the public interest.**

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.

Recommendation – Exclusion of the Public – Section 90(3)(d) 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: 150/17 – Question on Notice – 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: 150/17 – Question on Notice – 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 in that the Glenelg Football Club's and that this information may prejudice the commercial position of the 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, 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.
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Subject: MOTION ON NOTICE – GLENELG FOOTBALL CLUB – COUNCILLOR BOUCHEE

Date: 23 May 2017

PROPOSED MOTION

Councillor Bouchee proposed the following motion:

That in relation to the recent Glenelg Football Club letter, the CEO be authorised to immediately engage and advise an insolvency specialist such as BRI Ferrier/ or recognised legal professionals with insolvency expertise, to act as Council's agent in achieving a negotiated settlement with all stakeholders. In doing so, this agent will do all things necessary to protect the interests of the ratepayers of the City of Holdfast Bay in respect of Council's relationship with the Glenelg Football Club inc and Glenelg Footballers Club inc. This authority includes negotiations around the waiver of interest payments and acceptance of a structured agreement on the SANFL distributions split. Council members be regularly updated in regard to the negotiations.

RECOMMENDATION - RETAIN IN CONFIDENCE - SECTION 91(7) ORDER

That having considered Agenda Item 17.1 Motion on Notice – Glenelg Football Club (Report No: 174/17) 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 and minutes be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

BACKGROUND

1. The failure of the Glenelg Football Club inc in the meeting it's borrower's and lessee's obligations to Council, as evidenced by our CEO's recent disclosure of previously unadvised, significant, longstanding interest and the letter from GFC dated 10 May 2017.
2. The admission by board representatives of the GFC, to our CEO and General Manager City Assets at a meeting on Tuesday 2 May 2017, that the club will be unable to satisfactory address the said arrears without endangering their ability to meet their other financial obligations as and when they fall due.