

ITEM NUMBER: 13.2

ATTACHMENT 2

CONFIDENTIAL DRAFT MINUTES – ALWYNDOR MANAGEMENT COMMITTEE – 18 SEPTEMBER 2018 (Report No: 336/18)

Pursuant to Section 83(5) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to 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 the Council will receive, discuss or consider:

- b. Information the disclosure of which 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 would, on balance, be contrary to the public interest.

Confidential Minutes of the Alwyndor Management Committee Meeting held in the Boardroom, Alwyndor Aged Care, 52 Dunrobin Road Hove on Tuesday 18 September 2018.

6. ITEMS IN CONFIDENCE

6.1 Monthly Financial Report – August 2018 (Report No: 56/18)

Exclusion of the Public – Section 90(3)(d) Order

- 1 That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Report No: 56/18 Monthly Financial Report – August 2018 in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 56/18 Monthly Financial Report – August 2018 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 confer a commercial advantage on a third party of Alwyndor, in addition Alwyndor's financial position is reported as part of Council's regular budget updates.

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 Alwyndor Management Committee 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 Cr Lonie, Seconded Mr Bamford

Carried

Financial reports for August 2018 are provided for review. They comprise of the Dashboard, Financial and Investment Reports.

The Chief Financial Officer explained the changes from the July results to those presented this month being a result of finalising the end of year reporting. August loss is \$100k. The variance is mostly a result of an adjustment to depreciation (\$15k/month). In June 2017 buildings were valued upwards by \$3.9m and the residual value previously allowed for of \$6.4m was removed, in alignment with the accounting

standards. This results in building depreciation being \$180k more than budgeted. This is a permanent non-cash variance. The Committee requested that the forecast financial statement report on EBITDA each month. The balance of the variance for the month related to occupancy rate, for which a strategy is in now place to support the Residential Services Manager in filling vacancies. The amount of private Therapy services have not been achieved. Agency usage also impacted the results. The Chief Financial Officer explained interest paid expense relates to interest on Residential Accommodation Deposits (RAD) following the death of a resident and paid until probate is finalised. The Committee deliberated strategies to manage the budget and requested a review of the forecast budget at the next meeting, in a separate report.

Motion

1. That the Dashboard (Attachment 1), Financial Report (Attachment 2), and Investment Report (Attachment 3) be received and noted.
2. That the actions of the General Manager in reinvesting Term Deposits and redemption of investments be endorsed.

RETAIN IN CONFIDENCE - Section 91(7) Order

3. That having considered Agenda Item 6.1 Monthly Financial Report – August 2018 (Report No: 56/18) in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders that the Attachments and Minutes be retained in confidence for a period of 18 months and that this order be reviewed every 12 months.

Moved Cr Lonie, Seconded Ms Bonnici

Carried

8. URGENT BUSINESS – Subject to the leave of the meeting

8.1 Recent complaint (verbal)

Exclusion of the Public – Section 90(3)(a) Order

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Report No: 56/18 Monthly Financial Report – August 2018 in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 56/18 Monthly Financial Report – August 2018 on the following grounds:

- a. information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead).
3. The Alwyndor Management Committee 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 Cr Lonie, Seconded Ms Cudsi

Carried

Conflict of Interest

Committee member, Mr Peters declared a perceived conflict of interest for the item 8.1 Recent Complaint (verbal report). The nature of his perceived conflict of interest (pursuant to Section 74 of the *Local Government Act 1999*) is that he worked with a relative of the complainant but has not had contact with this person for the past 2 years.

Committee member, Mr Peters dealt with his interest by making it known to the Committee.

The Committee held an in depth conversation regarding a recent complaint.

The Committee acknowledged that the CEO handled the complaint review and response well.

The Committee was concerned that the email wasn't initially forwarded to the AMC, prior to being handled, despite it being sent to an 'AMC' email address and that they heard about it this week after it had been resolved. The Committee requested AMC email address be removed from circulation and set up an email for the Chairperson to manage.

The General Manager agreed to review the complaints procedure with Council's risk manager, and set/outline an escalation procedure and additionally have a clear process regarding confidentiality of personal information.

Motion

RETAIN IN CONFIDENCE - Section 91(7) Order

That having considered Agenda Item 8.1 Recent Complaint (verbal) in confidence under section 90(2) and (3)(a) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders that the Minutes be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Cr Lonie, Seconded Mr Bamford

Carried

CONFIRMED 16 October 2018

DEPUTY CHAIRPERSON