

**WARRINGTON BOROUGH COUNCIL**  
**RECORD OF DECISION TAKEN BY AN OFFICER**

**DECISION TITLE: TOGETHER ENERGY UPDATE**

Cabinet Decision No and/or Forward Plan No (Executive decisions only)	Cabinet 13 July 2020 – CAB 212/CAB 216 FP No 082/19
Directorate Ref No (Non Executive decisions only) If applicable	N/A
Decision detail	<p>At the Cabinet meeting of 13 July 2020, approval was obtained as follows:</p> <ul style="list-style-type: none"> <li>(i) <i>Give shareholder consent for Together Energy to proceed with the matters set out at section 8.6 and section 10 of the Part 2 report and for Together Energy to enter into all relevant agreements;</i></li> <li>(ii) <i>Subject to compliance with State aid requirements to approve:-</i> <ul style="list-style-type: none"> <li>a. <i>Council Parent Company Guarantee in respect of Together Energy to allow the switch of suppliers as set out in the Part 2 report;</i></li> <li>b. <i>an increase in the SLOC to Together Energy;</i></li> </ul> </li> <li>(iii) <i>Delegate to the Section 151 Officer and Monitoring Officer, in consultation with the Cabinet Member for Corporate Resources, responsibility to:-</i> <ul style="list-style-type: none"> <li>a. <i>negotiate and finalise the terms of, and to complete and enter all documents as required to give effect to all of the above recommendations;</i></li> <li>b. <i>increase the SLOC level in the future if required.</i></li> </ul> </li> <li>(iv) <i>Note and approve the principle of any required amendments to Together Energy’s Business Plan as a result of the proposed customer acquisitions as set out in section 10 of the Part 2 report.</i></li> </ul> <p>Pursuant to delegations (ii) and (iii) the s.151 Officer (Director of Corporate Services) and Monitoring Officer (Director of Law and Governance) in consultation with the Cabinet Member for Corporate Resources (Deputy Leader) agreed the terms of the Council Parent Company Guarantee (“PCG”) and entered the PCG.</p> <p>As a result of Together’s acquisition of the customer book of Bristol Energy Limited (“BEL”) amendments are required to the PCG to enable it to cover the transfer of the BEL customers. The novation of new customers and the requirements of the Council was considered in the July Cabinet report and the initial consideration that it would be covered in an increase to the Standby Letter of Credit (“SLOC”) that is in place with Santander. Orsted have requested that the PCG is varied to cover the Bristol customers.</p> <p>Any amends to the PCG require the Council’s consent as guarantor and in practice the PCG reduces the need for any further financial input to cover an increased Santander</p>

	SLOC.
Reason for decision	<p>The Cabinet delegated the approval of final terms of the document to the s.151 Officer (Director of Corporate Services) and Monitoring Officer (Head of Legal and Democratic Services), in consultation with Cabinet Member for Corporate Resources (Deputy Leader).</p> <p>This Record confirms the decisions have been taken by the relevant officers in line with Cabinet delegation (iii) and upon the instruction of the relevant members.</p>
Decision Maker/Responsible Officer	<p>Lynton Green – s.151 Officer - Director of Corporate Services  Matthew Cumberbatch – Monitoring Officer - Head of Legal and Democratic Services</p>
Directorate	Finance
Lead Cabinet Member consulted (if applicable)	CLlr Cathy Mitchell – Cabinet Member for Corporate Resources (Deputy Leader)
Decision Date	17 September 2020
Date Decision was published / notified (normally within 2 clear working days of decision being made)	22 September 2020
Summary of options considered	The alternate option would be to not to make the amends to the PCG which would lead to Together being unable to novate the hedges of the BEL customers to Orsted, contrary to the business case for the BEL customer acquisition.
Interests declared	None
Background Papers (if applicable) <i>(period expires after 4 years from date of decision)</i>	<p>Part 1 and Part 2 Cabinet Reports.</p> <p>ODN 30 July 2020</p>
Confidential / exempt information Category (if applicable)	Part 2 Cabinet Report and ODN of 30 July 2020 - exempt by virtue of categories 3 and 5, Local Government Act 1972, schedule 12A.

**NB. This form expires after 6 years.**