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| <b>DECISION-MAKER:</b>        | <b>CABINET</b>   |  |                           |
| <b>SUBJECT:</b>               | <b>ESTABLISHMENT OF A SOUTHAMPTON ENERGY SERVICES COMPANY (ESCo)</b> |  |                           |
| <b>DATE OF DECISION:</b>      | <b>20<sup>th</sup> JUNE 2017</b>                                     |  |                           |
| <b>REPORT OF:</b>             | <b>CABINET MEMBER FOR HEALTH AND SUSTAINABLE LIVING</b>              |  |                           |
| <b><u>CONTACT DETAILS</u></b> |  |  |                           |
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#### **STATEMENT OF CONFIDENTIALITY**

Appendix 1 of this Report is not for publication by virtue of category(s) 3 (financial and business affairs) of paragraph 10.4 of the Council's Access to Information procedure Rules as contained in the Council's Constitution. It is not in the public interest to disclose this information because the information to be withheld in the appendix to the main report, is considered to be commercially sensitive and has a direct link to the future contracts employed by the Council and the Council itself. Disclosure may prejudice any future tendering exercises to secure a partner to deliver the energy product and the terms of such agreement affecting the Council's opportunity to secure best value for the citizens of Southampton and beyond through the energy company project. It is therefore not in the public interest to disclose the contents of the appendix while a procurement process is anticipated to secure the delivery of the project as any benefit gained through increased transparency of the negotiation process would be directly exceeded by the commercial detriment to the Council's negotiating position.

#### **BRIEF SUMMARY**

The purpose of this report is to seek approval to commence a procurement and contract negotiation process leading to the selection of a preferred bidder to set up an Energy Services Company (ESCo). This will enable Southampton City Council (SCC) to provide a branded energy supply product using a procured third party licensed energy supplier.

- This will help the council deliver on a key outcomes; helping people live safe, healthy, independent lives, in addition to children and young people getting a good start in life. The initiative has the potential to help tackle fuel poverty, alongside a range of other initiatives.
- Equally the proposal has the potential to support the council in developing a financially sustainable future cost effective energy supply within the southern region
- Providing a low risk income
- Developing a customer base
- Providing a platform to invest further capital in further energy efficiency and

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| generation opportunities in future phases.  |   |
| The outcome of negotiations arising from the process to appoint a partner will be presented back to Cabinet for final decision.   |   |
| The intention is for SCC to earn a sustainable income from the ESCo, with estimated net income of £47k by the end of year two, rising thereafter to an estimated annual net income of £237k by end of year five. This income will cover the costs of delivering the ESCo and potentially enable re-investment in energy services in the future to further benefit the community, within Southampton and the wider region. |   |
| The ESCo will also enable the average resident to save between £100 and £200 on their annual energy bill, which equates to up to £2 million savings for customers by the end of year 1.   |   |
| Estimated set up costs are £158k. Once set up the ESCo will be self-financing.  |   |
| SCC are in discussions with other southern region local authorities via our existing networks and via APSE Energy. Its proposed the ESCo product will be promoted regionally across other local authority areas, which will increase market share and therefore its positive role in the energy supply market.  |   |
| The establishment of an ESCo would be the first phase of SCC providing a whole property energy service across the city and beyond.  |   |
| <b>RECOMMENDATIONS:</b>   |   |
| (i)   | To delegate authority to the Head of Capital Assets, following consultation with the Service Director: Finance and Commercialisation and the Service Director: Legal & Governance to conduct an open competition to enable the identification of a suitable licensed energy supplier with which to partner, under formal contract; and to conduct the procurement up to and including selection of preferred bidder but excluding contractual and financial close which shall be referred back to be determined by Cabinet. |
| (ii)  | To approve the proposed white label approach to deliver energy supply regionally.   |
| (iii)   | To delegate authority to Service Director – Growth following consultation with the Service Director: Legal & Governance to develop and register the intellectual property rights in the trademarks and Branding for the energy products to be delivered through this and other related projects.  |
| (iv)  | To approve the revenue spend of £158,000 for the set up costs of the ESCo to be funded from PUSH money that is currently allocated to the Green Projects capital scheme within the Housing & Sustainability Portfolio.  |
| <b>REASONS FOR REPORT RECOMMENDATIONS</b>   |   |
| 1.  | To enable SCC to earn a sustainable income whilst providing a positive service to the end customer. It's anticipated that a net income will be generated by end of year two. By year five net annual income is estimated at £237k (see revenue section) and minimum average annual aggregated savings for the customers to be £4 million.   |
| 2.  | To ensure fuel poor and vulnerable energy customers are offered cost effective rates for their energy for the following reasons:  |

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|                         | <ul style="list-style-type: none"> <li>• It's estimated that there are 10,000 households and 5,000 children living in fuel poverty within Southampton.</li> <li>• There are also a significant number of residents in the city that are living close to fuel poverty. This will include vulnerable children or adults we work with, SCC tenants and members of our staff.</li> <li>• Fuel poverty is linked to approximately 110 excess winter deaths every year within Southampton and major health problems associated with poorly heated homes.</li> <li>• The energy regulator, OFGEM, states that energy supply companies overcharge domestic and business energy consumers.</li> </ul>   |
| 3.                      | To capture those customers that currently switch energy supplier infrequently. Most energy consumers never or rarely switch their energy supply and will therefore be on the highest tariffs. We aim to specifically target these non-switchers.   |
| 4.                      | To capture some of the benefits locally for energy purchased within the city and beyond. It estimated that £190 million is spent annually on electricity and gas within the city of Southampton.   |
| <b>PREFERRED OPTION</b> |  |
| 5.                      | <p>It is proposed SCC undertakes a progressive phased approach to deliver an effective energy supply product that will deliver the income objectives of the council and benefits for customers. This report is proposing development of Phase 1 only, whilst ensuring that we agree terms with a procured licenced energy supplier that will enable future phases to be delivered.</p> <ul style="list-style-type: none"> <li>• Phase 1 objectives – to provide a branded energy supply product with a third party (White Label Product – see below) to provide a low risk income, tackle fuel poverty, supply cost effective energy to all, develop a customer base and provide certainty to invest capital in the future phases. Delivery within 6-9 months from cabinet approval.</li> <li>• Phase 2 - 4 objectives – supply and sell energy generated locally by SCC and our partners, develop added value business opportunities to benefit the city and local area and, if Phase 1 provides sufficient customer numbers, to develop a business case to become a licensed energy supplier and secure an energy supply license. Within 2-6 years.</li> </ul> |
| 6.                      | An energy white label is an unlicensed brand that has a contractual agreement with a licensed energy supplier to sell gas and/or electricity to consumers using the white label's brand.   |
| 7.                      | It's proposed that Phase 1 delivers a white label energy supply product that has regional coverage under a trusted local brand. This would require SCC to register the brand (yet to be decided upon) under a registered trademark; then have a brand, trademark and license agreement with the licensed energy provider to define obligations, roles and responsibilities and any other necessary requirements. The licensed energy supplier would be 'The Company' and the brand would sit as the 'Front End' of the company locally. All back office functions and legal obligations under the energy supply regulations would be the responsibility of The Company that SCC would contract with.   |
| 8.                      | Phase 1 means procuring an existing licensed energy supplier under a 'white label plus' or similar agreement. There are a number of models capable of  |

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|  | delivering our requirements and these will be investigated in more detail once approval has been given to take this proposal forward. Essentially under this arrangement, SCC would not hold an energy supply licence, but would instead work in partnership with an existing licensed supplier to offer gas and electricity to consumers using our own trusted ESCo brand. Initially, all back office functions would be managed by the licensed supplier.  |
| 9.   | The Phase 1 option has significantly lower upfront implementation costs than moving into the full licensed energy supply market and will provide a net income. It will meet with SCC's strategic aims to generate a sufficient income from an energy supply service whilst reducing fuel poverty. If adequate customer numbers are secured during Phase 1, there is an option to become a licenced energy supplier or invest in the ESCo to increase tariff control and income opportunity.  |
| 10.  | Historically there was a risk that white label or switching products would be unable to guarantee a long term low priced energy product. They have generally been set up using short term contracts that place consumers onto standard higher cost tariffs at the end of the contract term unless they switch again, which would defeat the medium to long term objectives. There is the opportunity to offer consistently lower priced white label tariffs as standard.   |
| 11.  | An energy white label product would require around 5,000 customers to be viable. SCC would aim to sign up 10,000 customers in year 1. This would be undertaken by offering low tariffs, utilising low cost existing marketing routes, direct marketing, partnering with other social landlords and raising awareness through social and other media.   |
| 12.  | A partner will be procured to deliver a white label ESCo with a contract term of at least 5 years, plus optional extension periods up to another 5 years.  |
| 13.  | The terms of the contract between the energy license holder and SCC needs to include all of the service and customer requirements from day one or be sufficiently flexible to incorporate further added value products or services.  |
| 14.  | Discussions have been held with the following existing energy suppliers Ovo, Robin Hood Energy, Bristol Energy, Community Exchange, Utilita, Tempus Energy, Energy helpline and Engie.   |
| 15.  | Recent examples of agreed local authority led white-label supply arrangements include Leeds City Council and Peterborough City Council who have partnered with Robin Hood Energy and Ovo Energy respectively.  |
| <b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b> |  |
| 16.  | Becoming a fully Licensed Energy Supplier has been assessed in some detail; however this has been rejected at this stage. This option would require SCC to set up a company fully owned by the council or in partnership with others. The 'company' would then need to become an energy supply licence holder, which requires successful completion of a complex, resource-intensive and inherently more risky process. Setting up a fully licensed energy supplier has cost other local authorities between £2.3 and £3.4 million. Ongoing costs and administration of the energy supply company are also significant and would involve major financial and resource commitment by SCC. Approximately 120,000 customers would be required to make a SCC wholly owned fully licensed energy supply company viable. |
| <b>DETAIL (Including consultation carried out)</b> |  |

| 17.                                 | The recommended ESCo arrangement can be delivered in a short timescale and offer lower cost energy tariffs to all Southampton / southern region residents whilst earning an income.  |   |  |               |                    |   |                                   |       |    |                   |     |     |                              |     |    |                                     |       |    |       |       |     |              |               |  |
|-------------------------------------|--|---|--|---------------|--------------------|---|-----------------------------------|-------|----|-------------------|-----|-----|------------------------------|-----|----|-------------------------------------|-------|----|-------|-------|-----|--------------|---------------|--|
| 18.                                 | Income initially looks low but with increased customer numbers it can grow considerably, particularly when integrated with income earned now and in the future by the Energy Team.   |   |  |               |                    |   |                                   |       |    |                   |     |     |                              |     |    |                                     |       |    |       |       |     |              |               |  |
| 19.                                 | <p>This would be achieved by:</p> <ul style="list-style-type: none"> <li>• Setting up a white label locally branded energy supply company under an ESCo;</li> <li>• Tapping into cheap or no cost marketing options;</li> <li>• Ensuring that the ESCo's business activities are streamlined to avoid expensive bureaucracy;</li> <li>• Switching consumers to more competitive rates; and,</li> <li>• Recovering a financial rebate per supply point.</li> </ul> <p>The ESCo will provide other benefits including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Sustainable income for the council.</li> <li>• Switching people from pre-payment meters to 'smart' pay-as-you-go alternatives;</li> <li>• Possible incorporation of the council housing current and future heat supplies.</li> <li>• Providing a route to market for local renewable electricity and efficiency schemes.</li> <li>• Providing small to medium sized businesses with a competitive alternative to the national energy providers.</li> </ul> |   |  |               |                    |   |                                   |       |    |                   |     |     |                              |     |    |                                     |       |    |       |       |     |              |               |  |
| 20.                                 | The contracted licensed supply company will be responsible for all customer accounts and energy market regulatory compliance; whereas, the council will be responsible for marketing and promotion. This includes using our trusted brand to promote the service to all residents in Southampton and beyond, both directly and via our partners.   |   |  |               |                    |   |                                   |       |    |                   |     |     |                              |     |    |                                     |       |    |       |       |     |              |               |  |
| 21.                                 | The target sign up of 10,000 customers in year 1 would provide a minimum aggregate customer cost saving of £1 million per annum. Table 1 below shows the estimated customer numbers by sign up type. A further breakdown of table 1 can be found in appendix 1.  |   |  |               |                    |   |                                   |       |    |                   |     |     |                              |     |    |                                     |       |    |       |       |     |              |               |  |
| 22.                                 | <table border="1"> <thead> <tr> <th>Customer Type</th> <th>Customers - Year 1</th> <th>% of Total Available Customers Per Type</th> </tr> </thead> <tbody> <tr> <td>SCC Residents - Tenants &amp; Private</td> <td>2,600</td> <td>3%</td> </tr> <tr> <td>Council Employees</td> <td>300</td> <td>11%</td> </tr> <tr> <td>Energy Partnership Employees</td> <td>600</td> <td>4%</td> </tr> <tr> <td>Other Hampshire Authority Residents</td> <td>4,400</td> <td>1%</td> </tr> <tr> <td>Voids</td> <td>2,100</td> <td>68%</td> </tr> <tr> <td><b>Total</b></td> <td><b>10,000</b></td> <td></td> </tr> </tbody> </table> <p><b>Table 1 – Sign up by customer type</b></p>  |   |  | Customer Type | Customers - Year 1 | % of Total Available Customers Per Type | SCC Residents - Tenants & Private | 2,600 | 3% | Council Employees | 300 | 11% | Energy Partnership Employees | 600 | 4% | Other Hampshire Authority Residents | 4,400 | 1% | Voids | 2,100 | 68% | <b>Total</b> | <b>10,000</b> |  |
| Customer Type                       | Customers - Year 1   | % of Total Available Customers Per Type |  |               |                    |   |                                   |       |    |                   |     |     |                              |     |    |                                     |       |    |       |       |     |              |               |  |
| SCC Residents - Tenants & Private   | 2,600  | 3%                                      |  |               |                    |   |                                   |       |    |                   |     |     |                              |     |    |                                     |       |    |       |       |     |              |               |  |
| Council Employees                   | 300  | 11%                                     |  |               |                    |   |                                   |       |    |                   |     |     |                              |     |    |                                     |       |    |       |       |     |              |               |  |
| Energy Partnership Employees        | 600  | 4%                                      |  |               |                    |   |                                   |       |    |                   |     |     |                              |     |    |                                     |       |    |       |       |     |              |               |  |
| Other Hampshire Authority Residents | 4,400  | 1%                                      |  |               |                    |   |                                   |       |    |                   |     |     |                              |     |    |                                     |       |    |       |       |     |              |               |  |
| Voids                               | 2,100  | 68%                                     |  |               |                    |   |                                   |       |    |                   |     |     |                              |     |    |                                     |       |    |       |       |     |              |               |  |
| <b>Total</b>                        | <b>10,000</b>  |   |  |               |                    |   |                                   |       |    |                   |     |     |                              |     |    |                                     |       |    |       |       |     |              |               |  |
| 23.                                 | A self-funded marketing programme would be responsible for signing up new  |   |  |               |                    |   |                                   |       |    |                   |     |     |                              |     |    |                                     |       |    |       |       |     |              |               |  |

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|                              | customers; whilst switching and ongoing customer service would be delivered by the ESCo licensed energy supplier.   |
| 24.                          | Marketing and acquiring the required customer numbers will be undertaken via existing routes such as housing void management or communications and initially be focused on our own or other authority's tenants and residents. Such an approach will lower energy costs for our own tenants whilst reducing marketing and customer acquisition costs.   |
| 25.                          | There is scope to offer other local authorities and housing associations within the region a benefit for marketing the ESCo within their areas. This would increase uptake, consumer benefit and income opportunity. An initial model for this has been developed and will form the basis of continued discussions with external stakeholders via existing networks and APSE Energy once cabinet has given permission to proceed. |
| 26.                          | Council property voids will be automatically switched to the ESCo during the voids management process so that new tenants immediately benefit from lower tariffs. There were circa 1,100 voids within SCC council housing in 2015-16. Discussions with other Hampshire social landlords has also taken place to capture further customers this way.   |
| 27.                          | There are additional opportunities to develop income via smart or innovative energy technology throughout the consumer base. One example is delivery of solar photo voltaic (PV) electrical generation alongside electricity battery storage solutions which can further reduce costs to the consumer and provide additional sustainable earning potential for SCC and regional partners.   |
| 28.                          | There are a number of other local authorities that are also keen to offer an energy solution within their administrative areas, including Reading Borough Council and Portsmouth City Council. Portsmouth CC have already set up a switching energy product with a partner. We will continue to discuss with other southern authorities to ensure there is the least amount of duplication regionally.                            |
| 29.                          | Local authorities have a vested interest in their region's population, infrastructure or economy; whereas, virtually all of the energy supplied across the local gas and electrical grids direct to third party customers (business or domestic) is purchased from large energy supply companies that do not have a vested interest in the region.  |
| 30.                          | Due to SCC's trusted brand status, and the scale of energy consumption within Southampton and the sub region, there is a real opportunity for SCC to deliver an effective customer focused and competitive energy supply product, whilst utilising a proportion of the money spent by the consumers to invest in the city's and region's future.  |
| 31.                          | SCC is also highly regarded nationally for its work on energy, ranking among the top three authorities in the LA Energy Index 2015-16.  |
| <b>RESOURCE IMPLICATIONS</b> |   |
| <b><u>Revenue</u></b>        |   |
| 32.                          | There is a requirement for further detailed assessment of the contractual content and service level agreements which will require officers, with external expert support, to conduct commercial negotiations along with the development of a full business case and legal and financial due diligence.  |

| 33.   | The estimated revenue costs for undertaking this detailed assessment and setting up a white label type ESCo in year one are approximately £158k, which includes officer time. Annual ongoing revenue costs thereafter would be significantly less but this requires further confirmation as part of the formal negotiation and setup of the ESCo.   |   |      |                     |            |   |        |   |   |        |         |   |        |         |   |        |          |   |        |          |
|---|---|---|------|---------------------|------------|---|--------|---|---|--------|---------|---|--------|---------|---|--------|----------|---|--------|----------|
| 34.   | It's proposed that the setup costs are paid from existing PUSH funding currently held to finance a Green Projects capital scheme in the Housing & Sustainability Portfolio. This money was approved to help alleviate fuel poverty and therefore aligns with the objectives of this proposal.   |   |      |                     |            |   |        |   |   |        |         |   |        |         |   |        |          |   |        |          |
| 35.   | From year two marketing, contract management and ongoing costs would be recovered from the income generated by the ESCo.  |   |      |                     |            |   |        |   |   |        |         |   |        |         |   |        |          |   |        |          |
| 36.   | Income will be recovered from each customer supplied via the ESCo. An initial recovery rate has been used for income estimates. This figure will be agreed based on internal requirements, tariff assessment and the negotiation process with the licensed energy supplier. Any recovery rate will impact on the final price charged to the consumer; therefore, keeping the cost per energy supply as low as possible is of paramount importance.  |   |      |                     |            |   |        |   |   |        |         |   |        |         |   |        |          |   |        |          |
| 37.   | The 5 year customer target would be agreed as part of the contract and further negotiation process; however, the ESCo would be expected to capture a minimum 40,000 anticipated customers across the region within 5 years.   |   |      |                     |            |   |        |   |   |        |         |   |        |         |   |        |          |   |        |          |
| 38.   | Table 2 below shows estimated income SCC could achieve based on the expected customer numbers at 5 years. Income is dependent on recovery rates from the consumer tariff.   |   |      |                     |            |   |        |   |   |        |         |   |        |         |   |        |          |   |        |          |
| 39.   | <table border="1"> <thead> <tr> <th>Year</th> <th>Number of customers</th> <th>Net Income</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>10,000</td> <td>Confidential – Identified in Appendix 1 of Cabinet report</td> </tr> <tr> <td>2</td> <td>15,000</td> <td>£47,215</td> </tr> <tr> <td>3</td> <td>20,000</td> <td>£84,819</td> </tr> <tr> <td>4</td> <td>30,000</td> <td>£161,395</td> </tr> <tr> <td>5</td> <td>40,000</td> <td>£237,943</td> </tr> </tbody> </table> <p><b>Table 2 – Example income by customer numbers</b></p> |   | Year | Number of customers | Net Income | 1 | 10,000 | Confidential – Identified in Appendix 1 of Cabinet report | 2 | 15,000 | £47,215 | 3 | 20,000 | £84,819 | 4 | 30,000 | £161,395 | 5 | 40,000 | £237,943 |
| Year  | Number of customers   | Net Income  |      |                     |            |   |        |   |   |        |         |   |        |         |   |        |          |   |        |          |
| 1   | 10,000  | Confidential – Identified in Appendix 1 of Cabinet report |      |                     |            |   |        |   |   |        |         |   |        |         |   |        |          |   |        |          |
| 2   | 15,000  | £47,215   |      |                     |            |   |        |   |   |        |         |   |        |         |   |        |          |   |        |          |
| 3   | 20,000  | £84,819   |      |                     |            |   |        |   |   |        |         |   |        |         |   |        |          |   |        |          |
| 4   | 30,000  | £161,395  |      |                     |            |   |        |   |   |        |         |   |        |         |   |        |          |   |        |          |
| 5   | 40,000  | £237,943  |      |                     |            |   |        |   |   |        |         |   |        |         |   |        |          |   |        |          |
| 40.   | As discussed, SCC will work with other local authority areas to endorse and incentivise local marketing. This would help increase customer numbers and help recover the costs of set up and marketing, whilst maximising the wider benefit to consumers under a single regional brand.  |   |      |                     |            |   |        |   |   |        |         |   |        |         |   |        |          |   |        |          |
| <b><u>Property/Other</u></b>  |   |   |      |                     |            |   |        |   |   |        |         |   |        |         |   |        |          |   |        |          |
| 41.   | None  |   |      |                     |            |   |        |   |   |        |         |   |        |         |   |        |          |   |        |          |
| <b>LEGAL IMPLICATIONS</b>   |   |   |      |                     |            |   |        |   |   |        |         |   |        |         |   |        |          |   |        |          |
| <b><u>Statutory power to undertake proposals in the report:</u></b> |   |   |      |                     |            |   |        |   |   |        |         |   |        |         |   |        |          |   |        |          |
| 42.   | The procurement of an energy supply partner can be undertaken in accordance with s.1 Localism Act 2011 – the general power of competence and under s.111 Local Government Act 1972 – the power to do anything conducive to, ancillary to or calculated to facilitate the discharge of the Local Authorities powers and  |   |      |                     |            |   |        |   |   |        |         |   |        |         |   |        |          |   |        |          |

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| <b>Other Legal Implications:</b>     |   |
| 43.                                  | Any company established to deliver energy services will be required to comply with relevant provisions of the Companies Act together, all relevant regulatory requirements for the energy sector, the public sector equalities duty and other relevant pervasive legislation.                                   |
| <b>POLICY FRAMEWORK IMPLICATIONS</b> |   |
| 44.                                  | Specific alignment with corporate strategy outcome - People in Southampton live safe, healthy, independent lives and the Executive Political Commitment to work with other local councils to launch our own power company; use it to offer cut priced electricity and gas to residents.                         |
| 45.                                  | Alignment with all other executive commitments whether it's offering lower cost energy and services to business, helping those families or homes living in fuel poverty reduce energy costs, bringing ownership of energy back to the city to an organisation that has a true vested interest in its wellbeing. |
| 46.                                  | Alignment with Departmental / Energy Team plans to further develop and promote SCC's energy managed service to other organisations within the city / region.  |
| 47.                                  | Strategic interdependencies include work on fuel poverty, public health, decent homes, Low Carbon City, Carbon Reduction Policy.  |

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| <b>KEY DECISION?</b>               | Yes  |
| <b>WARDS/COMMUNITIES AFFECTED:</b> | All  |
| <u>SUPPORTING DOCUMENTATION</u>    |  |
| <b>Appendices</b>                  |  |
| 1.                                 | Confidential - Business Plan: Energy Supply Company (ESCo) |

**Documents In Members' Rooms**

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| 1. |  |
| 2. |  |

**Equality Impact Assessment**

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| <b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b> | <b>Yes</b> |
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**Privacy Impact Assessment**

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| <b>Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.</b> | <b>Yes</b> |
|---|------------|

**Other Background Documents**

**Other Background documents available for inspection at:**

|                                     |  |
|-------------------------------------|--|
| <b>Title of Background Paper(s)</b> | <b>Relevant Paragraph of the Access to Information Procedure Rules /</b> |
|-------------------------------------|--|



|    |  | Schedule 12A allowing document to be Exempt/Confidential (if applicable) |
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| 1. |  |  |
| 2. |  |  |