

CITY OF HOLDFAST BAY

Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg, on Tuesday 13 September 2011 at 7:02pm.

PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillor	R M Bouchée
Councillor	P W Dixon
Councillor	K M Donaldson
Councillor	L R Fisk
Councillor	J D Huckstepp
Councillor	S C Lonie
Councillor	T D Looker
Councillor	S Patterson
Councillor	R C Patton
Councillor	A P Roe
Councillor	L J Yates
Chief Executive Officer	J P Lynch
General Manager Alwyndor Aged Care	G Potter
General Manager City Assets	S G Hodge
Acting General Manager City Services	P E Aukett
General Manager Corporate Services	I S Walker

1. Opening

His Worship the Mayor declared the meeting open at 7:02pm.

2. Kurna Acknowledgement

With the opening of the meeting His Worship the Mayor stated:

We acknowledge Kurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kurna People today.

3. Prayer

His Worship the Mayor requested all present to pray and read the following Prayer:

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

4. Apologies

- 4.1 Apologies Received Nil
- 4.2 Absent Nil
- 5. Items Presented to Council Nil**

6. Declaration of Interest

Members were reminded to declare their interest before each item.

7. Confirmation of Minutes

C130911/263

Councillor Huckstepp moved and Councillor Fisk seconded that the minutes of the Ordinary Meeting of Council held on 23 August 2011 be taken as read and confirmed.

CARRIED

8. Questions by Members

- 8.1 Without Notice Nil
- 8.2 With Notice

8.2.1 Restrictions on Smoking on Jetty Road, Glenelg and Brighton

In accordance with his notice, Councillor Looker asked the following question:

In the light of the impending ban on smoking in Rundle Mall and the desire to present our area as a healthy playground what steps would council need to take to investigate and implement a smoking ban along our Jetty Roads at Glenelg and Brighton?"

The General Manager City Assets, Mr S Hodge's response

Every state and territory bans smoking in enclosed public places. Indoor environments such as public transit, office buildings, shopping malls, schools, cinemas and office buildings are smoke free across the country. There is however, great variability between jurisdictions in terms of how far the ban is extended and what sorts of places are granted exemptions. Regions also have different approaches for managing smoking near public buildings and outdoor areas adjacent to enclosed areas.

History of Banning Smoking in SA

- **As of 6 December 2004, smoking was banned in South Australia in all enclosed public places, workplaces and shared areas under amendments to the *Tobacco Products Regulation Act 1997*. Smoking restrictions in enclosed licensed hospitality premises were phased in, with a total ban implemented on 1 November 2007. Enclosed areas in all licensed hospitality venues, including pubs, clubs and SkyCity Adelaide are completely no-smoking.**

Excluded from the legislation are workplaces that are also residences (such as hostels and nursing homes), a place where a self-employed person works alone.

- On 31 May 2007, South Australia became the first Australian state to enact a ban on smoking in vehicles when children under 16 are present. This ban applies to both the driver and passengers and when the vehicle is either moving or stationary. Police officers and tobacco control officers have the authority to enforce this law by issuing an expiation fee of \$75 and the maximum penalty is \$200.
- From 1 November 2007, in South Australia smoking is no longer permitted in public places, workplaces or shared areas that are more than 70% 'enclosed'. An area is enclosed if it is fully enclosed or partially enclosed by a ceiling/roof and walls such that the combined area of the ceiling (includes shade sails and umbrellas) and wall surface exceeds 70% of the total ceiling/wall area. An area without a ceiling/roof will not be considered enclosed. To be unenclosed, at least 30% of the area must be open and allow the free flow of air. Blinds or other moveable structures used to weatherproof outdoor areas may be considered to enclose an area depending on their use. Where blinds or other structures are open, smoking is permitted if their opening results in the area being less than 70% enclosed. Closed blinds or other structures are considered the same as walls and where they enclose more than 70% of the area, smoking is not permitted.

Considerations before Banning Smoking in Public Areas

- There is an obvious risk that there will be negative response to a ban from smokers, and from the owners of affected businesses who rely on smokers for a significant part of their revenue.
- Council currently has a by-law which can control smoking on Council land;

By-law No. 23: Control of smoking on council land (*made under the Local Government Act 1999*)

No person shall smoke tobacco or any other substance in any building or part of a building on council land. This by-law shall only apply to such part or parts of the council's area where the council has by resolution declared it to apply.

The unfortunate aspect of policing the above by-law is the lack of authority to request a persons name and address by authorised officers to issue a fine.

- Consideration of other legislative strategies which educate the public not to smoke i.e. the draft SA Tobacco Control Strategy 2011-2016 currently being developed by the State Government.

The Way Forward

On the 2 March 2011:

Health Minister John Hill announced new measures to help smokers give up, help ex-smokers stay on track and reduce everyone's exposure to cigarette smoke.

The Government will amend existing regulations to ban smoking under covered public transport and taxi waiting areas, ban smoking within 10 metres of playgrounds and allow councils and

other bodies to apply to have their outdoor area or event declared smoke-free.

In addition, cigarettes will no longer be displayed at all in shops and servos from January next year. (2012)

Removing all tobacco products from display will cut a strong inducement for young people to take up smoking, and will help ex-smokers stay on course by reducing their exposure to triggers.

Under the proposed changes, specialist tobacconists would have until January 2015 to adjust to the new display restrictions.

Hotels and restaurants have already complied with the introduction in 2007 of smoking restrictions in all enclosed areas and many have provided outdoor areas for customers who want to smoke.

SA Health will work with the hospitality industry on voluntary steps towards achieving this goal, starting by the end of 2011.

These voluntary measures will be reviewed at the end of next year 2012 to see what progress has been made and what further measures may be needed.

The Draft South Australian Tobacco Control Strategy 2011-2016 has been developed to reflect priorities for tobacco control over the next five years, and takes into account of the review of the 2005-2010 Strategy and both National and State Policies and directions. The goal of the Strategy is to improve the health and wellbeing of south Australians by reducing the impact of tobacco smoking. The Strategy guides tobacco control efforts across five key areas:

- **Smoking prevalence and prevention for the whole population;**
- **Closing the gap in smoking prevalence between Aboriginal people and the general population;**
- **Focusing smoking prevalence reduction and prevention strategies on people with mental illness, prisoners and socio-economically disadvantaged groups;**
- **Reduce involuntary exposure to tobacco smoke e.g. in public places; and**
- **Minimising the promotion of, and reducing access to, tobacco products by children.**

It is apparent that one of the key implications of the Strategy for Local Government includes a proposal to amend existing Regulations to restrict smoking in covered public transport and taxi waiting areas, make playgrounds smoke-free, and allow councils and other bodies to apply to have their outdoor area or event declared smoke-free.

As a result of the consultation process in regard to the Strategy, legislation will be developed to reflect the policies where required. The opportunity to respond to the draft legislation will be provided at that time.

It would be prudent for Council to support the above strategies the State Government are developing long term at this point in

time in respect to smoking in public places which will be state wide.

A further point of interest to note is that the Adelaide City Council (ACC) at it's meeting on Tuesday 23 August 2011 resolved to amend it's No Smoking By-Law to extend to no smoking in the Rundle Mall shopping precinct and adjacent laneways.

This amended by-law needs to be approved by a Parliamentary Committee before it can be enforced, however, ACC have declared they will not fine people if they agree to extinguish their cigarette on request as the council does not have the power to demand identification or detain people.

9. Member's Activity Reports

9.1 Deputy Mayor's Activity Report (Report No: 312/11)

The Deputy Mayor, Councillor Clancy provided members an update on her activities.

9.2 Warradale Neighbourhood Watch Annual General Meeting

Councillor Looker reported that he spoke at the Warradale Neighbourhood Watch Annual General Meeting.

9.3 Murray Darling Association National Conference and Annual General Meeting

Councillor Yates reported that she had attended the National Murray Darling Association Conference and Annual General Meeting in Dalby, Queensland.

10. Public Presentations

10.1 Petitions Nil

10.2 Presentations Nil

10.3 Deputations Nil

11. Motions on Notice

11.1 Revocation of Requirement to Complete Register of Interest Returns by Council Committee Members

In accordance with her notice:

C130911/264

Councillor Clancy moved and Councillor Lonie seconded that Council revokes its decision of 23 November 2010 (resolution 231110/003) which, pursuant to section 72(1) of the Local Government Act, extended the application Division 2, Part 4 (Register of Interests) to all members of Council committees.

CARRIED

A division was called.

For	Against
R A Clancy	R M Bouchée
P W Dixon	L R Fisk
K M Donaldson	
J D Huckstepp	
S C Lonie	
T D Looker	
S Patterson	
R C Patton	
A P Roe	
L J Yates	

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

Background

All members are aware that they need to declare an interest if necessary.

Members were not advised that this was a requirement for the position and all meet their statutory requirements to the highest level.

I understand their concerns regarding the availability of their private financial affairs to the general public and that of spouses and partners.

11.2 Dangerous Dogs

Councillor Bouchee left the chamber at 7:17pm.

Councillor Bouchee rejoined the chamber at 7:19pm.

In accordance with his notice:

Councillor Looker moved and Councillor Roe seconded that administration devise and implements a scheme for owners of dangerous dogs who wish to have their pet euthanised to apply for and receive a full or part council subsidy. A limit of \$2,000 be set aside for a 12 month trial.

LOST

Background

With the City of Holdfast Bay experiencing in the region of 15 to 20 reported serious dog attacks in any 12 month period it appears that our city is home to some dogs regarded as dangerous. In the light of recent serious injuries and deaths from dog attacks some owners in other parts of the country have voluntarily had their pets destroyed. The cost of this is significant to an owner and in order to make our city safer, a monitored, limited grant scheme may encourage some owners of these animals to have them humanely destroyed. It is not expected that the take up rate would be excessive and \$2,000 would allow some 10 to 15 dangerous animals to be removed at little or no cost to the owners. Our regulatory services people have the expertise to ensure judicious oversight of such a scheme. Community safety would benefit.

12. Adjourned Matters

Nil

13. Reports of Management Committees, Subsidiaries and the Development Assessment Panel

13.1 Minutes – Alwyndor Management Committee (Report No: 313/11)

The Alwyndor Aged Care Management Committee was established to manage the affairs of Alwyndor Aged Care Facility. The Council has endorsed the Committee's Terms of Reference and given the Committee delegated authority to manage the business of Alwyndor Aged Care Facility.

The Minutes of the Alwyndor Aged Care Management Committee for August 2011 are provided for information.

The Alwyndor Management Committee discussed a report from Mr T Evans, Committee Member regarding the requirement for Alwyndor Management Committee Members to complete a Register of Interest return. A copy of Mr Evans report is included with the minutes of the meeting. Agenda item 14.4 discusses this matter further.

C130911/265

Councillor Clancy moved and Councillor Lonie seconded that the Minutes of the Alwyndor Aged Care Management Committee for August 2011 be received by Council.

CARRIED

13.2 Minutes – Environmental Advisory Committee (Report No: 314/11)

The Environmental Advisory Committee (EAC) has been established to review on behalf of the City of Holdfast Bay and make recommendations concerning issues affecting our environment, integrating principles associated with Local Agenda 21 and ecologically sustainable development into the daily operations of Council.

The Minutes of the Environmental Advisory Committee meeting held 15 August 2011 are attached and presented for Councils' information.

C130911/266

Councillor Lonie moved and Councillor Yates seconded that the following minutes of the Environmental Advisory Committee held 15 August 2011 be received and the following recommendations numbered 1 be noted.

8.1 Community Environmental Sustainability Survey 2010 (Report No: 283/11)

- 1. That the Environmental Advisory Committee use the information gained from the Community Environmental Sustainability Consultation Research Report (along with expert advice) to develop strategies and actions for the next Sustainable Futures Directions Plan.**

CARRIED

13.3 Minutes – Audit Committee (Report No: 315/11)

The Audit Committee is established under Section 41 of the *Local Government Act 1999*, and Section 126 of the *Local Government Act 1999* defines the functions of the Audit Committee to include:

- reviewing annual financial statements to ensure that they present fairly the state of affairs of the council; and
- proposing, and providing information relevant to, a review of the council's strategic management plans or annual business plan; and
- proposing, and reviewing, the exercise of powers under section 130 A; and
- if the council has exempted a subsidiary from the requirement to have an audit committee, the functions that would, apart from the exemption, have been performed by the subsidiary's audit committee; and
- liaising with the council's auditor; and
- reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis.

The minutes of the Audit Committee meeting held 17 August 2011, are presented and submitted for Council for information and endorsement, noting in particular the Committee's recommendations presented below for endorsement.

Budget Reviews

One of the items considered by the Audit Committee at its meeting on 16 August 2011 was the interim audit by Council's external auditor, Dean Newbery and Partners. Council's external auditor regularly conducts an interim audit before 30 June, followed by final audit of the financial statements in September or October.

In the interim audit, the external auditor noted that Council considered its first review of the 2010/11 budget in December 2010, and its second review in February 2011. This was a breach, albeit minor, of regulation 7(1) of the Local Government (Financial Management) Regulations which requires that Council 'must consider its budget at least three times, at intervals of not less than three months between 30 September and 31 May (both dates inclusive) in the relevant financial year' (underline is added to highlight the specific issue).

The external auditor and the Audit Committee have Council normally considers the first budget review in November and the second budget review in February, however the local government elections in November 2010 meant that Council did not meet during November to conduct any business other than its inaugural meeting to swear in the new Council and deal with appointments and other 'statutory' business. To ensure this does not recur, the timing of the first budget review will be brought forward to an October meeting of Council during an election year.

C130911/267

Councillor Looker moved and Councillor Roe seconded that the minutes of the Audit Committee meeting held 17 August 2011 be received and recommendations numbered 1 - 8 endorsed by Council:

8.1 Standing Items (Report No: 292/11)

- 1. That the Committee advises Council it has received and considered a Standing Items Report addressing:**
 - **Monthly financial statements**

- **Internal control**
- **Risk management**
- **Whistle blowing**
- **Internal audit**
- **Economy and efficiency audits**

8.2 *Significant Accounting Policies – Annual Financial Statements (Report No: 293/11)*

2. **That the Audit Committee recommends that Council adopts the updated significant accounting policies contained within Report No: 293/11 as a basis for preparing the annual financial statements for 2010/11.**

8.3 *Interim Audit Response (Report No: 294/11)*

3. **That the Audit Committee advises Council that it has received and considered correspondence from the external auditor following the interim audit in April 2011 and Council's response.**

8.4 *Interim Audit Response - Alwyndor (Report No: 295/11)*

4. **That the Audit Committee advises Council that it has received and considered correspondence from the external auditor following the interim audit in May 2011 and Council's response.**

8.5 *2011/12 Annual Business Plan and Budget (Report No: 296/11)*

5. **That the Audit Committee notes Council's the adoption of its 2011/12 Annual Business Plan and Budget.**

8.6 *Review and Audits (Report No: 297/11)*

6. **That the Audit Committee notes Council's participation in programs and reviews to improve its governance systems and processes.**

8.7 *Internal Audit Update Report (Report No: 298/11)*

7. **That the Audit Committee advises Council that it has received and considered the Internal Audit Update Report of August 2011.**

8.8 *Update on Risk Management (Report No: 299/11)*

8. **That the Audit Committee advises Council that it has received and considered an update on Council's risk management.**

CARRIED

13.4 Minutes – Development Assessment Panel (Report No: 316/11)

Council's Development Assessment Panel is established under the Development Act 1993.

The purpose of the panel is to:

- act as a delegate of Council and make decisions on development applications in accordance with the requirements of the Development Act;
- provide advice to Council on trends, issues and other matters relating to planning or development that have become apparent during the assessment of development applications;
- perform other roles, except policy formulation, as assigned by Council;
- consider and report on matters before the Environment, Resources and Development Court as a means to resolving judicial appeals.

The minutes of the Development Assessment Panel meeting held 24 August 2011 is presented to Council for information.

In accordance with its resolution on 27 November 2009, Council is also asked to determine the future of any planning appeal matters should they eventuate. Elected Members requiring a copy of the Development Assessment Panel Agenda, including reports and/or access to the Development Application files, are asked to contact Council Administration prior to the Council Meeting.

C130911/268

Councillor Clancy moved and Councillor Huckstepp seconded that the minutes of the Development Assessment Panel meeting held on 24 August 2011 be received.

CARRIED

14. Reports by Officers

14.1 Monthly Financial Report – July 2011 (Report No: 317/11)

This report provides Elected Members with financial reports as at 31 July 2011. It comprises a Funds Statement and a Capital Expenditure Statement for Council (municipal activities) and Alwyndor for the year to date compared with the 2011/12 budget.

For the year to 31 July 2011, Council's operating surplus from municipal activities is \$268,000 above budget, as a result of timing of some income and expenditure as well as some successful grant funding applications not budgeted.

Alwyndor's operating result is in line with budget, notwithstanding some timing issues in relation to grant funding and salaries.

C130911/269

Councillor Looker moved and Councillor Fisk seconded that the financial reports to 31 July 2011 be received and noted

CARRIED

14.2 Brighton Caravan Park Annual Report (Report No: 318/11)

The operator of the Brighton Caravan Park and Holiday Village has provided his annual report for the 2010/2011 trading period. There has been a marginal reduction in the gross revenue realised during this time and the operator has suggested a number of initiatives to be considered to address this downturn.

C130911/270

Councillor Huckstepp moved and Councillor Lonie seconded that Council notes:

- 1. the report for 2010/11 provided by the Manager of the Brighton Caravan Park and Holiday Village.**
- 2. a review of the caravan park business model and facilities is about to be undertaken and will be reported to Council March 2012 prior to the next budget.**

CARRIED

14.3 Nomination of Public Hearing Committee for 2011/12 Section 30 Development Plan Review (Report No: 319/11)

Following the release of the State Government Planning Strategy (the 30-Year Plan for Greater Adelaide) Council resolved to undertake a review of its Development Plan and to produce a Strategic Directions Report as required by Section 30 of the *Development Act 1993*.

As part of its Development Plan review process, Council is required to hold a public hearing following a minimum 2 month period of public consultation.

C130911/271

Councillor Bouchee moved and Councillor Donaldson seconded that Council appoints one elected member from each ward:-

- **Brighton Ward: Councillor Clancy**
- **Glenelg Ward: Councillor Dixon**
- **Seacliff Ward: Councillor Huckstepp**
- **Somerton Ward: Councillor Looker**

to comprise the Public Hearing Committee to hear submissions on 31 January 2012 as part of the Development Plan review being undertaken pursuant to Section 30 of the *Development Act 1993*.

CARRIED

14.4 Register of Interest Application to Committees (Report No: 320/11)

The Alwyndor Management Committee has recommended to Council that it revokes its decision made at its inaugural meeting on 23 November 2010 to extend the obligation to submit primary and ordinary returns in accordance with the Local Government Act, to members of Council committees. This report provides background to Council and options for consideration.

Advice has been sought from council's legal advisor and Council has two options in relation to this matter:

- retain or uphold its decision of 23 November 2010; or
- revoke its decision (and its application to all committees, not just the Alwyndor Management Committee)

C130911/272

Councillor Clancy moved and Councillor Huckstepp seconded that Council notes the recommendation from the Alwyndor Management Committee to revoke its decision of 23 November 2010 pursuant to section 72(1) of the Local Government Act, and the advice contained in Report 320/11.

CARRIED

14.5 Veloce Paninoteca Glenelg – Restaurant Licence and Extended Trading Authorisation – Trial Period (Report No: 321/11)

An application has been lodged with the Office of the Liquor and Gambling Commissioner by Veloce Northgate Pty Ltd requesting the establishment of a Restaurant Licence for premises located at tenancy 23 & 24, Marina Pier, 12 Holdfast Promenade, Glenelg.

In conjunction with this Restaurant Licence the applicant is requesting an extended trading authorisation to extend the standard section 34(1)(c) trading exemption to increase the hours in which the licensee can provide

alcohol without a meal on Friday and Saturday between the hours of 5:00am and 12:30am the following morning and Sunday between the hours of 8:00am and 11:30pm.

This application presents an opportunity for Council to support the creation of a business while imposing conditions upon its licence for a specific period of trial to ensure no adverse amenity based issues arise.

The purpose of this report is to seek the Council's comments and endorsement prior to advising the Office of the Liquor and Gambling Commissioner of Council's position.

C130911/273

Councillor Dixon moved and Councillor Lonie seconded:

- 1. That Council advises the Office of the Liquor and Gambling Commissioner that it does not object to the granting of a Restaurant Licence;**
- 2. That Council advises the Office of the Liquor and Gambling Commissioner that it endorses the extended trading authorisation based on the following conditions being applied:**

A standard probationary twelve (12) month trial period apply which at the end of this period an assessment and review of extended trading authorisation can be made.

CARRIED

14.6 Replacement Shelter/Verandah – Brighton Tennis Club (Report No: 322/11)

Council has been approached by the Brighton Tennis Club with a proposal to replace the former shade structure adjacent to the rear (southern) fence which abutted the Civic Centre carpark with a new structure attached to the eastern wall of the clubhouse building.

Under the terms of the licence agreement, Council's consent as landowner must be sought.

C130911/274

Councillor Lonie moved and Councillor Roe seconded that Council, in its capacity as land-owner, provides its consent to the Brighton Tennis Club to remove the former structure and erect a new structure in accordance with the proposal submitted on the condition that:

- (a) The Club is responsible for all insurance, indemnities, maintenance and repair costs associated with the new infrastructure;**
- (b) The Club is required to remove the structure and make good at the expiry of the licence term, if so required by Council;**
- (c) Contractors undertaking the works must be able to satisfy Council's contracting policies, procedures and guidelines.**

CARRIED

15. Resolutions subject to formal motions

Presented for the information of Members is a listing of resolutions subject to formal resolutions to adjourn or lay on the table items of Council business, for the current term of Council.

16. Urgent Business – Subject to the Leave of the Meeting**17. Items in Confidence**

17.1 Minutes – Executive Committee Meeting (Report No: 323/11)

Council Officers Remaining: Mr J Lynch, Mr S Hodge, Ms R Thomas, Mr I Walker
and Ms P Aukett

C130911/275

Councillor Lonie moved and Councillor Huckstepp seconded that, pursuant to Section 90(2) and 90(3)(i) of the Local Government Act 1999 the Council order that the public be excluded from attendance at the meeting, with the exception of Council officers and any other visitors permitted to remain, after taking into account the relevant considerations under Section 90(3), on the basis that it will receive, discuss or consider the following:

- **information relating to actual litigation, or litigation that the Council or Council Committee believes on reasonable grounds will take place, involving the Council or an employee of the Council.**

CARRIED

Minutes – Executive Committee Meeting (Report No: 323/11)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C130911/277

Councillor Clancy moved and Councillor Fisk seconded that pursuant to Section 90(2), 90(3)(i) and 91(7) of the Local Government Act 1999:

- 1. The Council orders that the documents and minutes relating to Report No: 323/11 with the exception of Resolution No: C130911/275 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information relating to actual litigation, or litigation that the Council or Council Committee believes on reasonable grounds will take place, involving the Council or an employee of the Council, under Section 90 (2) and 90(3)(i) of the Act.**
- 2. This resolution will be reviewed on or before 30 June 2012 by the Council.**

CARRIED

Councillor Lonie left the chamber at 8:22pm.

Councillor Lonie rejoined the chamber at 8:23pm.

Councillor Bouchée rejoined the chamber at 8:23pm.

17.2 Bay Bar Dos – Tenancy Update (Report No: 324/11)

Council Officers Remaining: Mr J Lynch, Mr S Hodge, Ms R Thomas, Mr I Walker
and Ms P Aukett

C130911/278

Councillor Clancy moved and Councillor Patterson seconded that, pursuant to Section 90(2) and 90(3)(b) of the Local Government Act 1999 the Council order that the public be excluded from attendance at the meeting, with the exception of Council officers and any other visitors permitted to remain, after taking into account the relevant considerations

under Section 90(3)(b), on the basis that it will receive, discuss or consider the following:

- information or matter the disclosure of which –
 - (i) 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
 - (ii) would, on balance, be contrary to the public interest.

CARRIED

Bay Bar Dos – Tenancy Update (Report No: 324/11)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C130911/280

Councillor Lonie moved and Councillor Looker seconded that pursuant to Section 90(2), 90(3)(b) and 91(7) of the Local Government Act 1999:

1. The Council orders that the documents and minutes relating to Report No: 324/11 with the exception of Resolution No: C130911/278 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which:
 - (i) 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
 - (ii) would, on balance, be contrary to the public interest under Section 90(2) and 90(3)(b) of the Act
2. This resolution will be reviewed on or before 30 June 2012 by the Council.

CARRIED

18. Resumption

C130911/281

Councillor Lonie moved and Councillor Huckstepp seconded that Council resume as an open meeting of Council at 8.28pm.

CARRIED

19. Closure

The Meeting closed at 8.28pm.

CONFIRMED Tuesday 27 September 2011

MAYOR