

RELEASED

C280223/7360

Conflict of Interest

Councillor Abley declared a perceived conflict of interest for Item 18.3 Self Service Bait Vending Machine – Brighton Jetty (Report No: 198/20). The nature of the perceived conflict of interest (pursuant to 75 of the *Local Government Act 1999*) is that her husband works for a competitor of the operator.

Councillor Abley dealt with the perceived conflict of interest by making it known to the chamber and remaining in the chamber as she was acting in the interests of the community.

Councillor Smedley declared a perceived conflict of interest for Item 18.3 Self Service Bait Vending Machine – Brighton Jetty (Report No: 198/20). The nature of the perceived conflict of interest (pursuant to 75 of the *Local Government Act 1999*) is that he went to school with the competing operator.

Councillor Smedley dealt with the perceived conflict of interest by making it known to the chamber and remaining in the chamber as he is acting in the interests of the community.

18.3 Self Service Bait Vending Machine – Brighton Jetty (Report No: 198/20)

Motion – Exclusion of the Public – Section 90(3)(b)

C110820/2009

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: 198/20 Self Service Bait Vending Machine – Brighton Jetty 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: 198/20 Self Service Bait Vending Machine – Brighton Jetty 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 could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business and would prejudice the commercial position of the Council.

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**

Moved Councillor Abley, Seconded Councillor Miller

Carried Unanimously

On 12 November 2019, Council endorsed the operation of a self-service bait machine (bait machine) on the Esplanade at Brighton adjacent to the Brighton Jetty for a trial period of one (1) year expiring on 31 August 2020 (C121119/1678) with a review of the trial, including community engagement to take place prior to August 2020.

As indicated in the resolution, Administration has undertaken consultation to ascertain the community's views on the bait machine and whether there is support, or not, for a continuation of the permit to operate near the Brighton Jetty. The consultation was undertaken from 24 May to 3 June 2020 and of the 193 submission, 70% indicate support for the bait machine. The feedback received from the operator has also been positive.

This report discussed the information collected during the community engagement and from the operator and explores options to retain or remove the bait machine.

Motion

C110820/2010

That Council:

- 1. Grant the operator 'How's Your Tackle' Pty Ltd (HYT) a permit for operation of its' self-service bait vending machine adjacent to Brighton Jetty, for a further period of one (1) year commencing on 1 September 2020 and expiring on 31 August 2021 at a revised fee of \$2,000 pa (plus GST) plus \$700 pa (plus GST) for electricity as per Option 2 of this report.**
- 2. Provide ongoing business support to the local Brighton Bait & Tackle business located on Brighton Road.**
- 3. Consent to Administration approving further one (1) year permit extensions on an annual basis, for a three year period, thereafter subject to:**
 - a) no issues arising with the operation of the site;**
 - b) annual permit fees being determined based on \$2,000 or 7% of estimated annual turnover (plus GST), whichever is higher, plus \$700 pa indexed by CPI (plus GST) for electricity;**
 - c) arrangements being generally in accordance with Council's Commercial Activation of Community Land Policy; and**
 - d) no further community engagement.**

RETAIN IN CONFIDENCE - Section 91(7) Order

4. Having considered Agenda Item 18.3 Self Service Bait Vending Machine – Brighton Jetty (Report No 198/20) in confidence under Section 90(2) and (3)(b) 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 with the Chief Executive Officer authorised to release the documents following completion of the permit period or the expiry of the 24 month confidentiality period.

Moved Councillor Clancy, Seconded Councillor Lonie

Lost

Division Called

A division was called and the previous decision was set aside.

Those voting for: Councillor Clancy (1)

Those voting against: Councillors Bouchee, Lindop, Snewin, Patton, Smedley, Lonie, Fleming, Abley, Miller, Bradshaw and Chabrel (11)

Her Worship the Mayor declared the motion

Lost

CONFIRMED 25 August 2020

MAYOR