

ITEM NUMBER: 18.2

CONFIDENTIAL REPORT

COMMERCIAL LICENCE EXTENSION

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 –**
 - i. **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**
 - ii. **would, on balance, be contrary to the public interest**

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: 388/23, Commercial Licence Extension 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: 388/23, Commercial Licence Extension 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 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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Item No: 18.2

Subject: COMMERCIAL LICENCE EXTENSION

Summary

The RD Jones Group have been granted a licence to operate the Moseley Beach Club on 750 square metres of beach immediately north of Glenelg Jetty. The existing licence covers the period from November to March.

In 2022-23, Council approved an extension of the license to mid-April. This aligned with tourism and promotional opportunities presented by AFL Gather Round and LIV Golf taking place in Adelaide during April. RD Jones have requested a similar extension is granted for 2023-24 and 2024-25 years as in previous years.

Recommendation

1. **That Council approves an extension of the existing licence agreement for the Moseley Beach Club to trade until 7 April 2024 and 21 April 2025.**

RETAIN IN CONFIDENCE - Section 91(7) Order

2. **That having considered Agenda Item 18.2 388/23 - Commercial Licence Extension 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 relevant to this item be retained in confidence for a period of 6 months and/or the Chief Executive Officer is authorised to release the documents when the licence extension is signed and that this order be reviewed every 12 months.**
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Background

The Moseley Beach Club (MBC) has been operated by the RD Jones Group on Glenelg Beach since 2018. Council, at its meeting of 27 January 2021, (Resolution number C270121/2205) approved the RD Jones group being granted a licence for two years with the option to extend a further two years. Council, at its meeting of 12 September 2023, (Resolution number C260423) approved this extension.

The existing licence covers the months from November to March each year and will conclude at the end of the 2024-25 season.

For the 2022-23 season, the Moseley Beach Club did not commence operation until early December, partly due to the unseasonably cool November weather. On 14 March 2023 Council approved an extension of the existing licence to operate the Moseley Beach Club to 16 April 2023, with the beach to be completely vacated by 19 April 2023 as per Council motion C140323/7386.

Motion

1. *That Council grant an extension of RD Jones Group's existing licence to operate the Moseley Beach Club until 16 April 2023, with the beach to be completely vacated by 19 April 2023.*

RETAIN IN CONFIDENCE - Section 91(7) Order

C140323/7386

2. *That having considered Agenda Item 18.2 Report No: 72/23, Commercial Licence Extension, 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 six months and/or the Chief Executive Officer is authorised to release the documents when the extended dates are publicised.*

This enabled the MBC to align with tourism and promotional opportunities presented by the AFL Gather Round and LIV Golf tournament. The AFL has confirmed that the Gather Round will be held in Adelaide each April until at least 2026. The 2024 dates for the LIV tournament have recently been announced as 26-28 April.

Report

The RD Jones Group have formally approached Administration requesting their licence be extended to April to allow trade until after the AFL Gather Round in both the 2023-24 and 2024-25 seasons. The AFL Gather Round is an initiative whereby all matches in a single round of the AFL Premiership Season are played within greater Adelaide. This event is expected to be a significant interstate tourism attractor, and the South Australian Tourism Commission (SATC) has expressed interest in hosting AFL players at the MBC to film content for national media as part of their promotion of the Gather Round.

It is expected that the Gather Round in 2025 will coincide with Easter. As well as an opportunity to showcase Glenelg during the AFL Gather Round, the extended trading period covers the Easter weekend in 2025 (18-21 April) and school holidays, both of which are expected to attract significant numbers of interstate visitors. The Moseley Beach Club is regularly promoted by SATC as a key destination within Adelaide, and extended operation of MBC through this period will add to the appeal of Glenelg as a 'must visit', thus bringing more foot traffic to the precinct in general.

The proposed details of the extension are as follows:

2023-24

- Final day of trade: Sunday 7 April 2024
- Bump out period: 8 – 11 April 2024
- Site completely clear by: 5pm, 14 April 2024

2024-25

- Final day of trade: Monday 21 April 2025 (Easter Monday)
- Bump out period: 22 - 24 April 2025
- Site completely clear by: 5pm, 28 April 2025

The beach is to be clear of site infrastructure by the end of the three-day bump out period. The 'site completely clear' date is the date for final clean-up of the site. No bump out works will be undertaken on Anzac Day.

All other terms and conditions of the existing licence agreement remain unchanged. Trading hours for Good Friday would be aligned with other licenced premises in the precinct.

Budget

Council would charge the prevailing weekly rate (\$2,930 plus gst per week or part thereof) for the additional period.

Life Cycle Costs

Not applicable

Strategic Plan

Innovation: entrepreneurialism for lifelong growth, economic and social vibrancy

Council Policy

Not applicable

Statutory Provisions

Not applicable

Written By: Event Lead

General Manager: Community and Business, Ms M Lock