

**BARNSELY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD
1st July, 2016**

Present:- Councillors S. Allen and E. Hoddinott (Rotherham MBC), Councillor R. Miller (Barnsley MBC) and Councillor G. Jones (Doncaster MBC), together with Mrs. L. Baxter and Mrs. K. Hanson (Rotherham MBC), Mr. P. Castle (Barnsley MBC) and Mr. L. Garrett (Doncaster MBC); and Mr. J. Busby (DEFRA)

Apologies for absence were received from Councillor C. McGuinness (Doncaster MBC) and from Mr. D. Wilson (Rotherham MBC) and Mrs. G. Gillies (Doncaster MBC).

1. APPOINTMENT OF CHAIRMAN FOR THE MUNICIPAL YEAR 2016/2017

Agreed:- That Councillor Roy Miller of Barnsley Metropolitan Borough Council be appointed Chairman of the Barnsley, Doncaster and Rotherham Joint Waste Board for the 2016/2017 Municipal Year.

(Councillor R. Miller in the Chair)

2. APPOINTMENT OF VICE-CHAIRMAN FOR THE MUNICIPAL YEAR 2016/2017

Agreed:- That Councillor Chris McGuinness of Doncaster Metropolitan Borough Council be appointed Vice-Chairman of the Barnsley, Doncaster and Rotherham Joint Waste Board for the 2016/2017 Municipal Year.

3. PAST AND PRESENT COUNCILLORS AND OFFICERS

The Chairman welcomed Councillors Allen and Jones to their first meeting of the Joint Waste Board.

The Joint Waste Board placed on record its appreciation of the services of the former Councillors and officers who have now retired (Minute No. 18 of the meeting of the Joint Waste Board held on 11th March, 2016, refers).

The Joint Waste Board also placed on record its appreciation of the services of Mr. David Packham who had served in a voluntary capacity as chair of the residents' committee for the Bolton Road facility.

4. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

6. MINUTES OF THE PREVIOUS MEETING HELD ON 11TH MARCH, 2016

Consideration was given to the minutes of the previous meeting of the Barnsley, Doncaster and Rotherham Joint Waste Board, held on 11th March, 2016.

Agreed:- That the minutes of the previous meeting of the BDR Joint Waste Board be approved as a correct record for signature by the Chairman.

7. MATTERS ARISING

The following matters arising from the minutes of the previous meeting of the BDR Joint Waste Board were discussed:-

(1) Minute 21(2) – the production of the ‘virtual tour’ film of the waste treatment facility at Bolton Road, Wath upon Dearne, is still in progress;

(2) Minute No. 21(3) – the revised Inter-Authority Agreement (IAA.3) is not yet finalised.

1. APPROVAL OF DELEGATIONS UNDER THE SECOND INTER-AUTHORITY AGREEMENT FOR THE MUNICIPAL YEAR 2016/17

The Barnsley, Doncaster and Rotherham Joint Waste Manager submitted a report stating that one of the contractual documents entered into between the Barnsley, Doncaster and Rotherham Local Authorities at financial close of the BDR Waste PFI project was an Inter-Authority Agreement (IAA). This IAA creates the Joint Waste Board (“JWB”) as a joint committee pursuant to Section 101(5) of the Local Government Act 1972, which is established as part of the joint working arrangements between the Local Authorities for the management and administration of what are termed Relevant Contracts under the IAA. At the date of today’s meeting, the BDR Waste PFI Contract is the only Relevant Contract to which the IAA applies and is referred to as the “Principal Contract”.

The submitted report detailed how the functions of this Joint Waste Board will be delegated down to the BDR Steering Committee and the BDR Manager in order to deal more efficiently with the day-to-day decisions that will be required under the Principal Contract. All decisions of the JWB, BDR Steering Committee and the BDR Manager will be made in accordance with the provisions of the prevailing Inter-Authority Agreement.

Agreed:- (1) That the report be received and its contents noted.

(2) That the Joint Waste Board notes that:-

(a) with the exception of the decisions reserved to the Local Authorities for a unanimous decision under the Inter-Authority Agreement, all other decisions in respect of the Principal Contract are delegated by the Joint Waste Board to the Authorised BDR Steering Committee Member;

(b) the Authorised BDR Steering Committee Member may elect to delegate certain decisions to the BDR Manager;

(c) the BDR Manager may delegate any 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); and

(d) Rotherham Metropolitan Borough Council's representative on the BDR Steering Committee will be the Authorised BDR Steering Committee Member for 2016/17.

(3) That the Barnsley, Doncaster and Rotherham Joint Waste Manager shall consult with the Chairman and the Vice-Chairman of this Joint Waste Board on decisions that are made in accordance with the above scheme of delegation.

8. WASTE COMPOSITIONAL ANALYSIS

The Barnsley, Doncaster and Rotherham Joint Waste Manager submitted a report stating that a Waste Compositional Analysis is used to examine the type of waste that is left in the residual black bin. There is an analysis of the refuse that residents are throwing away and this helps the waste management teams plan how to manage materials. The three Local Authorities receive an income from some of the recyclates, which can serve to offset the costs of the service.

Waste Compositional Analyses have been completed in 2009/10, 2014/15 and in 2015/16. These Analyses are normally conducted twice per year and take into account changes in seasonality. The 2015/16 data (included in the submitted report) is anecdotal data only as the results are still awaited for part two of this analysis.

It was suggested that Members should arrange a separate meeting and discuss the details of the Waste Compositional Analysis, in the light of ensuring that recycling rates are consistent across the three Local Authorities.

Members acknowledged the importance of endeavouring to provide customers with the same set of easily recognisable recycling services and that this is one of the key aspects for the steering group and the Joint Waste Board to work towards.

Agreed:- That the report be received and its contents noted.

9. BDR JOINT WASTE PROJECT - MANAGER'S ANNUAL REPORT 2015/16

The Barnsley, Doncaster and Rotherham Joint Waste Manager submitted a report which highlighted and updated the following issues relating to the Joint Waste Private Finance Initiative (PFI), for the period April 2015 to March 2016:-

: Mrs. Karen Hanson, Assistant Director Community Safety and Street Scene, Regeneration and Environment, Rotherham MBC became Chair of the BDR Steering Committee in June 2016;

: implementation of the internal audit recommendations (January 2016) would enhance the control environment and provide an increased level of assurance to management of the joint waste project (details were included at appendix 1 and at appendix 2 of the submitted report);

: a letter has been received from BDO confirming that the external audit of the Operational Management Budget is not necessary for 2016-17 (included as appendix 3 of the submitted report);

: contract delivery (Bolton Road facility);

: performance, tonnage, contractual outputs, contract targets;

: complaints received and statistics about complaints;

: Ferrybridge facility;

: Grange Lane facility;

: health and safety issues and statistics;

: legal issues;

: financial issues;

: communications;

: use of resources;

: the BDR PFI has been shortlisted for two National Recycling Awards:-
(i) Best Energy from Waste Initiative and (ii) Best Private-Public Sector Partnership;

: the "It's a Rubbish Adventure" has been nominated for the Communications Award for the Private Sector;

: the letter to DEFRA regarding recycling had been signed by the Leaders of the constituent Councils; the DEFRA response was included at appendix 4 of the submitted report.

Members discussed the following matters:-

- (a) preparation for the internal audit 2015/16;
- (b) ensuring that the Joint Waste Board is informed of performance issues on a regular basis;
- (c) governance arrangements and partnership working;
- (c) future reports to meetings of the Joint Waste Board should include more information about the availability and use of resources.

Agreed:- That the BDR Manager's report be received and its contents noted.

10. BDR JOINT WASTE PROJECT - CURRENT ISSUES

Discussion took place on the following current issues affecting the BDR Joint Waste Project:-

(1) Flies

There had been some negative articles recently, published in local newspapers, concerning the presence of flies in the area around the Bolton Road facility at Manvers. The warm and wet weather of May and June 2016 may have contributed to the increase in the number of flies.

The meeting welcomed Mr. Mike Turner (Shanks UK PFI Director) who explained in detail the spraying and fogging operations at the facility (both inside the buildings and including vehicles) which would reduce the incidence of flies. There was only a limited number of insecticide products available to use, although it was known that, because insects may develop an immunity to certain chemicals, other products are constantly being tested for possible future use. Staff at the facility endeavoured to maintain a dialogue with local residents.

It was noted that another contributory factor may be food waste. It was agreed that there should be educational and publicity material distributed in the local area of the facility (as well as in the wider region of this joint waste partnership), reminding people to wrap their food waste before disposal. This information could be published as part of the forthcoming Recycling Week.

(2) Noise

It was known that a number of local residents have been disturbed by noise from the Bolton Road facility at Manvers. In response, some sound-proofing measures have been put in place, which have been successful in reducing noise levels.

The tonal element of noise continues to be a problem during the night, however. Upon the advice of the Environment Agency, equipment will be fitted to the fans within the facility, such that the tone will be disrupted and the nuisance to residents alleviated. Members of the Joint Waste Board asked to be informed of progress at the next meeting.

The Joint Waste Board thanked Mr. Turner for his contribution to this meeting.

11. RISK REGISTER

The Barnsley, Doncaster and Rotherham Joint Waste Board considered the updated Waste PFI risk status report (risk register) which had been maintained during the various stages of the joint waste project. The report stated that, in order to decide which risks are most important and merit most attention, the risks are scored along two dimensions:

- i) the likelihood (or probability) that the risk will occur;
- ii) the impact (or severity) that the risk will have if it occurs.

These two figures are multiplied together so as to identify the major risks. Once identified, measures are put in place to minimise or mitigate these risks and the process is repeated with the aim of bringing the level of risk down.

The Risk Register follows the Rotherham MBC corporate requirements for scoring (as shown in the appendix to the report) and is scrutinised by Joint Waste Project's Steering Committee on a monthly basis.

The key risks to the delivery of the joint waste contract during the operational phase were set out in the appendix to the submitted report. Members noted that, in recent months, a number of the identified risks have occurred despite the mitigations that are in place. An explanation of these risks was also included within the submitted report.

Discussion took place on staff retention and the need to maintain service delivery.

A further report on the need to widen the scope of the Risk Register would be submitted to the next meeting of the Joint Waste Board.

Agreed:- That the updated information on the risk status report be received.

12. EXCLUSION OF THE PRESS AND PUBLIC

Agreed:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended (information relating to the financial/business affairs of any person (including the Joint Waste Board)).

13. BDR PFI BUDGET UPDATE 2016/17 AND OUT-TURN FOR 2015/16

Consideration was given to the 2015/2016 annual return of the Operational Management Budget for the Barnsley, Doncaster and Rotherham Joint Waste Partnership Private Finance Initiative (PFI). The 2015/2016 annual return will be the subject of external audit. This budget had previously been approved in accordance with the budget-setting policies of each of the three Local Authorities.

The submitted report also contained the 2016/2017 Budget, which was presented for approval.

Discussion took place on the possibility of any operating surplus being returned in equal share to each of the three constituent Local Authorities and whether the amount of the budget should be reduced as there has consistently been an underspend on this. There would be further consideration of this matter as part of the 2017/18 budget deliberations.

Agreed:- (1) That the report be received and its contents noted.

(2) That the 2015/2016 annual return of the Operational Management Budget for the Barnsley, Doncaster and Rotherham Joint Waste Partnership, as now submitted, be approved.

(3) That the 2016/2017 Operational Management Budget for the Barnsley, Doncaster and Rotherham Joint Waste Partnership, as summarised in the report now submitted and previously approved in accordance with each constituent Authority's budget setting policies, be approved.

14. DATE, TIME AND VENUE FOR THE NEXT MEETING

Agreed:- (1) That the next meeting of the Barnsley, Doncaster and Rotherham Joint Waste Board be held on Friday, 30th September, 2016 at the Town Hall, Rotherham, commencing at 2.00 p.m. and an invitation be extended to the representatives of Sheffield City Council to attend this meeting.

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(2) That the next following meeting of the Barnsley, Doncaster and Rotherham Joint Waste Board be held on Friday, 16th December, 2016 at the Town Hall, Rotherham, commencing at 2.00 p.m.

(3) That, if necessary, a meeting of the Barnsley, Doncaster and Rotherham Joint Waste Board be held on a date to be arranged during March, 2017.