

Conflict of Interest

Councillor Snewin declared a general conflict of interest for Item 19.2 - **Glenelg Football Club – New Lease and Licence** (Report No: 118/24) (pursuant to sections 74 and 75A of the *Local Government Act 1999*) on the grounds he is past president of the Glenelg District Cricket Club.

Councillor Snewin dealt with the general conflict of interest by making it known to the meeting and leaving the chamber at 8.09pm.

19.2 **Glenelg Football Club – New Lease and Licence** (Report No: 118/24)

Motion - Exclusion of the Public – Section 90(3)(b) and (d) Order C140524/7766

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: 118/24 Glenelg Football Club Lease and Licence 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: 118/24 Glenelg Football Club Lease and Licence 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 proposing to conduct business with, in that the disclosure of the rent valuation could prejudice the Glenelg Football Club's current agreement with its sublessee.
 - 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 rent valuation for the premises.

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.**

Moved Councillor Fleming, Seconded Councillor Abley **Carried Unanimously**

The Glenelg Football Club Incorporated (“Club”) has occupied its current premises at Glenelg Oval under a lease and licence arrangement since 1 July 2001. At its meeting held 11 July 2017, Council resolved to enter into a new lease and licence agreement with the Club for a period of five years commencing 1 October 2017 and ending on 30 September 2022, with an option to renew for a further five years thereafter. Rather than enter into a new lease at the time of its expiry in late 2022, Council resolved to holdover the lease to allow consideration of the new licence and lease concurrently with the review of the Club’s broader financial arrangements with Council. Having regard to the progress made with respect to the broader financial arrangements with the Club, it is timely that Council now enter into a new lease and licence agreement with the Club for a period of five years commencing 1 July 2024, with an option to renew for a further five years thereafter, with an annual payable rent of \$27,127. It is also recommended that negotiations commence to finalise the terms of a sub-lease between the Club and the commercial entity currently enjoying exclusive use of a section of the first floor in the Clubroom building. Details of the proposal are outlined within this report.

Motion

C140524/7767

That Council:

- 1. enters into a new Lease Agreement with the Glenelg Football Club Incorporated over a portion of land contained within Certificate of Title Volume 5869 Folio 949 for a period of five (5) years commencing 1 July 2024, with an Option to Renew for a subsequent five (5) years;**
- 2. enters into a new Licence Agreement with the Glenelg Football Club Incorporated for non-exclusive use rights over a portion of land contained within Certificate of Title Volume 5869 Folio 949 for a period of five (5) years commencing 1 July 2024, with an annual rent of \$1 payable on demand;**
- 3. charges the Lessee an annual rent in the first year of \$27,127 (excluding GST) per annum from 1 July 2024 to be reviewed annually in accordance with movements in CPI (Adelaide All-Groups);**
- 4. endorses the Mayor and Chief Executive Officer to be authorised to execute and seal any documents required to give effect to this lease; and**

5. authorises Administration to negotiate the terms of a sub-lease for Council's authorisation between the Glenelg Football Club and ACH for exclusive use of the first floor.

RETAIN IN CONFIDENCE – Section 91(7) Order

6. That having considered Agenda Item 19.2 - Glenelg Football Club – New Lease and Licence in confidence under section 90(2) and (3)(b and d) 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 12 months and/or the Chief Executive Officer is authorised to release the documents when signing and that this order be reviewed every 12 months.

Moved Councillor Abley, Seconded Councillor O'Donohue **Carried Unanimously**

CONFIRMED 28 May 2024

MAYOR