

FINANCE AND POLICY COMMITTEE

MINUTES AND DECISION RECORD

12 FEBRUARY 2019

The meeting commenced at 10.00 am in the Civic Centre, Hartlepool.

Present:

Councillor Kevin Cranney (In the Chair)

Councillors: Brenda Harrison and Ann Marshall.

Also Present: Councillor Allan Barclay as substitute for Councillor Christopher Akers-Belcher;
Councillor Marjorie James as substitute for Councillor Stephen Akers-Belcher;
Councillor C Richardson as substitute for Councillor Paddy Brown;
in accordance with Council Procedure Rule 5.2.

Officers: Gill Alexander, Chief Executive
Hayley Martin, Chief Solicitor
Chris Little, Director of Finance and Policy
David Cosgrove, Democratic Services Team

104. Apologies for Absence

Councillors Christopher Akers Belcher, Stephen Akers-Belcher, Paddy Brown, Stephen Thomas and Mike Young.

105. Declarations of Interest

None.

106. Minutes of the meeting held on 28 January 2019

Confirmed.

107. Acquisition by Tees Valley Combined Authority of Shares in Durham Tees Valley Airport Ltd - Waiver of Pre-Emption Rights by Minority Shareholders (*Chief Solicitor*)

Type of decision

Key decision. General Exception Notice applies.

Purpose of report

The report recommended that the Council, as a minority shareholder in Durham Tees Valley Airport Limited, consent to grant a waiver of its pre-emption rights in order to facilitate a transfer of shares controlled by Peel Holdings Limited to a company established by the Tees Valley Combined Authority. In addition it was recommended that the Council maintain its existing minority shareholder protections under the current shareholders agreement with some minor modifications and clarifications.

Issue(s) for consideration

The Chief Solicitor outlined the reasons behind the urgent calling of the meeting and reported that a similar report had already been considered by the other shareholding authorities in order to facilitate the decision made on 24 January by the Tees Valley Combined Authority (TVCA) to acquire the shareholding of Peel Holdings Limited in Durham Tees Valley Airport Limited (DTVAL) for a consideration of £40 million.

The Chief Solicitor outlined the specific issues in relation to the local authorities waiving their pre-emption rights and also those relating to the Accession Deed of Adherence and Amendment and the removal of those provisions that were no longer relevant. The Chief Solicitor indicated that the relative urgency of the issues reported related primarily to the planning permission for around 350 houses on a site on the north side of the airport site and reserved planning matters relating to that approval.

A Member questioned the allocation of shares between the local authorities and if this had been on the basis of population or other means. It was indicated that it was believed the allocation was on the basis of population but the Chief Solicitor indicated that she would provide Members with details in writing after the meeting.

A Member also suggested that some the documentation may need to be updated to remove the gender bias in the text.

Decision

1. That the Committee agrees to waive the Council's pre-emption rights or rights of first refusal relating to the proposed transfer of the shares by Peel and to approved the form of waiver and release (as set out at

Annex 1 to the report) and authorised the Chief Solicitor to seal or sign all documents and complete all other actions required to give effect to this.

2. That the Committee agrees to the form of Accession Deed of Adherence (as set out at Annex 2 to the report) and authorised the Chief Solicitor to seal or sign all documents and complete all other actions required to give effect to this.

The meeting concluded at 10.10 am.

H MARTIN

CHIEF SOLICITOR

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