

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

**DECISION TITLE:                    Together Energy Matters**

Cabinet Decision No and/or Forward Plan No (Executive decisions only)	Cabinet 12 October 2020 – CAB 241/246 FP No 105/19
Directorate Ref No (Non Executive decisions only) If applicable	N/A
Decision detail	<p>At the meeting on 12 October 2020, Cabinet were advised as to the setting up of a proposed Revolving Credit Facility Loan (“Facility”) with Together Energy Limited (“TEL”).</p> <p>The basis of this Facility was proposed to be a fully commercial agreement that provided a solution to TEL to meet its credit requirements, particularly linked to the recent acquisition of the Bristol Energy customer base, as well as a fully commercial return to the Council.</p> <p>At the Cabinet meeting it was approved as follows:-</p> <p><i>“(v) ...the setting up of a revolving credit facility between the Council and Together Energy as set out in section 6.3 of the Part 2 report.</i></p> <p><i>(vi) Delegate to the Director of Corporate Services (Section 151 Officer) and Director of Law and Governance (Monitoring Officer), in consultation with the Cabinet Member for Corporate Resources, responsibility to:-</i></p> <p style="margin-left: 40px;"><i>a. 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></p> <p style="margin-left: 40px;"><i>b. increase the Revolving Credit Facility by up to a further 25% in the future if required, with any increase to be reported to Cabinet.”</i></p> <p>Pursuant to the above delegations officers have extensively negotiated the terms of the Facility with TEL and their external lawyers and 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) have agreed the terms of the Facility. The key terms of the Facility are set out in Appendix 1, (Appendix 1 is exempt from disclosure by virtue of s.9 Openness of Local Government Bodies Regulations 2014).</p> <p>The Facility is a fully commercial arrangement and is compliant with State Aid as set out in the Part 2 report.</p>
Reason for decision	Cabinet delegated the approval of final terms of the document to the Director of Corporate Services (s.151 Officer) and Director of Law and Governance (Monitoring Officer), in consultation with Cabinet Member for Corporate Resources (Deputy Leader).

	This Record confirms the decisions have been taken by the relevant officers in line with Cabinet delegations (v) and (vi) having consulted the relevant members.
Decision Maker/Responsible Officer	Lynton Green – s.151 Officer - Director of Corporate Services Paul Clisby – Acting Monitoring Officer in the absence of Matt Cumberbatch Director of Law and Governance
Directorate	Finance
Lead Cabinet Member consulted (if applicable)	Cllr Cathy Mitchell, Deputy Leader and Cabinet Member for Corporate Resources
Decision Date	22 October 2020
Date Decision was published / notified (normally within 2 clear working days of decision being made)	27 October 2020
Summary of options considered	The alternate option would be to not to exercise the delegation and not to make the Facility available to TEL. This would lead to TEL having to source alternative finance in a very short space of time and would mean a potential commercial income stream will be lost, as such it was not considered a viable option.
Interests declared	None
Background Papers (if applicable) <i>(period expires after 4 years from date of decision)</i>	Part 1 and Part 2 Cabinet Reports.  Appendix 1
Confidential / exempt information Category (if applicable)	Part 2 Cabinet Report - exempt by virtue of categories 3 and 5, Local Government Act 1972, schedule 12A. Appendix 1 – exempt by virtue of s.9 Openness of Local Government Bodies Regulations 2014

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