

## Confidential Adjourned Item - Political Signage

Originating Officer	Executive Assistant to CEO - Dana Bartlett
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	Chief Executive Officer - Adrian Skull
Report Reference	SGC190902F01

### Confidential



### Confidential Motion

#### That:

Pursuant to Section 90(2) and (3)(i) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Ray Barnwell, Tony Lines, Fiona Harvey, Sorana Dinmore, Kate McKenzie, Clare Benn, Victoria Moritz and Craig Clarke, be excluded from the meeting as the Council receives and considers information relating to political signage upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates potential litigation.

### REPORT OBJECTIVE

For Council to determine if they wish to make an ex-gratia payment to Cove Football Club (Soccer) for potential losses incurred from the removal of political signage.

### EXECUTIVE SUMMARY

*The item Political Signage, GC190813F01 (attached as appendix 1) was adjourned at the 13 August 2019 General Council meeting to enable further clarification and additional information.*

This report provides additional information included as appendix 2.

*In accordance with the Local Government (Procedures at Meetings) Regulations, the debate on an adjourned item will resume and continue at the point it was adjourned. The motion for this item is yet to be Moved or Seconded.*

### RECOMMENDATION

#### That Council:

1. **Agrees to make an ex-gratia payment of \$1,500.00 to the Cove Football (Soccer) Club for loss of sponsorship income as a gesture of good will. This payment is to be made subject to an appropriate release and indemnity being signed by the Club.**

or

2. **Acknowledges the views of Minister Speirs however respectfully declines the request for payment of \$1,500.00 as the Cove Sports and Community Club Committee was advised of Council's new Policy position during lease and licence renewals.**
3. **In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Political Signage and the minutes and associated appendices arising from this report having been considered in confidence under Sections 90(2) 3(i), except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.**

## GENERAL ANALYSIS

### Attachment

#	Attachment	Type
1	Appendix 1 GC190813F01 Political Signage	PDF File
2	Appendix 2 - Political Signage report - extra information	PDF File

## Political Signage

<b>Originating Officer</b>	Executive Assistant to CEO - Dana Bartlett
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>General Manager</b>	Chief Executive Officer - Adrian Skull
<b>Report Reference</b>	GC190813F01

### Confidential



### Confidential Motion

That:

Pursuant to Section 90(2) and (3)(i) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Ray Barnwell, Tony Lines, Fiona Harvey, Kate McKenzie, Victoria Moritz and Craig Clarke, be excluded from the meeting as the Council receives and considers information relating to political signage upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates potential litigation.

## REPORT OBJECTIVE

For Council to determine if they wish to make an ex-gratia payment to Cove Football Club (Soccer) for potential losses incurred from the removal of political signage.

## EXECUTIVE SUMMARY

*At the 28 March 2017 General Council meeting, Council adopted a new 'Leasing and Licensing of Council Owned Facilities Policy'. The new policy included a new section stating: "That advertising of political parties, Members of Parliament, Elected Members and candidates for Parliament/Council be prohibited on Council owned premises and the Council endorses the progressive implementation of the Policy as leases and licences are renewed or newly entered into".*

At the 22 January 2019 Special General Council meeting, Council resolved to terminate the Cove Sports and Community Club licence and that the City of Marion would manage the facility for at least the next 12 months from 23 January 2019.

Separate to this, Member for Black David Speirs has entered an agreement with the Cove Sports Football (Soccer) Club to erect political signage at the club in exchange for \$1,500 in sponsorship. In line with Council's Leasing and Licensing of Council Owned Facilities Policy, the political signage was requested to be removed and was subsequently taken down.

At its meeting of 14 May 2019, Council considered a rescission motion to remove the section in the policy referring to political signage. This was lost and cannot be considered by Council for 12 months.

Mr Speirs has expressed his disappointment with the decision of Council and indicated that the club has now lost \$1,500 of income. Mr Speirs has provided a copy of the invoice which is attached as Appendix 1. The invoice is dated 11 December 2018 prior to the termination of the licence. In an attempt to resolve the issue, Mr Speirs has requested Council consider an ex-gratia payment to the club of \$1,500 for sponsorship income lost as a result of Council's decision to not allow political signage at sports clubs.

Council should note that Administration have not been privileged to the details of the agreement between the Cove Football (Soccer) Club and Mr Speris.

## **RECOMMENDATION**

**That Council:**

- 1. Agrees to make an ex-gratia payment of \$1,500.00 to the Cove Football (Soccer) Club for loss of sponsorship income as a gesture of good will. This payment is to be made subject to an appropriate release and indemnity being signed by the Club.**

**or**

- 2. Acknowledges the views of Minister Speirs however respectfully declines the request for payment of \$1,500.00 as all Clubs were advised of Council's new Policy position during lease and licence renewals.**
- 3. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Political Signage and the minutes and associated appendices arising from this report having been considered in confidence under Sections 90(2) 3(i), except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.**

## **Attachment**

#	Attachment	Type
1	Invoice to David Speirs MP from Cove Football (Soccer) club	PDF File

**TAX INVOICE**

**To** David Speirs  
Attention: David Speirs  
Shadow Minister for the  
Environment  
7 Sturt Road (Cnr Arundel  
Road),  
BRIGHTON SA 5048  
AUSTRALIA

**From** The Cove FC Inc  
Oval Road  
HALLETT COVE SA 5158

**Invoice Number** INV-1761

**Reference** Advertising

**ABN** 85 678 997 401

**Issued** 11 December 2018

**Due** 30 June 2019,  
10 days overdue

Description	Quantity	Unit Price	Amount AUD
2019 Cove FC Advertising	1.00	1,500.00	1,500.00
Subtotal			1,500.00
Amount Due AUD			<b>1,500.00</b>

Payment via electronic transfer to the following account is preferred:

Account Name: The Cove FC Inc

BSB 035-088

Account Number: 114773

If depositing cash at a bank and the bank is unable to include your Surname in the reference field, please include the players birthdate and invoice number. Please email [treasurer@thecovefc.com](mailto:treasurer@thecovefc.com) to advise us of the deposit and reference details to ensure the correct invoice is reconciled.

## Political Signage report

Further Information Requested	Response
Please provide a copy of the original invoice	A copy of the original invoice has been included at the end of this summary.
Please provide a copy of the sponsorship agreement between the MP and the Club	<p>Cove FC have been unable to locate a copy of the agreement. Cove FC have requested a copy of the agreement from David Speirs's office.</p> <p>A copy has yet to be provided.</p>
Is the agreement a three year contract with monies to be paid each year. Is this the second or third year? Will the soccer club be back with another invoice next year?	Council is currently unaware of the details however, a copy of the agreement has been requested from David Speirs's office.
Did Cove FC need Cove Sports and Community Club, and or/Council approval before entering into an advertising/sponsorship agreement for a sign on Council facilities?	<p>In their Lease agreement CSCC were only required to obtain Council Approval for Signage that was visible from outside the License area – So no, consent was not required from Council.</p> <p>We have not seen a copy of the sub-license agreement but assume that Cove FC would have required consent from CSCC to enter into the signage agreement. It has been advised that the matter was discussed at a Committee meeting, although minutes have not been provided to confirm this. We are advised that there was no formal agreement between CSCC &amp; Cove FC in respect of the Political Signage.</p>
Please provide evidence of "all clubs" including subtenants being provided with the 2017 policy change eg email and description of categories of recipients.	<p>Communication was issued to All Council Head tenants (not necessarily "all clubs") - It is the responsibility of the Head Lessee to advise all sub-tenants (clubs).</p> <p>Cove FC have advised Council that CSCC did not advise them of Council's new Leasing and Licensing Policy.</p> <p><b>Note:</b> Head Lessees were advised in January 2017 via email about the proposed changes to the policy and provided the opportunity to give feedback. Given</p>

Further Information Requested	Response
	<p>Cove FC lease the Capella Reserve, this information was provided to them directly. In response to this, the Chairman of the Cove FC provided feedback / asked questions on the proposed changes on 30 January 2017. This feedback did not raise anything about the political signage changes.</p> <p>Head Lessees (including Cove FC as lessee of Capella Reserve) were informed formally of the change in Policy in May 2017.</p>
<p>Do any other of the politicians who had signage on our facilities, intend to seek recompense?</p>	<p>Council has not received correspondence from any other Member of Parliament on this matter.</p>
<p>I notice that nearly all clubs in our Council buildings have advertising. Please could you enquire if any of the sub-tenants (Edwardstown, Morphetville etc) have formal written agreements in place as we should be seen to be equitable. Now there is no overarching lessee at the Cove and the clubs are dealing with Council direct please could I see a copy of the written permissions we have provided to the individual clubs re their ongoing use of advertising signage.</p>	<p>The new Lease / License states that the Lessee must not place any sign or advertisement on the outside or inside (if they can be seen from outside) of the Premises, if this is the case formal Council (Landlord) approval is required.</p> <p>Political signage is Prohibited in the new agreements</p>



# TAX INVOICE

David Speirs  
 Attention: David Speirs  
 Shadow Minister for the Environment  
 7 Sturt Road (Cnr Arundel Road),  
 BRIGHTON SA 5048  
 AUSTRALIA

**Invoice Date**  
 11 Dec 2018

**Invoice Number**  
 INV-1761

**Reference**  
 Advertising

**ABN**  
 85 678 997 401

The Cove FC Inc  
 Oval Road  
 HALLETT COVE SA 5158

Description	Quantity	Unit Price	Amount AUD
2019 Cove FC Signage	1.00	1,500.00	1,500.00
		Subtotal	1,500.00
		<b>TOTAL AUD</b>	<b>1,500.00</b>

## Due Date: 30 Jun 2019

Payment via electronic transfer to the following account is preferred:

Account Name: The Cove FC Inc  
 BSB 035-088  
 Account Number: 114773

If depositing cash at a bank and the bank is unable to include your Surname in the reference field, please include the players birthdate and invoice number. Please email [treasurer@thecovefc.com](mailto:treasurer@thecovefc.com) to advise us of the deposit and reference details to ensure the correct invoice is reconciled.

## PAYMENT ADVICE

To: The Cove FC Inc  
 Oval Road  
 HALLETT COVE SA 5158

**Customer** David Speirs  
**Invoice Number** INV-1761  
**Amount Due** **1,500.00**  
**Due Date** 30 Jun 2019

**Amount Enclosed**

Enter the amount you are paying above