

BARNSELEY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD

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

Date: Friday, 30th September, 2016

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 1st July, 2016 (Pages 1 - 7)
6. Matters Arising
To discuss matters arising from the previous minutes, which are not included elsewhere on the agenda.
7. BDR Joint Waste Project - Manager's Report (Pages 8 - 20)
 - Governance
 - Audit
 - Contract Performance
 - Communications
 - Legal
 - Financial
 - Resources
 - Other
8. BDR Joint Waste Project - Current Issues
9. Risk Register (Pages 21 - 32)
10. Exclusion of the Press and Public

The following items are likely to 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 relates to finance and business affairs)

11. BDR PFI Budget Update 2016/17 (Page 33)
12. South Yorkshire Waste Strategy 2016 - 2021 (consultation draft) (Pages 34 - 56)
13. Date, time and venue for the next meeting
 - : Friday 16th December, 2016 at the Town Hall, Rotherham, commencing at 2.00 p.m.
 - : if necessary, a meeting shall be held during March, 2017, on a date to be arranged.
 - : annual meeting on a date to be arranged during June or July, 2017.

BARNSELEY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD
Friday, 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.

5. 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.

6. 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.

7. 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.

(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.

**BDR WASTE PFI
BDR MANAGER UPDATE REPORT**

JUNE 2016 – AUGUST 2016

1.0 Governance

1.0 Inter-Authority Agreement

The IAA3 has now been signed by all 3 LA's. The IAA3 sets out the legal framework that the three authorities adhere to wherever joint working is involved.

1.2 South Yorkshire Leaders Meeting

The BDR Manager attended the South Yorkshire Leaders Meeting and presented the Annual Report. The Leaders requested further information on the recycling rates across the partnership. This information has been provided.

2.0 Audit

RMBC are undertaking their second audit of the procedures and processes of the BDR contract compliance team. The first report in 2015/16 scored the BDR project as adequate; the scale for the audit report was either adequate or inadequate.

3.0 Contract Performance

2.1 Bolton Road

2.1.1 Contractors Representative

The Contractors Representative for the BDR PFI Contract since 2012 has previously been responsible for both the BDR and the Wakefield Contract. Shanks Waste Management has decided that it would benefit both Contracts to have a dedicated Contractors Representative.

An interim Contractors Representative is in place and will be covering the BDR Contract 4 days a week. The recruitment process for a replacement BDR Contractors Representative has commenced.

The operational management team remains the same.

2.1.2 Recycling and Diversion

Table 1 contains the information about the number of tonnes processed and the contract performance. There have been some issues which have impacted on the recycling performance of the facility:

- The market for recycling plastics from an MBT is poor at the moment. The price of oil is low, this means the virgin plastic material is cheap and consequently lowers the value of the recyclable material.
- Grounds maintenance waste is not being delivered to the facility.
- The SRF Offtake facility has had some downtime due to boiler and crane issues. This has impacted on the turnaround times at the Ferrybridge.

The Contractor has mitigated the impact of these issues by:-

- Paying to get plastics reprocessed
- Assigned a project team to further optimise performance and quality.

Table 2 - Tonnes Processed 1st April 2016 to 31st August 2016

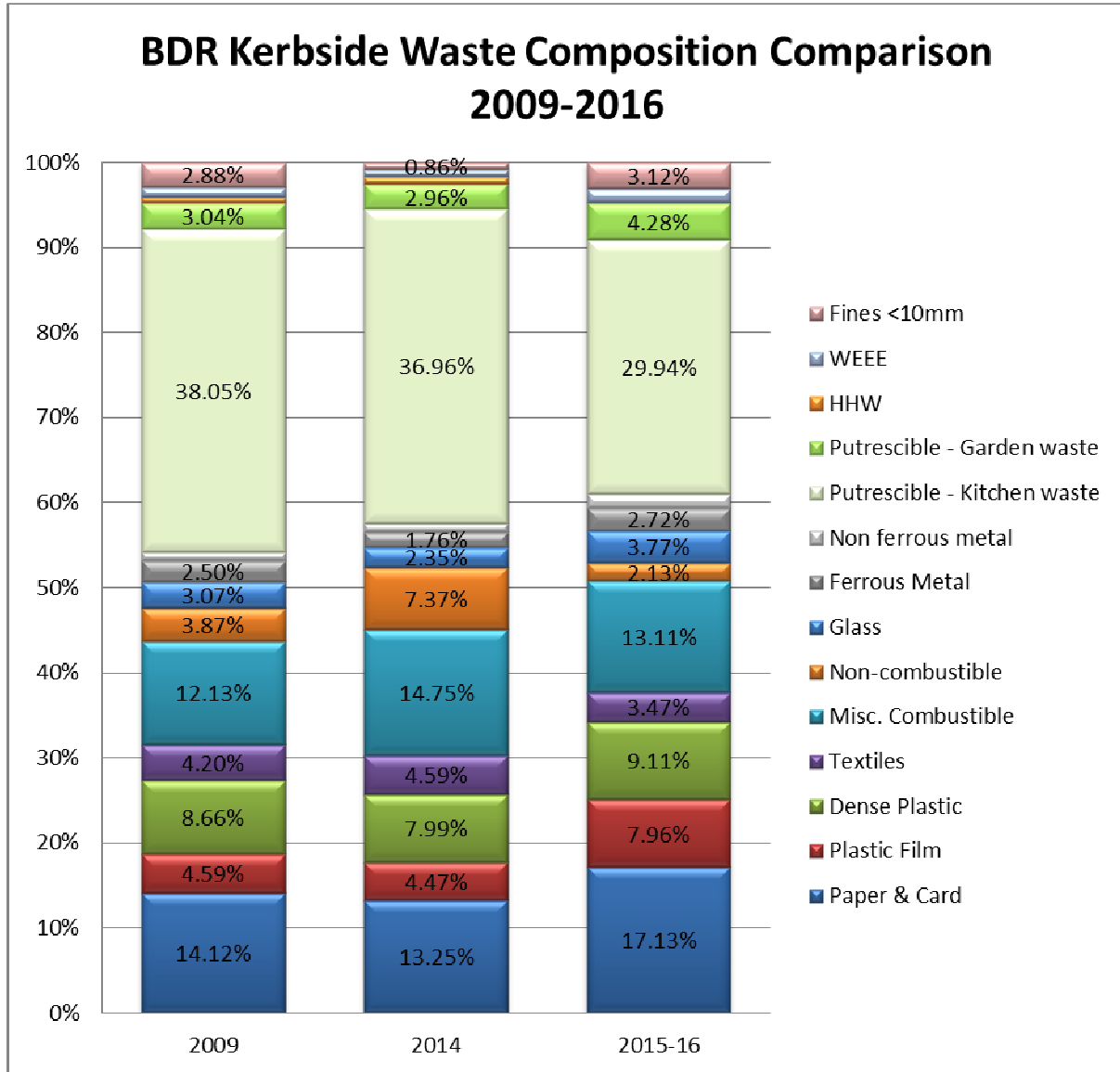
	Type	Tonnes	Percentage	Target (contract estimate)	Variance
Total Waste delivered	Contract waste only	76,403.91			
Landfill		841.76	1.10%	5%	+3.9%
Recovery	Ferrybridge	58,459.20	58.6%		
	Other	457.30	0.5%		
	Total	58,916.5	59.5%	n/a	
Recycling	Ferrous	1,004.28	1.21%		
	Non-ferrous	135.74	0.15%		
	Fines	3,768.48	5.17%		
	Glass and Stone	1,883.30	1.43%		
	Plastic	3,922.88	4.64%		
	Total	10,714.68	13.60%	19.00%	-5.40%
Moisture Loss		29,207.98	29.3%		

n.b. above figures are unaudited and subject to change.

The landfill diversion target for the contract is 95% with only 5% to landfill. The contract is over performing by diverting 98.9% with only 1.10% to landfill.

2.2.4 – Waste Composition

Table 3 – Waste Composition



The table above shows a summary of waste composition over the last 6-7 year. Paper and card in the residual bins has increased. This could be attributed to the increase in online shopping.

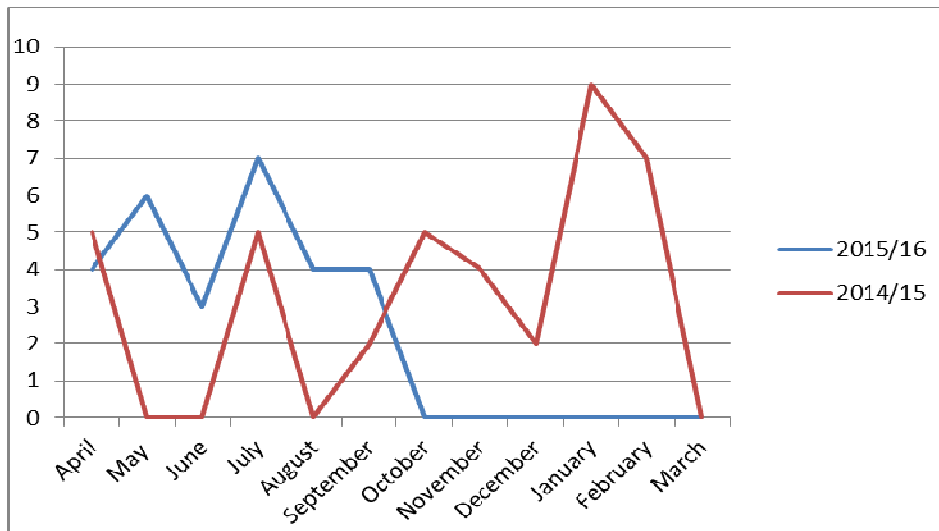
Table 4 – Composition by Council

Yearly comparison									
Category	BMBC			DMBC			RMBC		
	2009	2014	2015-16	2009	2014	2015-16	2009	2014	2015-16
Paper & Card	13.44%	13.15%	18.60%	15.11%	13.81%	16.85%	13.67%	11.30%	16.06%
Plastic Film	4.56%	4.26%	8.94%	4.26%	3.83%	8.37%	5.17%	4.78%	6.56%
Dense Plastic	9.56%	6.35%	8.56%	6.72%	6.84%	8.67%	9.61%	9.23%	10.16%
Textiles	4.89%	4.88%	4.03%	3.47%	4.51%	3.06%	4.19%	3.31%	3.44%
Misc. Combustible	11.00%	10.55%	13.00%	12.32%	14.48%	14.50%	13.30%	14.48%	11.56%
Non-combustible	3.78%	5.11%	2.32%	4.14%	8.88%	1.41%	3.57%	11.95%	2.81%
Glass	3.22%	3.31%	3.44%	2.58%	2.23%	3.22%	3.82%	2.33%	4.73%
Ferrous Metal	2.89%	1.84%	3.16%	2.02%	2.19%	2.57%	2.59%	1.64%	2.49%
Non ferrous metal	0.89%	1.35%	1.69%	0.90%	0.70%	1.42%	1.35%	0.68%	1.61%
Putrescible - Kitchen waste	38.66%	45.44%	27.63%	38.96%	33.75%	29.72%	35.83%	36.59%	32.37%
Putrescible - Garden waste	2.00%	1.16%	4.11%	4.48%	5.92%	4.97%	2.96%	1.58%	3.60%
HHW	0.56%	0.73%	0.03%	0.78%	0.57%	0.28%	0.62%	0.07%	0.01%
WEEE	1.33%	0.76%	1.15%	1.12%	1.27%	1.70%	1.23%	1.38%	1.85%
Fines <10mm	3.22%	1.11%	3.34%	3.14%	0.99%	3.26%	2.09%	0.68%	2.75%
Total	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

The above table shows the variances across the Councils. It can be seen that there has been a decrease in the amount of food waste in the residual waste across the three Councils since 2014-15. There would appear to be an increase in recyclable materials in the residual waste e.g. paper, card and glass. This could indicate the need for a further communication campaign to remind residents what can be recycled.

2.2.5 – Complaints

Table 5 - Noise Complaints 2014/15 and 2015/16

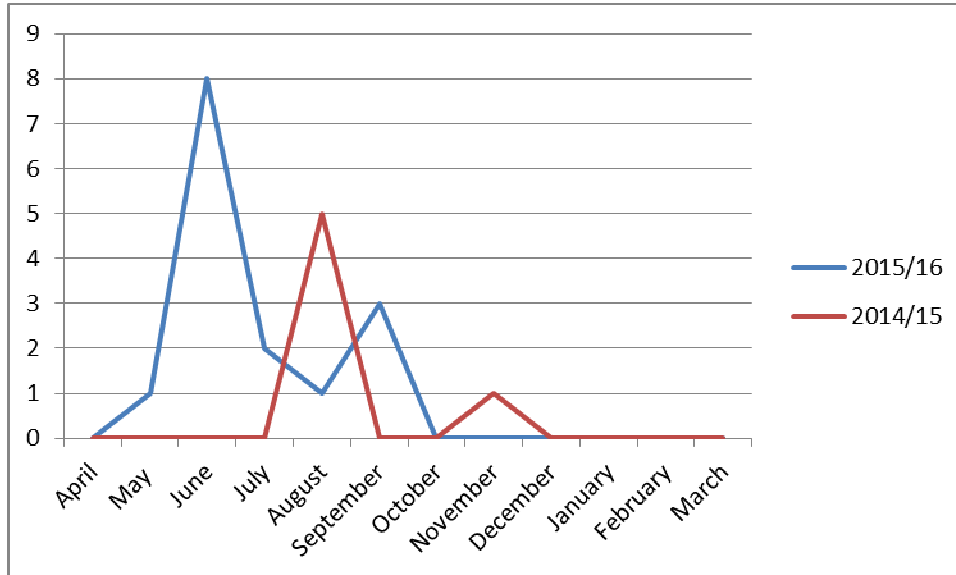


The above graph compares noise complaints received per month in 2014/15 with those received in 2015/16.

Since the first complaint was received permanent acoustic shielding has been installed around the bio-drying fans. Additionally a silencer has been fitted to the de-dusting stack.

Following these improvements the Environment Agency carried out a noise monitoring exercise that resulted in further noise mitigation work being commissioned. This involved the installation of plates on the bio filter fans to reduce the tonal element of the fans.

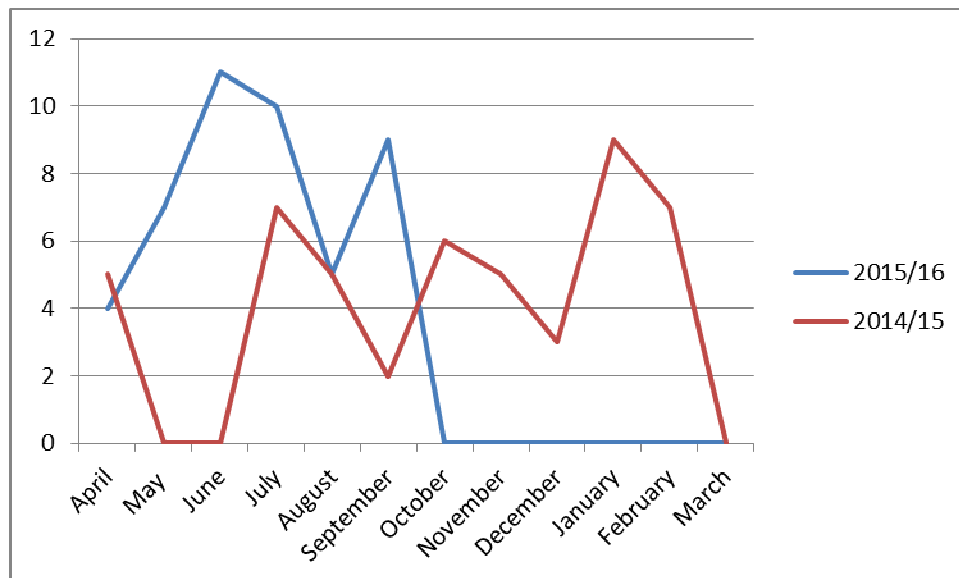
The Environment Agency have been contacted and notified that this phase of noise reduction measures has been completed. A further monitoring exercise by the Environment Agency took place on the 20th September 2016 the results are expected week commencing the 3rd of October 2016.

Table 6 - Fly Complaints 2014/15 and 2015/16

The above graph compares fly complaints received per month in 2014/15 with those received in 2015/16.

It can be seen that there was a spike in fly complaints in June 2016. A number of concerns have been raised by local residents & businesses about flies, discussions with residents & businesses have taken place as a result additional and new treatments have been applied.

New procedures have also been implemented by the fleet managers across the Contract e.g. increased frequency of lorry washing.

Table 7 - Total Complaints 2014/15 and 2015/16

The above graph compares the total number of complaints received per month in 2014/15 with those received in 2015/16.

A small number of other complaints have been received regarding odours of sewage and litter.

These complaints have been investigated and remedial action has been taken where possible.

2.2.6 Health and Safety

2.2.6.1 Fire Update

There was a fire in the quarantine bay of the reception area which was dealt with by staff on site in addition to the fire service assistance. Minimal damage was caused to site.

A number of improvements and lessons learned have been identified which are being implemented. One specific action has been submitted for a Group and UK Safety Award. This involves development of a more “user friendly” emergency planning document. A photographic walk through of the site has been included in the fire information held in the emergency box at the gate. This will mean that the Fire Service will be better able to understand the layout of the facility should an incident occur. The communication protocol for emergency situations has also been revisited.

Table 8 - Compliance from April 2016 to 31st August 2016

	Close Call (Observation)	Accident less than 3 days	Accident more than 3 days	Non RIDDOR dangerous occurrence	RIDDOR dangerous occurrence	RIDDOR more than 7 day injury	Major RIDDOR	Environmental
YTD Total	91	11	0	5	0	0	0	9

Events

The crane at the MBT has experienced errors to the auxiliary circuit allowing the reception pit door to open with the crane in the parked position behind it. This issue has been investigated by the sub-contractor and resolved.

Door seals have failed in the Anaerobic Digestion (AD) plant and a release of percolate occurred inside the AD hall. This incident is being investigated with the AD sub-contractor.

The HSE visited the site and raised concerns on the temporary scaffolding that has been erected in the refinement section of the plant. These concerns have been addressed and there is an internal project plan to review permanent access.

2.3 Ferrybridge

Table 9 – Ferrybridge BDR Fuel Deliveries and Electricity Export

Fuel Deliveries & Electricity Export	April	May	June	July	August	YTD Totals
BDR Fuel Delivered (tonnes)	11,999.00	11,502.04	11,926.00	11,920.00	11,334.00	58,681.04
BDR Average Fuel NCV (MJ/kg)	14.19	13.61	13.01	13.00	13.00	66.81
BDR Proportion of Electricity (MWhe)	7,748.00					7,748.00
BDR Electricity (MWh/tonne)	0.65	-	-	-	-	0.65
RESIDUES (tonnes)						
BDR Proportion of IBA	1,887.00	2,737.00	2,011.00	2,519.00	2,354.00	11,508.00
BDR Proportion of APCr	395.00	489.00	342.00	438.00	479.00	2,143.00
BDR Proportion of Fe	168.00	244.00	141.00	176.00	165.00	894.00

Table 10 - Compliance

	Lost Time	Medical Incident	First Aid	Observation	RIDDOR
YTD Total	0	0	0	265	0

2.4 Grange Lane

Barnsley are progressing the work required to bring the Grange Lane Facility up to good and tenable standard.

3.0 Communications

3.1 Awards

The BDR PFI were successful in the Best Energy from Waste Initiative category in the National Recycling Awards

3.2 Recycle Week 2016

National Recycle week ran from the 12th to the 18th of September. Six events across BDR were organised by the CELO and attended by staff from the BDR Partnership. The aim of the campaign was to target unusual items that residents may overlook when recycling at home. This includes items such as bleach bottles, tissue boxes, deodorant cans, toothpaste boxes and shampoo bottles. A total of 1,264 residents were engaged across the events.

4.0 Legal

4.1 Insurance

The insurance market continues to be challenging for the waste sector.

4.2 Inter-Authority Agreement

The IAA3 has now been signed by all 3 LA's.

5.0 Financial

The contract is performing within budget.

6.0 Resources

6.1 Training

The BDR Manager has gained the PRINCE2 Practitioner qualification.

The BDR Compliance Officer has completed training in CMI First Line Management Level 3.

7.0 Other

7.1 South Yorkshire Waste Strategy (SYWS)

The strategy consultation ended on the 31st July 2016 and in total 1062 people completed the questionnaire. A draft

7.0 Glossary of Terms

Term	Definition
3SE	The name for the partnership between Shanks Group plc and Scottish & Southern Energy plc.
Anaerobic Digestion (AD)	A series of biological processes in which micro-organisms break down biodegradable material in the absence of oxygen. One of the end products is biogas, which is combusted to generate electricity and heat.
Environment Agency (EA)	An executive non-departmental public Body responsible to the Secretary of State for Environment, Food and Rural Affairs for issues affecting the environment.
Incinerator Bottom Ash (IBA)	Is a form of ash produced in incineration facilities
Mechanical Biological Treatment (MBT)	A type of waste processing facility that combines a sorting facility with a form of biological treatment such as composting or anaerobic digestion.
Megawatt Hour (MWh)	Is a measure of energy that is often used to describe an amount of electricity.
Private Finance Initiative (PFI)	Mechanism for creating "public-private partnerships" (PPPs) by funding public infrastructure projects with private capital.
Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)	RIDDOR which puts duties on employers, the self-employed and people in control of work premises (the Responsible Person) to report certain serious workplace accidents, occupational diseases and specified dangerous occurrences (near misses).

Solid Recovered Fuel (SRF)	A fuel produced by shredding and dehydrating solid waste (MSW) with a waste converter technology.
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Contact Name:- Lisbeth Baxter, BDR Manager, Tel. Ext 55989
e.mail: Lisbeth.Baxter@rotherham.gov.uk

Summary Sheet

Council Report:

Barnsley, Doncaster and Rotherham Joint Waste Board

Title:

BDR Risk Register

Is this a Key Decision and has it been included on the Forward Plan?:

No

Strategic Director Approving Submission of the Report:

BDR Steering Committee

Report Author(s):

Lisbeth Baxter

Ward(s) Affected:

None

Executive Summary:

This document presents the risks associated with the delivery of the BDR PFI Waste Facility contractual obligations now the facility is operational. The risks identified in the risk register are considered by the BDR Steering Committee every six weeks.

Recommendation:

BDR Joint Waste Board is asked to consider and note the attached updated Risk Register, and

After consideration, advise of any further risks to be added to or deleted from the risk register.

List of Appendices Included:

BDR Risk Register (appendix 1)

Background Papers:

BDR Risk Register Scoring Guide

Consideration by any other Council Committee, Scrutiny or Advisory Panel:

The register has previously been considered by the BDR Steering Committee and the BDR Joint Waste Team.

Council Approval Required:

No

Exempt from the Press and Public:

No.

Title:
BDR Risk Register

1. Recommendations

- **BDR Joint Waste Board is asked to consider and note the attached updated Risk Register, and**
- **After consideration, advise of any further risks to be added to or deleted from the risk register**

2. Background

- 2.1 The BDR Joint Waste Board last considered the risk register at its meeting on 1st July 2016.
- 2.2 There are 3 categories of risk Red, Amber, Green (RAG) representing varying degrees of exposure. Each category contains a range of risk scores and the table below shows how the RAG rating and score are derived.

LIKELIHOOD (A)	Almost Certain 5	5	10	15	20	25
	Probable / Likely 4	4	8	12	16	20
	Possible 3	3	6	9	12	15
	Unlikely 2	2	4	6	8	10
	Very unlikely / Rare 1	1	2	3	4	5
		Insignificant / Negligible 1	Minor 2	Moderate 3	Major 4	Critical/ Catastrophic
	IMPACT (B)					

3. Key Issues and Risks

- 3.1 There are no new risks proposed for inclusion on the register. There are thirteen risks on the risk register
- 3.2 There are currently no risks proposed for deletion in the register.
- 3.4 The risk areas under each of these headings are as in appendix 1 with their respective current and target RAG rating:
- 3.5 Previous reports have highlighted to BDR Joint Waste Board that there has been very little movement in current risk scores for risks in the period since the facility became operational.

Current RAG Rating	11-3-2016	1-7-2016	22-9-2016
Red	2	3	3
Amber	6	5	5
Green	5	5	5
Total	13	13	13

- 3.6 There has been one downward movement in “target” risk scores in this update. This is in relation to risk 10 Environmental impact and the likely hood has been reduced from a 5 (event will occur) to a 4 (event is more than likely to occur). This is due to the mitigation measures that the Contractor has put in place relating to noise and flies.

Target RAG Rating	11-3-2016	1-7-2016	22-9-2016
Red	1	1	0
Amber	4	5	6
Green	8	7	7
Total	13	13	13

Monitoring

- 3.9 The BDR Risk Register is reviewed six-weekly by the BDR Steering Committee. Additionally, the BDR Manager reports to the Joint Waste Team and draws attention to issues to allow internal challenge.

4. Options considered and recommended proposal

- 4.1 Not applicable.

5. Consultation

- 5.1 The BDR Joint Waste Team has reviewed and agreed the attached draft register.

6. Timetable and Accountability for Implementing this Decision

- 6.1 Not applicable.

7. Financial and Procurement Implications

- 7.1 The risks contained in the register require ongoing management action. In some cases additional resources may be necessary to implement the relevant actions or mitigate risks. Any additional costs associated with the risks are reported to the BDR Steering Committee for consideration.

8. Legal Implications

- 8.1 There are no direct legal implications arising from the risk register. Any actions taken by the BDR Manager in response to risks identified will take into account any specific legal implications.

9. Human Resources Implications

- 9.1 There are no Human Resources implications associated with the proposals.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 Not applicable

11. Equalities and Human Rights Implications

- 11.1 Proposals for addressing individual risks within the register incorporate equalities and human rights considerations where appropriate.

12. Implications for Partners and Other Directorates

- 12.1 The actions relating to any issues affecting partners are reflected in the risk register and accompanying risk mitigation action plans.

13. Risks and Mitigation

- 13.1 The BDR Manager will review and update the risk register on a six-weekly basis, to ensure risks are able to be effectively monitored and managed.

14. Accountable Officer(s):

Lisbeth Baxter BDR Manager

Approvals Obtained from:-

Strategic Director of Finance and Corporate Services: Not applicable

Director of Legal Services: Not applicable





Head of Procurement (if appropriate): Not Applicable


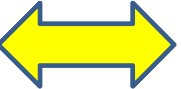
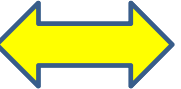


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Risk Number	Risk Title	Consequence /effect: - <i>What would actually happen as a result? How much of a problem would it be? To whom and why?</i>	Existing actions/controls - What are you doing to manage this now?		Risk Score with existing measures (See scoring table)		Current Score	Further management actions/controls required - What would you like to do in addition to your controls?
10	Environmental Impact to Local Area from Noise/Odour/Flies/Vermin etc (Compliance)	Reputational damage and adverse publicity from pollution emanating from State of the Art Facility. Potential for Local/National interest	Contractual controls and performance measures. Monitoring the contract. Pro-active engagement with the local community . Sharing data Regular monitoring outside the perimeter of the plant		4	5	20	Further plant investment in Acoustic measures. Increased fly spraying during the fly season. Communicate to householders to wrap waste.
9	Changes in Government Law/Regulations including the UK exiting the European Union (Legislative Change)	Potential financial implications to cover the cost of required service change	Procedure incorporated in the Contract Conditions. Impact and actions to be jointly agreed with the Contractor to mitigate costs as far as possible. Application of the Change in Law Clauses within the contract		3	4	12	Consider the need for the Change in Law retention fund.
7	Obtaining required terms for Insurance is difficult or impossible due to market conditions - Insurance costs increase	There is a lack of Markets for Insuring waste plants	Robust fire strategy, latest technology for fire suppression . Fire plan signed off by insurers BDR Technical advisors and Independent Certifier. Regular fire drills. Contractor liaison and education of insurance markets. Contractual position on insurance		2	5	10	Consider reviewing the insurance requirements. Enforcement of Contractual positions
11	Failure of plant equipment results in withdrawal of credits (Review of WICS)	Reputational damage and adverse publicity emanating from poor performance of state of the art facility. Potential for Local/National interest. Budget impact	Regular contract meetings/Monitoring and review procedures/Contingency facilities in place/Performance deduction , Step in provisions exist. It is likely that the Funders would step in an appoint another Contractor if performance is poor. Alternately the Councils could step in until the Contract could be retendered		5	3	15	Ensure monitoring staff are sufficiently skilled to manage this situation. Liaison with other PFI Contract Managers, knowledge transfer close liaison with DEFRA

	Changes to Collection services to support budget savings that impact on the PFI Contract - waste volumes change	Potential to impact on the performance of the plant. Potential to impact on the Third Party Revenue Share due to the Councils. Implications on PFI Credits. Implications on Inter Authority Agreement.	Inter Authority Agreement measures. Significant collection change clause in the PFI Contract. Current WIDP/DEFRA position in terms of Credit Allocation position requires BDR to abide by the terms and conditions in the Promissary letter and the Final Business Case.	3	4	12	Dialogue with WIDP/DEFRA and between BDR Councils. Test potential impacts to the contract/Councils against the IAA2. Lobby Government on recycling definitions.
13	Closure of facility or inability to provide the service due to a force majeure event (major incident at ITSAD Facility)	Service disruption. Temporary full or partial closure of facilities.	Contractual conditions provide a shared responsibility to agree measures to mitigate the effects and facilitate the continuation of the service. There are contingencies within the contract to divert waste to other waste facilities	4	3	12	Undertake a Communications campaign. Use contingency sites/ other Contracts where possible e.g. Veolia Landfill. Use emergency procurement if absolutely necessary.
2	Contractor default needing emergency action and/or leading to contract termination.	Service disruption. Temporary full or partial closure of facilities.	A series of performance bond and Parent Company Guarantees exist to provide and/or pay for interm/alternative arrangements to be made. Funders would work with BDR to bring in a new contractor to deliver the service. Contingency arrangements may be implemented in the short term. Robust contract monitoring procedures	4	2	8	Ensure monitoring staff are sufficiently skilled to manage this situation. Liaison with other PFI Contract Managers, knowledge transfer
6	Serious injury/death of a member of staff or public through service operation (MAJOR INCIDENT AT ITS/AD)	Personal tragedy. Health and Safety Executive intervention. Possible service disruption. Possible corporate liability offence	Contractor has completed and regularly reviews full Risk Assessments. Staff training, H&S Inspections, Contract Monitoring and performance deductions for non compliance. External Audit has been undertaken by Consultants and RMBC Health and Safety Team Regular monitoring of the Contractual requirements in relation to Health and Safety Consistent application of the Payment Mechanism	3	3	9	Regular visits by Health and Safety officers. Quarterly Health and Safety meetings.
1	There is a risk that the contractor will not comply with the terms and conditions and the performance will be less than the Councils are paying for.	Service disruption. Temporary full or partial closure of facilities.	Regular contract meetings/Monitoring and review procedures/Emergency plan/Contingency facilities in place/Performance deduction , Step in provisions exist. It is likely that the Funders would step in an appoint another Contractor if performance is poor. Alternately the Councils could step in until the Contract could be retenderd	2	4	8	Ensure succession planning is adequate. Invest in training for the current team Project Management and COTC.

4	Fraud	Contractor could attempt to charge for more than they are entitled to/Client team could collude with Contractor	Process for checking Tickets from each Council is in place. Financial and Legal Officers form part of team. Information shared across all 3 Councils Direct debit mandate is in place for Barnsley and Doncaster to pay Rotherham. All deductions are accounted for in line with the IAA3. Guaranteed minimum tonnage requirement for the Councils. Regular reports to Steering Group/Joint Waste Board. Systems in place to pay the Contractor Internal and External Audits undertaken	3	2	6	Make an agenda item at meetings
5	Ensure the balance of risk between Contractor and BDR is maintained.	Councils could take more risk than anticipated	Change protocol in place, consideration needs to be given to level of risk as changes are negotiated.	3	2	6	Councils may consider taking on more risk as long (as this is properly assessed) to deliver savings. Currently being investigated as part of the Operational Savings review
12	Lack of resources due to restructures, and staff resignations failure to have a knowledge management plan (Business Continuity - BDR)	Failure to monitor the contract effectively/make payments resulting in Breach	Contract manual to document the processes and procedures. To be maintained and updated when changes occur. Contract information held on CIPFA site and on a Sharepoint portal. Staff training and development. Knowledge management plan.	3	5	15	Staff retention could be improved if a clear career path existed. CIPFA Asset Management system to hold all relevant documentation.
3	Failure to pay the Contractor or deliver waste could result in the Councils being in breach. Failure to correctly apportion the costs could result in one Council paying more than is necessary.	Contractor could terminate contract and seek damages	Process for checking Tickets from each Council is in place. Direct debit mandate is in place for Barnsley and Doncaster to pay Rotherham. All deductions are accounted for in line with the IAA3. Guaranteed minimum tonnage requirement for the Councils. Regular reports to Steering Group/Joint Waste Board. Systems in place to pay the Contractor Internal and External Audits undertaken	1	1	1	Ensure regular reports to Joint Waste Board/Steering Committee/Joint Waste Team

Target Score with further management actions/controls required (See Scoring Table)		Target Score	Risk Owner (Officer responsible for managing risk and controls)	Risk Review Date	Movement
3	4	12	BDR MANAGER	22/10/15	
3	4	12	BDR MANAGER	22/10/15	
2	5	10	BDR MANAGER	22/10/15	
5	2	10	BDR MANAGER	22/10/15	

3	3	9	BDR MANAGER	22/10/15	
3	3	9	BDR MANAGER	22/10/15	
3	2	6	BDR MANAGER	22/10/15	
3	2	6	BDR MANAGER	22/10/15	
2	3	6	BDR MANAGER	22/10/15	

2	2	4	BDR MANAGER	22/10/15	
2	2	4	BDR MANAGER	22/10/15	
2	2	4	BDR MANAGER	22/10/15	
1	1	1	BDR MANAGER	22/10/15	

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