

BARNSELEY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD

**Venue: Town Hall, Moorgate
Street, Rotherham
S60 2TH**

Date: Tuesday, 18th September, 2012

Time: 2.00 p.m.

A G E N D A

1. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence
4. Declarations of Interest
5. Minutes of the previous meeting held on 29th June, 2012 (copy attached) (Pages 1 - 5)
6. Matters Arising
To discuss matters arising from the previous minutes, which are not included elsewhere on the agenda.
7. Project Update (BDR Manager's Report attached) (Pages 6 - 7)
8. Communications Update (verbal item)
 - Communications Strategy
 - Visitor Centre Design Competition
9. Risk Register (report attached) (Pages 8 - 9)
10. Health and Safety (verbal item)
11. Date, time and venue for the next meeting
 - Friday, 14th December, 2012, at 2.00 p.m. at the Town Hall, Rotherham
 - future meetings are to take place in March, 2013 and in June, 2013

BARNSELY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD
Friday, 29th June, 2012

Present:-

Councillor Richard Russell, Cabinet Member for Waste and Emergency Planning, Rotherham Metropolitan Borough Council.

Councillor Roy Miller, Cabinet Member for Development, Environment, Culture and Operations, Barnsley Metropolitan Borough Council.

Councillor Cynthia Ransome, Cabinet Member for Culture, Street scene and Waste, Doncaster Metropolitan Borough Council.

Also in attendance were: -

Ian Gledhill, Legal Adviser, Rotherham Metropolitan Borough Council.

Steve Noble, Adviser, WIDP.

Darren Richardson, Assistant Director, Highways, Engineering, Waste Management and Neighbourhoods, Barnsley Metropolitan Borough Council.

Tracy Holmes, Corporate Communications and Marketing Manager, Rotherham Metropolitan Borough Council.

Gareth Barwell, Environment Services, Doncaster Metropolitan Borough Council.

Beth Clark, Barnsley, Doncaster and Rotherham Manager.

Apologies for absence had been received from: -

- Karl Battersby, Strategic Director, Environment and Development Services, Rotherham Metropolitan Borough Council (Director of Streetpride, Rotherham Metropolitan Borough Council representing).
- Gill Gillies, Assistant Director for Environment Services, Doncaster Metropolitan Borough Council.
- Tim Hardie, Legal Adviser, Barnsley Metropolitan Borough Council (Legal Adviser, Rotherham Metropolitan Borough Council, representing).
- Jonathan Baggaley, Finance Manager, Rotherham Metropolitan Borough Council.

D1. APPOINTMENT OF CHAIRMAN FOR 2012/13 MUNICIPAL YEAR

Resolved: - That Councillor Richard Russell, Cabinet Member for Waste and Emergency Planning, Rotherham Metropolitan Borough Council, be appointed Chairman of the Barnsley, Doncaster and Rotherham Joint Waste Board for the 2012-2013 Municipal Year.

D2. APPOINTMENT OF VICE CHAIRMAN FOR THE 2012/13 MUNICIPAL YEAR

Resolved: - That Councillor Cynthia Ransome, Cabinet Member for Communities; Street Scene; Environment Protection and Resource Recovery (Waste Management and Recycling), Doncaster Metropolitan Borough Council, be appointed Vice-Chairman of the Barnsley, Doncaster and Rotherham Joint Waste Board for the 2012-2013 Municipal Year.

D3. MINUTES AND MATTERS ARISING OF THE PREVIOUS PROJECT BOARD

MEETING HELD ON 3RD APRIL, 2012

The minutes of the previous Barnsley, Doncaster and Rotherham Waste PFI Project Board meeting held on 3rd April, 2012, were considered.

Reference was made to Minute No. 3 (Joint Waste Board) and an amendment was requested in relation to the Deputies section.

It was noted that Councillor Cynthia Ransome's nominated deputy to the Barnsley, Doncaster and Rotherham Joint Waste Board would be Councillor Paul Coddington, Doncaster Metropolitan Borough Council.

Councillor Roy Miller's nominated deputy to the Barnsley, Doncaster and Rotherham Joint Waste Board would be Councillor Sharon Howard, Barnsley Metropolitan Borough Council.

Further to Minute No. 4 (Project Update) it was noted that the Barnsley, Doncaster and Rotherham Joint Waste Board would meet in the Rotherham Town Hall. All other meetings relating to the Barnsley, Doncaster and Rotherham PFI Project would continue to meet in Riverside House.

Resolved: - That the minutes of the previous meeting be agreed as an accurate record for signature by the Chairman.

D4. PROJECT UPDATE

The Barnsley, Doncaster and Rotherham Joint Waste Manager provided an update in relation to the ongoing progress of the project, following the Contract's financial close.

There would be a challenge period, which would exist until 8th August, 2012, where the contract could potentially be called-in.

Resolved:- (1) That the report be received and its content noted.

(2) That a further report be presented to the next meeting of the Barnsley, Doncaster and Rotherham Joint Waste Board that outlines the risk register issues in relation to planning issues.

D5. COMMUNICATIONS UPDATE.

The Barnsley, Doncaster and Rotherham Joint Waste Manager and Corporate Communications and Marketing Manager, Rotherham Metropolitan Borough Council, provided an update to the Joint Board on the communications strategy and the project's communication action plan.

The Barnsley, Doncaster and Rotherham Communications Group consisted of members of the Corporate Communications Teams of each of the three local authorities, and the Barnsley, Doncaster and Rotherham Manager. The Group was developing a communication strategy that incorporated the key milestones of the project and a number of events would showcase the project to stakeholders.

The event programme included: -

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- Ground breaking ceremony.
- Members' Awareness raising sessions in each of the three authorities.
- A Local Business Networking event took place on 22nd June, 2012, to share information about the new site, tendering processes for future contracts, and liaison with companies already involved in the development.
- Community events were being held on an ongoing basis, and would give local people the opportunity to engage with the project.

Ongoing and future work would include: -

- Press releases;
- Review of the website's content;
- Organisation of further community events;
- Continued engagement with the local business representatives that attended the networking event.

Resolved: - That the update be noted.

D6. RISK REGISTER.

The Barnsley, Doncaster and Rotherham Joint Waste Board considered the Waste PFI Transition phase risk register.

The document detailed the identified risks and displayed a current and targeted risk score based on the Red, Amber and Green method of risk reporting/mitigation.

There was one Red rated risk section that related to the implications of the current permitting delay.

Discussion ensued around the Red rated risk, and the Barnsley, Doncaster and Rotherham Joint Waste Board noted the following: -

- Progress of the permit;
- A letter received from the Environment Agency outlining the current position.

Resolved: - (1) That the update be received and the content of the document be noted.

(2) That further updates to the risk register include the anticipated end-date of the identified risks.

D7. EXEMPTION OF THE PRESS AND THE PUBLIC.

Resolved: - That the following items be considered in the absence of the press and public as being exempt under Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended March 2006) (information relating to the financial or business affairs of any particular individual (including the Council)).

D8. DELEGATION OF POWERS.

Consideration was given to the report presented by the Legal Adviser to the Barnsley, Doncaster and Rotherham Joint Waste Board, which outlined certain provisions of the Inter-Authority Agreement ("IAA2") that had been signed by Barnsley, Doncaster and Rotherham Councils on 30th March, 2012.

IAA2 provided for the creation of a Joint Waste Board and consideration was given to how the functions of the Joint Waste Board would be delegated to the Barnsley, Doncaster and Rotherham Steering Committee and the BDR Manager, to ensure that the day-to-day decisions required under the Waste PFI Contract could be discharged effectively.

The structure of the BDR Steering Committee was considered and included Assistant Director/Director level representatives from each of the three Councils.

Under IAA2, certain matters were reserved to the Authorities for a unanimous decision, but all other decisions were delegated to the Joint Waste Board. The Local Government Act 1972 did not permit the delegation of powers to be exercised jointly by a committee of officers. It was therefore proposed that the Joint Waste Board should delegate its powers to one of the BDR Steering Committee officers (the "Authorised BDR Steering Committee Member") who would then act in consultation with the others. This officer could then in turn delegate certain functions to the BDR Manager.

Discussion ensued on the proposals and the following issues were raised:

- The role of Authorised BDR Steering Committee Member should rotate through each of the three Councils in turn;
- It would be necessary to ensure that the role of Authorised BDR Steering Committee Member and Chair of the Joint Waste Board were not the responsibility of the same Council during any one Municipal Year;
- The question of the delegation of functions to the BDR Manager would be subject to further consideration by Doncaster Council at its Cabinet meeting on 6th August, 2012;
- All reputational issues should be referred to the members of the Joint Waste Board for information on an ongoing basis.

Resolved: - (1) That, with the exception of decisions reserved to the Authorities for a unanimous decision, all decisions in respect of the Waste PFI Contract be delegated by the Barnsley, Doncaster and Rotherham Joint Waste Board to the Authorised BDR Steering Committee Member, in consultation with the other Steering Committee members.

(2) That, subject to further consideration by Doncaster Council at its Cabinet meeting on 6th August 2012, the Authorised BDR Steering Committee Member be authorised to delegate certain decisions to the BDR Manager.

(3) That, subject to further consideration by Doncaster Council at its Cabinet meeting on 6th August 2012, the BDR Manager be authorised to delegate any

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decisions delegated to them to a member of the Joint Waste Team (if the right to delegate is granted by the Authorised BDR Steering Committee Member).

[4] That all matters having the potential to damage the reputation of any of the Authorities be referred to the Joint Waste Board for information.

[5] That the first Authorised BDR Steering Committee Member will be the Barnsley Metropolitan Borough Council representative, or, in their absence, their nominated deputy.

[6] That the roles of Authorised BDR Steering Committee Member and Chair of the BDR Joint Waste Board would both rotate on an annual basis but would not be from the same Authority in any Municipal Year.

D9. BUDGET REPORT.

Consideration was given to the report presented by the Barnsley, Doncaster and Rotherham Manager that demonstrated the forecast expenditure of the Barnsley, Doncaster and Rotherham Waste PFI Contract for the 2012/13 Financial Year.

The report was considered and the following points were raised: -

- Financial planning: -
- All Local Authorities reported that their base budgets were likely to be reviewed through the ongoing process of public spending reductions;
- Long-term financial planning over years one to three;
- Reconciliation of the Barnsley, Doncaster and Rotherham contributions would take place on a quarterly basis;
- Identification and labelling where resources were provided on an 'in-kind' basis.
- Cost reductions.

Resolved: - That the update be received and the content noted.

D10. ANY OTHER BUSINESS.

Nothing was raised under this item.

D11. PROPOSED DATE AND TIME OF FUTURE MEETINGS.

Resolved: - [1] That the next meeting of the Barnsley, Doncaster and Rotherham Joint Waste Board be held on Tuesday 18th September, 2012, to start at 2.00 pm in the Rotherham Town Hall.

[2] That the future meetings of the Barnsley, Doncaster and Rotherham Joint Waste Board take place on: -

- Friday 14th December, 2012, to start at 2.00 pm;
- March, 2013, to be confirmed;
- June, 2013, to be confirmed.

BDR WASTE PFI**BDR MANAGER UPDATE REPORT, SEPTEMBER 2012****Resources**

The holiday season and team illness has impacted on the progress of the Contract Manuals.

Advisors – Amec (technical advisors) are accessed through the Government Procurement Service framework. PWC (financial advisors) remain on a framework agreement with RMBC and Legal advice is to be procured as required following Rotherham's Standing Orders

Governance

A report on the Barnsley, Doncaster and Rotherham (BDR) Waste PFI Contract scheme of delegations was agreed by Doncaster Cabinet on 29th August 2012. The Call-in period for this decision ends on September 11th 2012.

The BDR Steering Committee delegated authority to the BDR Manager on 4th September 2012 in accordance with the terms of the IAA2 this delegation being subject to the end of the Doncaster call-in period.

Draft Terms of Reference for the various project groups are being drawn up for approval in line with recommendations from the audit report.

Technical

Planning – Bolton Road – The Judicial Review (JR) period concluded with no challenges on the 9th August 2012.

Permitting – Bolton Road- the EA have issued a draft permit to Shanks in relation to the Bolton Road facility, this permit will be subject to a 15 day public consultation period before a final permit is issued.

Ferrybridge have received a Schedule 5 notice from the EA requesting further information and are working their way through the responses.

Project Delivery

3SE have formally notified BDR that they wish to commence works on the access area to the site on 10th September 2012. Notices have been placed on the closure of Public Bridleway number 50.

Licences for temporary works including the installation of welfare facilities have been applied for and Planning conditions are being discharged.

Visitors Centre

Local colleges have been approached to provide input into the internal layout of the visitors centre. A draft evaluation matrix has been prepared for consideration based on the technical evaluation criteria of the bid documentation.

Finance

The contract management costs are projected to be within budget.

Defra have confirmed the allocation of £77.4 million Waste Infrastructure Credits subject to certain conditions which the BDR Team are ensuring compliance with.

Audit

Barnsley Auditors have completed their audit of the BDR Waste Management PFI Contract and have made 8 recommendations. An action plan has been produced following the audit and progress on these recommendations is to be reported to Steering Committee and Joint Waste Board.

The current project plan is to be updated and key stages for Gateway Reviews are to be identified.

Audit noted that the Waste Infrastructure Delivery Programme – Project Governance best practice guidance published by DEFRA in June 2008 recommends the appointment of a non-executive director to the JWB. The Audit report noted that the meetings are open to the public which may provide some independence/challenge. Joint Waste Board may wish to consider a more formal appointment.

Risk Register (Current/Target)

Service Unit: **Waste PFI Transition Phase**

| Reference | Details | Risk Category | Risk Type | Current Risk Score | Target Risk Score | Assigned To (Risk Owner) | Status | Review Date | Date Last Reviewd | Days Overdue |
|-----------|--------------------------------------|--------------------|-----------------|--------------------|-------------------|--------------------------|----------------------|-------------|-------------------|--------------|
| WPFIT0005 | Permitting Delay | Operational Threat | Financial | 16 | 8 | Beth Clarke | Partially Controlled | 24/09/2012 | 24/08/2012 | 0 |
| WPFIT0007 | Legislative Change | Strategic Threat | Legal | 12 | 9 | Beth Clarke | Partially Controlled | 24/11/2012 | 24/08/2012 | 0 |
| WPFIT0010 | ITSAD fails commissioning tests | Operational Threat | Contractual | 12 | 8 | Beth Clarke | Partially Controlled | 03/11/2012 | 03/08/2012 | 0 |
| WPFIT0011 | Business Continuity | Operational Threat | Human Resources | 9 | 6 | Beth Clarke | Partially Controlled | 05/10/2012 | 05/09/2012 | 0 |
| WPFIT0009 | Major incident at ITS/AD | Operational Threat | Technological | 8 | 8 | Beth Clarke | Partially Controlled | 03/11/2012 | 03/08/2012 | 0 |
| WPFIT0006 | Permitting Failure | Operational Threat | Financial | 8 | 4 | Beth Clarke | Partially Controlled | 29/09/2012 | 29/08/2012 | 0 |
| WPFIT0013 | Design Changes result in scope creep | Operational Threat | Contractual | 8 | 4 | Beth Clarke | Partially Controlled | 04/10/2012 | | 0 |
| WPFIT0014 | Construction delay | Operational Threat | Contractual | 8 | 8 | Beth Clarke | Partially Controlled | 04/10/2012 | | 0 |
| WPFIT0012 | Business Continuity | Operational Threat | Contractual | 6 | 6 | Beth Clarke | Partially Controlled | 05/10/2012 | 05/09/2012 | 0 |
| WPFIT0008 | Transport Movements | Operational Threat | Reputational | 6 | 4 | Beth Clarke | Partially Controlled | 03/11/2012 | 03/08/2012 | 0 |
| WPFIT0002 | Off site works costs increase | Strategic Threat | Financial | 6 | 4 | Beth Clarke | Partially Controlled | 05/10/2012 | 05/09/2012 | 0 |
| WPFIT0001 | Waste volumes change | Operational Threat | Financial | 4 | 2 | Matthew Bell | Partially Controlled | 05/10/2012 | 05/09/2012 | 0 |
| WPFIT0003 | Planning Delay | Strategic Threat | Financial | 1 | 3 | Beth Clarke | Closed | 19/09/2012 | 19/06/2012 | 0 |

Risk Register (Current/Target)

Service Unit: Waste PFI Transition Phase

| Reference | Details | Risk Category | Risk Type | Current Risk Score | Target Risk Score | Assigned To (Risk Owner) | Status | Review Date | Date Last Reviewd | Days Overdue |
|-----------|------------------|--------------------|-----------|--------------------|-------------------|--------------------------|--------|-------------|-------------------|--------------|
| WPFIT0004 | Planning Failure | Operational Threat | Financial | 1 | 4 | Beth Clarke | Closed | 19/09/2012 | 19/06/2012 | 0 |