

BARNSELEY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD

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

Date: Friday, 30th June, 2017

Time: 2.00 p.m.

A G E N D A

1. Appointment of Chairman for the Municipal Year 2017/2018
2. Appointment of Vice-Chairman for the Municipal Year 2017/2018
3. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
4. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
5. Apologies for absence
6. Declarations of Interest
7. Minutes of the previous meeting held on 27th January, 2017 (Pages 1 - 3)
8. Matters Arising
To discuss matters arising from the previous minutes, which are not included elsewhere on the agenda.
9. Approval of Delegations under the Second Inter-Authority Agreement for the Municipal Year 2017/18 (Pages 4 - 8)
10. BDR Joint Waste Project - Manager's Annual Report 2016-2017 (Pages 9 - 26)
 - Governance
 - Contract Delivery
 - Legal
 - Financial
 - Communications
 - Health and Safety
 - Resources
 - Other

11. BDR Joint Waste Project - Current Issues

12. Risk Register (Pages 27 - 32)

13. Date, time and venue for the next meeting

: if necessary, a meeting shall be held during September, 2017, on a date to be arranged.

: a further meeting to be held during December, 2017, on a date to be arranged.

: if necessary, a meeting shall be held during March, 2018, on a date to be arranged.

: the annual meeting is to be held on a date to be arranged during June or July, 2018.

BARNSELEY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD
Friday, 27th January, 2017

Present:- Councillor P. R. Miller (Barnsley MBC) (in the Chair); Councillor S. Allen (Rotherham MBC) and Councillor C. McGuinness (Doncaster MBC), together with Mrs. L. Baxter, Mrs. K. Hanson and Mr. R. Flint (Rotherham MBC), Mr. P. Castle (Barnsley MBC), Mr. L. Garrett (Doncaster MBC) and Mr. J. Busby (DEFRA).

Apologies for absence were received from Councillor E. Hoddinott (Rotherham MBC), Councillor B. Lodge (Sheffield City Council) and from Mrs. G. Charters (Sheffield City Council).

25. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

26. MINUTES OF THE PREVIOUS MEETING HELD ON 30TH SEPTEMBER, 2016

Consideration was given to the minutes of the previous meeting of the Barnsley, Doncaster and Rotherham Joint Waste Board, held on 30th September, 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.

27. BDR JOINT WASTE PROJECT - MANAGER'S REPORT

The Barnsley, Doncaster and Rotherham (BDR) 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 September to December, 2016:-

- Governance;
- Internal Audit – a copy of the 2015/16 Internal Audit report was considered by the Joint Waste Board;
- Recycling and Diversion of Waste from Landfill;
- Complaints;
- Health and Safety;
- Events;
- the facilities at Ferrybridge and at Grange Lane, Barnsley;

- a summary of the BDR PFI Budget for 2016/17;
- training;
- South Yorkshire Waste Strategy – continuing preparation of the technical document for this strategy.

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

(2) That the Barnsley, Doncaster and Rotherham Joint Waste Board shall ensure that the necessary action is taken in response to the recommendations included within the internal audit report 2015/16, as now submitted.

28. BDR JOINT WASTE PROJECT - CURRENT ISSUES

Further to Minute No. 19 of the meeting of the Barnsley, Doncaster and Rotherham Joint Waste Board held on 30th September, 2016, it was noted that an opinion had been received from the Environment Agency in relation to the issue of noise at the Bolton Road facility at Manvers.

Agreed:- That the information be noted.

29. 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 thirteen risks are registered, with none being added nor deleted since the last Joint Waste Board meeting held on 30th September, 2016. There had been one downward movement in 'current' risk score, since the September, 2016, meeting, in relation to the Environmental Impact risk, which was due to the mitigation measures used by the contractor relating to the issues of noise and flies affecting the Bolton Road site.

Discussion took place on aspects of the insurance risk.

Agreed:- (1) That the updated information on the risk status report, as now submitted, be received.

(2) That, currently, there are no risks to be added to, nor deleted from the BDR PFI risk register.

(3) That, within future reports, any movements should be accompanied by information about the explicit issue.

30. 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)).

31. AMEC SERVICE REVIEW - UPDATE

The Barnsley, Doncaster and Rotherham (BDR) Joint Waste Manager gave a comprehensive presentation about the Waste Service Review undertaken during 2016 by Consultants Amec Foster Wheeler.

Agreed:- (1) That the presentation about the Waste Service Review be received and its contents noted.

(2) That, arising from the Waste Service Review, a Memorandum of Understanding be drafted in accordance with the principles of the existing Inter-Authority Agreement (IAA.3), for consideration both at the next meeting and at subsequent meetings of the Joint Waste Board.

32. 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, 17th March, 2017 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 annual meeting of the Barnsley, Doncaster and Rotherham Joint Waste Board be held on a date to be arranged during June, 2017.

(3) That the next following meetings of the Barnsley, Doncaster and Rotherham Joint Waste Board be held on dates to be arranged during September and December, 2017 at the Town Hall, Rotherham, commencing at 2.00 p.m.

Public Report
Barnsley, Doncaster and Rotherham Waste Partnership Joint Waste
Board Meeting – 30 June 2017

Summary Sheet

Barnsley, Doncaster and Rotherham Waste Partnership Joint Waste Board Meeting Council Report

Approval of Delegations under Second Inter-Authority Agreement for Municipal Year 2017/18

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

No it is not a key decision.

Strategic Director Approving Submission of the Report

Damien Wilson, Strategic Director, Regeneration & Environment

Report Author(s)

Lisbeth Baxter, BDR Manager, Regeneration & Environment – Waste PFI

Ward(s) Affected

None

Summary

One of the contractual documents entered into between Barnsley, Doncaster and Rotherham Councils 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 Authorities for the management and administration of what are termed Relevant Contracts under IAA. At the date of this meeting, the BDR Waste PFI Contract is the only Relevant Contract to which IAA applies and is referred to as the “Principal Contract”.

This report details how the functions of the JWB will be delegated down to the BDR Steering Committee and BDR Manager in order to more efficiently deal with the day-to-day decisions that will be required under the Principal Contract. All decisions of the JWB, BDR Steering Committee and BDR Manager will be made in accordance with the provisions of the prevailing IAA.

Recommendations that the Joint Waste Board note that:-

- a) With the exception of the decisions reserved to the Authorities for a unanimous decision under the IAA all other decisions in respect of the Principal Contract are delegated by the JWB 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).
- d) That Barnsley Metropolitan Borough Council's representative on the BDR Steering Committee will be the Authorised BDR Steering Committee Member for 2017/18.

List of Appendices Included

None.

Background Papers

Joint Waste Board IAA Delegations report v6 24.5.16 Final
Inter Authority Agreement (IAA)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

The information in this document has been prepared by the BDR Joint Waste Team and considered by the BDR Steering Committee.

Council Approval Required

No

Exempt from the Press and Public

No

Main Report

Approval of Delegations under Second Inter-Authority Agreement for Municipal Year 2017/18

1. Recommendations that the Joint Waste Board note that:

- a) With the exception of the decisions reserved to the Authorities for a unanimous decision under the IAA all other decisions in respect of the Principal Contract are delegated by the JWB 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).**
- d) That Barnsley Metropolitan Borough Council's representative on the BDR Steering Committee will be the Authorised BDR Steering Committee Member for 2017/18.**

2. Background

- 2.1** Local Authorities may arrange for the discharge of functions by (i) a joint committee or (ii) by an officer of one of them under the Local Government Act 1972 s101(5)(a). In this case, a group of officers is established under IAA called the BDR Steering Committee, which will be empowered to make the day-to-day decisions required for the management and administration of the Principal Contract. However, the 1972 Act does not allow the delegation of powers to be exercise jointly by a committee of officers.
- 2.2** To fit with the legislative requirements the JWB therefore delegates its powers to one of the BDR Steering Committee officers (the "Authorised BDR Steering Committee Member"), who will then act in consultation with the others. For the municipal year 2016/17, this delegation was made to the Rotherham member of the Steering Committee, who also acted as the Chairman of that body. It has been agreed previously that the roles of the Chairman and Vice-Chairman of the JWB will rotate between the three Authorities on an annual basis. In line with this principle, it has been agreed that the Authorised BDR Steering Committee Member will also rotate annually. For the municipal year 2017/18, this delegation will therefore be made to the Barnsley member of the Steering Committee. This officer will subsequently delegate certain functions to the BDR Manager in order to more efficiently deal with the day-to-day decisions that will be required under the Principal Contract.

2.3 The structure of the BDR Steering Committee will be as follows:

Barnsley Representative

The Service Director, Environment & Transport or in their absence the Head of Commercial and Support Services, Environment and Transport

Doncaster Representative

The Assistant Director Environment or in their absence Head of Waste and Highways Infrastructure

Rotherham Representative

Assistant Director Community Safety and Street Scene or in their absence Street Scene Manager

3. Key Issues

- 3.1 Delegation of decisions in the manner requested facilitates the smooth running of the Joint Waste Board. Without such delegations in place, given that this is a project involving three local authorities, there would be a serious risk that proper and prompt decision-making would prove to be very difficult, with a consequent adverse effect on the efficient operation of the project.

4. Options considered and recommended proposal

- 4.1 The delegations are a contractual requirement of the Inter Authority Agreement so no further options were considered

5. Consultation

- 5.1 BDR Portfolio Holders for Waste, BDR Steering Committee, BDR Waste Service Managers

6. Timetable and Accountability for Implementing this Decision

- 6.1 The delegations and rotation of Chair are a contractual requirement of the Inter Authority Agreement and should take place at the AGM in June each year.

7. Financial and Procurement Implications

- 7.1 No financial implications associated with this.

8. Legal Implications

- 8.1 The delegations and rotation of Chair are a contractual requirement of the Inter Authority Agreement and should take place at the AGM in June each year.

9. Human Resources Implications

9.1 None.

10. Implications for Children and Young People and Vulnerable Adults

10.1 None

11 Equalities and Human Rights Implications

11.1 None

12. Implications for Partners and Other Directorates

12.1 None

13. Risks and Mitigation

13.1 Delegation of decisions in the manner requested facilitates the smooth running of the Joint Waste Board. Without such delegations in place, given that this is a project involving three local authorities, there would be a serious risk that proper and prompt decision-making would prove to be very difficult, with a consequent adverse effect on the efficient operation of the project.

14. Accountable Officer(s)

Karen Hanson, Assistant Director, Community Safety and Street Scene

Martin Raper, Street Scene Manager

Lisbeth Baxter, BDR Manager

Approvals Obtained from:-

Interim Strategic Director of Resources and Transformation:- Stuart Booth

Assistant Director of Legal Services:- Dermot Pearson

Head of Procurement (if appropriate):- Not applicable

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

BDR MANAGER UPDATE REPORT

**BDR WASTE PFI
BDR MANAGER ANNUAL UPDATE REPORT****APRIL 2016 – MARCH 2017****1.0 Governance****1.1 Inter-Authority Agreement (IAA)**

- 1.1.1 The legal agreement that dictates how the BDR Councils will work together, the Inter Authority Agreement, was reviewed to ensure it is fit for purpose for the operational phase of the Contract. It was signed under seal on the 27th September 2016.

1.2 Senior Responsible Officer

Damien Wilson, Strategic Director of Regeneration and Environment RMBC took over the role of SRO for the BDR PFI Waste Treatment Contract.

1.3 BDR Liaison Committee Meeting

- 1.3.1 Damien Wilson, Strategic Director of Regeneration and Environment RMBC as SRO became the Chair of the BDR Liaison Committee and the annual review meeting was held on 12th October 2016.
- 1.3.2 The following matters were discussed:
- Member representation at the Community Liaison Group, it was agreed that the matter of regular engagement attendance by the agreed Ward Members of all Councils should be emphasised.
 - Provision of information by 3SE to the BDR Manager, it was agreed that 3SE should ensure information was provided in a timely manner for due consideration by the BDR Councils Representative.
 - 3SE updated the meeting on issues that had been identified with the shredder rails, it was agreed that this was a design defect and they were to be replaced in November.

- 1.3.3 The following Key priorities for 2016/17 were agreed:-

Achieving key Contract Targets

- Landfill diversion
- Recycling targets

Engagement with the Environment Agency

- Improve understanding of the relationship between technology function and the surrounding environment

Community Liaison

- Continued liaison with local community
- Contribution to BDR joint waste strategy work
- Waste minimisation plan
- Working with 'hard to reach' groups and schools

1.4 Steering Committee

- 1.4.1 The Chair of the BDR Steering Committee will rotate from RMBC in July 2017; the BDR Team would like to thank Karen Hanson for her hard work during 2016/17.

1.5 South Yorkshire Leaders Meeting

- 1.5.1 The BDR Manager is to attend the South Yorkshire Leaders Meeting November 2017 to present the Annual Service and Environmental Report. An update on the progress of the South Yorkshire Municipal Waste Strategy will also be provided.

1.6 Operating Contractor (OpCo)

- 1.6.1 The Contract has operated for most of the Contract Year with interim OpCo Contract Directors, pending the start of a permanent Director who will be dedicated exclusively to the project. A new Contract Director dedicated exclusively to the BDR Project is scheduled to join the business on 10 July 2017.

1.7 Shanks Merger

- 1.7.1 Shanks PLC announced the completion of its merger with Van Gansewinkel Group, to form a new company to be called 'Renewi'. While operationally this change has no consequences for the 3SE Contract, it does make 'former Shanks' part of a larger and even stronger business, with access to new recycling expertise from across the Group.

2.0 Contract Delivery

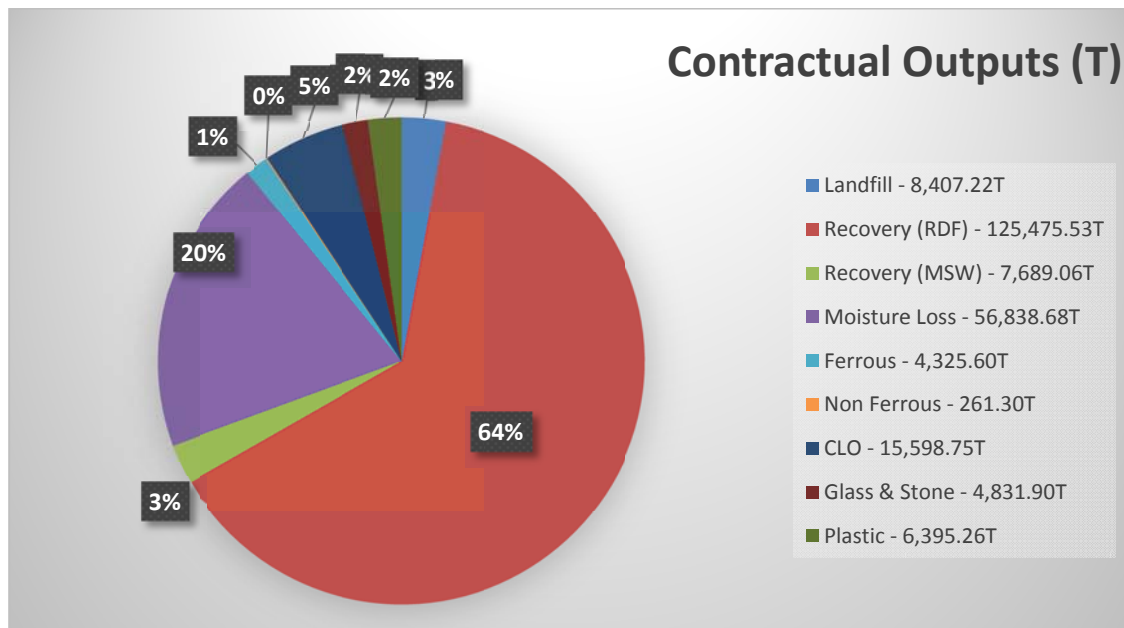
2.1 Bolton Road

- 2.1.1 The MBT and refinement/recycling facility dealt with a number of key challenges during the year. These included the complete replacement of the shredder rails in the MBT plant, and a number of breakdowns in the MBT and refinement building to both cranes and other items of plant.
- 2.1.2 There was a fire in the reception area of the plant that had started in some HWRC waste. This impacted on the fire system and resulted in waste being diverted for a short while.
- 2.1.3 3SE continue to work with Protec the fire protection system manufacturer, to refine the existing fire detection systems which remain broadly acceptable but are in need of augmentation in some areas. The system is sensitive and several false alarms were activated during January and early February resulting in some delays to receipt of RCV waste.
- 2.1.4 Waste originating from Household Waste Recycling Centres proved difficult to process with carpets and mattresses causing a number of blockages resulting in plant downtime.
- 2.1.5 The staffing structure has been reviewed and additional Supervisor grade employees are being recruited to augment cover, in particular during hours outside of normal day shifts.

Table 2.1.1 Performance - Tonnage

Authority	Contract Waste Tonnage	Percentage Breakdown
Barnsley	65,491.43	29%
Doncaster	86,591.28	39%
Rotherham	72,504.38	32%
TOTAL	224,587.09	100%

- 2.1.6 Table 2.1.1 shows the tonnage of contract waste delivered to the facility from 1st April 2016 to the 31st of March 2017. In addition to the councils tonnages the plant accepted 14,958 tonnes of third party waste.

Figure 2.1.1 Contractual Outputs

2.1.7 Figure 2.1.1 represents the contractual outputs from the waste treatment facility once the residual waste has been treated through the Mechanical Biological Treatment (MBT) and Anaerobic Digestion (AD) processes.

Table 2.1.2 Contract Targets

	Recycling %	Diversion %
Contract Target	19%	95%
Barnsley	13.79%	85.01%
Doncaster	11.81%	98.28%
Rotherham	12.19%	96.89%
Contract Performance	12.84%	95.89%

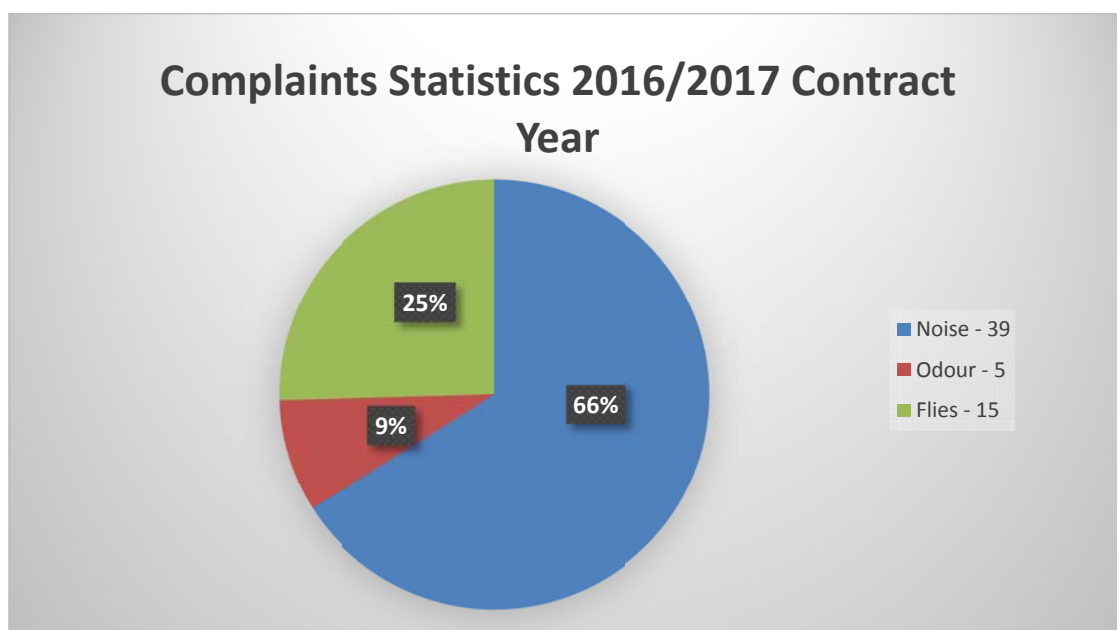
2.1.8 There is a variation in the recycling rates due to the differing contingency points used if waste has to be diverted. Barnsley waste is bulked at Barnsley Transfer Station and can be sent to an alternative facility with no impact on the collection service. Doncaster and Rotherham direct deliver waste to Bolton Road and their contingency points are close to the areas they collect from.

2.1.9 Similarly the difference in landfill diversion rates is a direct result of the contingency points used. In the early months of the year Barnsley waste was sent to landfill, latterly an alternative MBT facility was sourced.

2.1.10 It should be noted that it can be difficult to ensure the same contingency point is available as the facilities used will attempt to obtain certainty of supply rather than keep capacity for something that may not happen. It is possible that a take or pay agreement would secure capacity but that would not be good value.

2.2 Complaints

Figure 2.2.1 Complaint Statistics



2.2.1 A total of 59 complaints were received. These were in relation to noise, odour and flies coming from the facility.

2.2.2 Throughout the year, Shanks have made efforts to reduce and resolve noise complaints by installing acoustic barriers and silencers

2.2.3 Fly complaints are a seasonal issue at many waste facilities. The fly count in the bio-drying halls at Bolton Road can be high but there are measures in place to contain any flies delivered into the facility including fast action doors, fine mist sprays, application of chemicals to disrupt the fly cycle and frequent fly knock down treatments. Fly counts are taken on a weekly basis and the information is supplied to the BDR Manager on a monthly basis. Any complaints are passed through as they occur and the results of investigations reported.

2.2.4 Of the complaints, only 5 have been related to odour. Both the BDR Contract compliance Officer and BDR Admin Officer have calibrated noses and monitor odour on a regular basis neither they nor the EA have

substantiated these complaints. However, there are a number of additional odour sources in the area including a sewage treatment works close to Brook Park.

Table 2.2.1 Details of Communications with any Relevant Authority

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
EA inspections @ BDR Bolton Road	0	2	0	0	0	0	0	0	0	0	0	1
EA inspection @ Barnsley Transfer Station	0	0	0	0	0	0	0	0	0	0	0	0
CAR Received BDR Bolton Road	0	2	0	0	2	0	2	1	0	1	2	0
CAR Received Barnsley Transfer Station	0	0	0	0	0	0	0	0	0	0	0	0
HSE Enforcement notices BDR Bolton Road	0	0	0	0	0	0	0	0	0	0	0	0
HSE Enforcement notices Barnsley Transfer Station	0	0	0	0	0	0	0	0	0	0	0	0
HSE Cautions BDR Bolton Road	0	0	0	0	0	0	0	0	0	0	0	0
HSE Cautions Barnsley Transfer Station	0	0	0	0	0	0	0	0	0	0	0	0
Environmental Complaints (All Operations)	4	7	12	10	0	0	0	0	0	0	0	0
New Permits, Variations, Revocations & Suspensions issued. (All Operations)	0	0	0	0	0	0	1	0	0	0	0	0

2.2.5 Shanks as OpCo have been working closely with the Environment Agency to ensure they remain compliant with their environmental permits.

2.2.6 The Company secured all its Environmental quality accreditations following the completion of independent audits in July.

2.2.7 Objectives have been identified in the site's project development plan to tackle a number of important site improvements during the year, including the following:

- Fire monitoring & control enhancements (as required by insurers)
- Improvements to the site's bio-drying capability
- Reducing down-time in the refinement section of the facility
- Possible installation of additional processing equipment
- AD improvements to the ammonia control systems, and

- Segregation of bulky items from HWRC waste

2.3 Ferrybridge

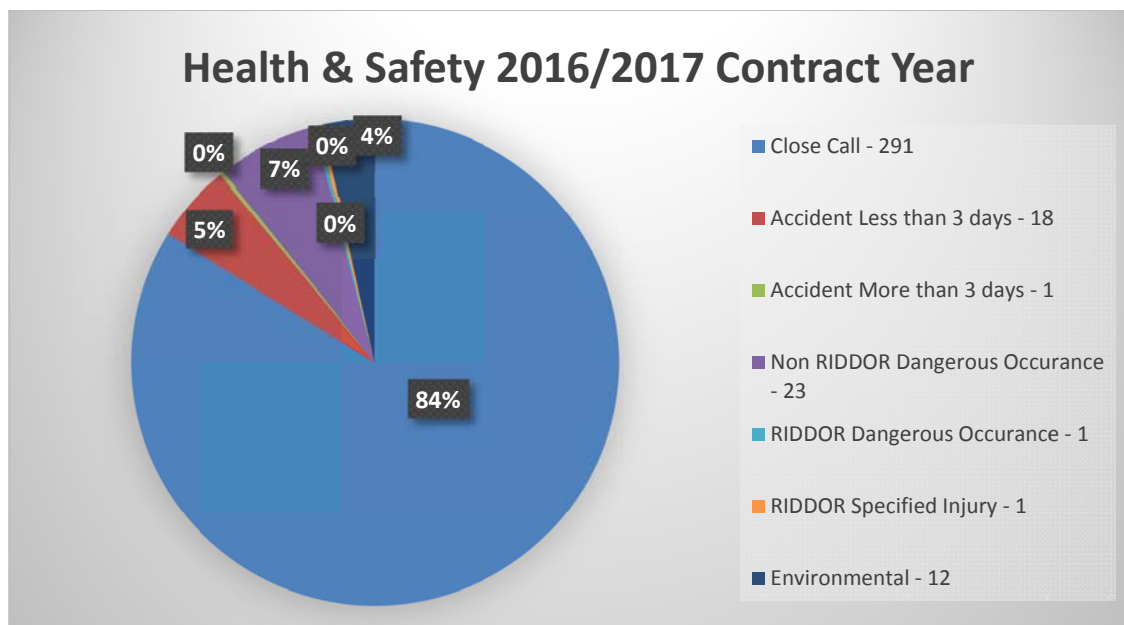
- 2.3.1 BDR refuse derived fuel is sent to Ferrybridge Multifuel 1 (FM1), a 50:50 joint venture project between SSE and Wheelabrator Technologies Inc. FM1 takes waste derived fuels from various sources of municipal solid waste.
- 2.3.2 FM1 has proved such a success that SSE are already in the construction period for FM2 which is located on land adjacent to the existing site
- 2.3.3 During 2016/17 Ferrybridge generated 301,755 MWhrs of electricity and accepted 127,035 tonnes of BDR's RDF

2.4 Grange Lane

- 2.4.1 The work necessary to bring the Barnsley transfer station up to a good and tenable standard has been agreed by Shanks and Carter Towler, Barnsley's Building Consultants, Carter Towler are to liaise with FCC to agree the extent of their liability as the outgoing leases.
- 2.4.2 Following the completion of these works, Shanks will commence a program of improvement works.

2.5 Health and Safety

Figure 2.5.1 Health & Safety Statistics 2016-17



- 2.5.1 Shanks uses the SHE Assure incident reporting database to record and action health and safety incidents at their sites.

2.5.2 This database presents information in a simple to use format with search and filtering tools along with a wide range of dashboard and reporting options. All reports are reviewed by the Shanks Compliance department who can use this information to recommend that operational sites; update site rules, standard operating procedures and identify areas where further training may be required.

2.5.3 Comprehensive action is taken by Shanks operational staff where incidents occur. Incidents and actions are reviewed by Operational Managers from each authority and internal Health and Safety Officers at the quarterly health and safety meetings.

3.0 Legal

3.1.1 The Joint Insurance Cost Report has been submitted and rejected due to concerns over the interpretation of the requirements.

3.1.2 The insurance market has hardened for MBT facilities

4.0 Financial

4.1.1 The Operational Management costs for 2016/17 were within budget.

Table 4.1.1 Operational Management Budget

Contract Manager detail	Data			
	Sum of Spend to date	Sum of Total Forecast 2016/17	Sum of Budget 2016-17	Sum of Variance 2015/16
Administration	25,083	25,083	18,584	6,499
Call off Finance	338	338	1,120	-782
Call off Legal	58,586	58,586	67,551	-8,965
Call off Technical	0	0	0	0
Contingency Advisor Costs	7,800	7,800	10,000	-2,200
External Finance	15,754	15,754	26,329	-10,575
External Legal	0	0	8,300	-8,300
External Technical	50,581	50,581	45,500	5,081
Management	118,905	118,905	118,905	0
Project Work Advisor Costs	0	0	74,695	-74,695
Grand Total	277,046	277,046	370,984	-93,938

4.1.2 It is proposed that the 2017/18 operational management budget be decreased by £14,439 on the 2016/17 budget of £370,984. The BDR

Team are assisting with operational reviews and HWRC procurement and the budget takes account of any changes as far as is possible.

4.1.3 The Unitary Charge for the 2016/17 financial year totalled. £22,346,958.87

4.1.4 The Partnership received Waste Infrastructure Credits from DEFRA to the value of £5,962,016.00

5.0 Communications

5.1 Awards and Community Education and Liaison Officer (CELO)

5.1.1 The BDR PFI was shortlisted for two National Recycling Awards 2016 and won the Best Energy from Waste Initiative category.

5.1.2 The BDR Manager was on the Judging Panel for the National Recycling Awards 2017 category of Equipment Innovation of the Year.

5.1.3 WRAP recycle week took place w/c 12th of September, the CELO attended a number of events with BDR local officers including the Penistone and Rotherham Show.

5.1.4 The visitor centre has hosted visits from various stakeholders including Elected Members, York and North Yorkshire Waste Management Partnership officers and the Community Liaison Group have their meetings there.

5.1.5 The CELO also developed a campaign plan, resources and materials and, with the assistance of the three Councils, is delivering a targeted Love Food Hate Waste campaign which will end on the 5th July 2017.

5.1.6 The campaign used best practice techniques and WRAP research to encourage residents to reduce the amount of food waste being thrown away across Barnsley, Doncaster and Rotherham. It used a combination of social media, traditional print media and events to communicate with and inspire the maximum possible number of residents.

5.1.7 The South Yorkshire Waste Strategy remains the focus of the communications work.

6.0 Resources

6.1.1 The BDR Partnership Team has had no change of staff in 2016/17. The core team consists of the BDR Manager, BDR Contract Compliance Officer and BDR Project Administrator. There is additional support as required from a legal locum, and internal and external technical and financial advisors.

7.0 Other

7.1 South Yorkshire Municipal Waste Strategy (SYMWS)

- 7.1.1 A draft waste strategy is being considered by the South Yorkshire Councils

7.2 Waste Electrical and Electronic Equipment (WEEE) Reuse

- 7.2.1 A WEEE Re-use scheme is being run across the BDR HWRC's. Small electrical items are being collected for reuse, for example Televisions and Vacuum cleaners. The scheme is being run in a partnership between FCC, Advantage Waste Brokers and Doncaster refurbish.

7.3 Compositional Analysis

- 7.3.1 The 2016/17 Waste Compositional Analysis (WCA) was completed in March 2017. A Waste Compositional Analysis (WCA) looks at the type of waste that is left in the residual black bin.
- 7.3.2 Figure 7.1 below represents the amount of waste collected per household per year during the surveys (as an annual figure), it show the historical data from 2009 and 2014. There is a pattern across each authority to the total kilograms per household per year. The amount of waste sampled in 2014 was less across each authority than in 2009 and 2017. This pattern may be as a result of the recession in 2011, during the recession consumer habits change resulting in less waste to dispose of. This impact of the recession may still have been prevalent in 2014 and as the economy has recovered it may have impacted the 2017 waste arising's.

Figure 7.3.1 Total kilograms per household per year

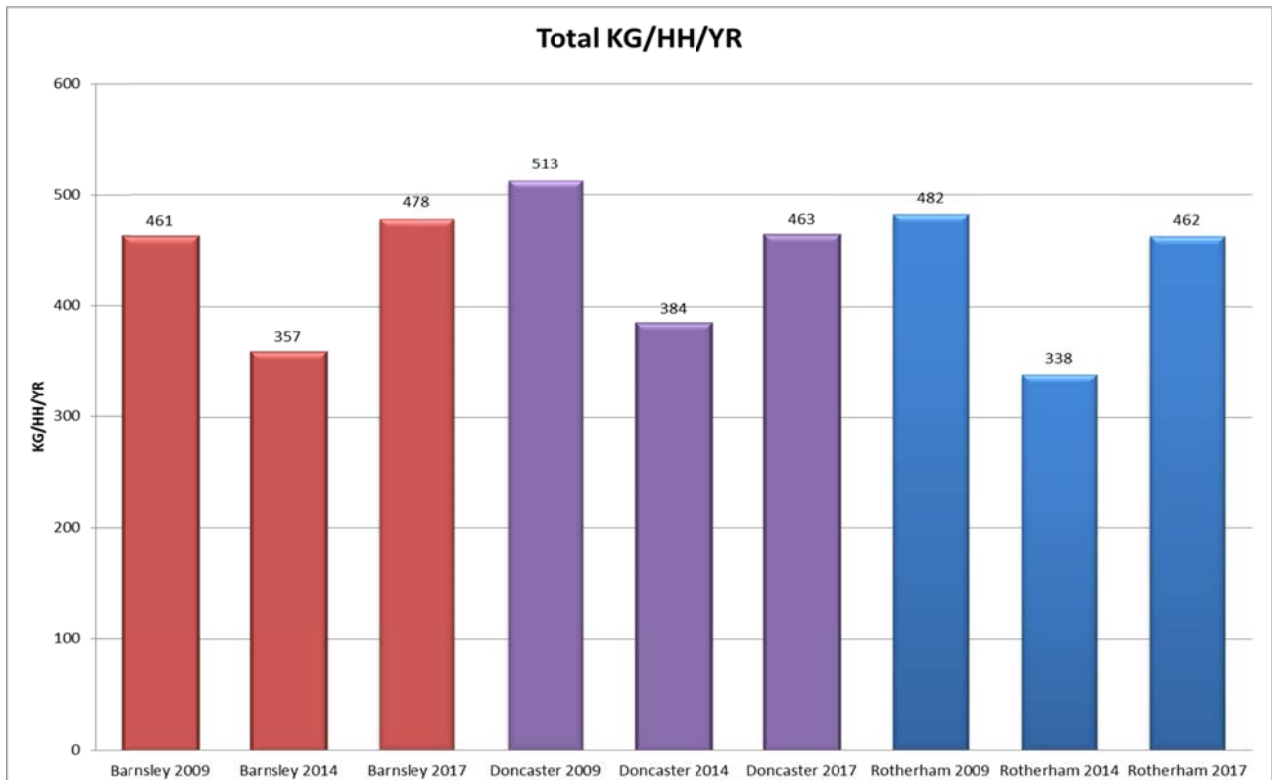
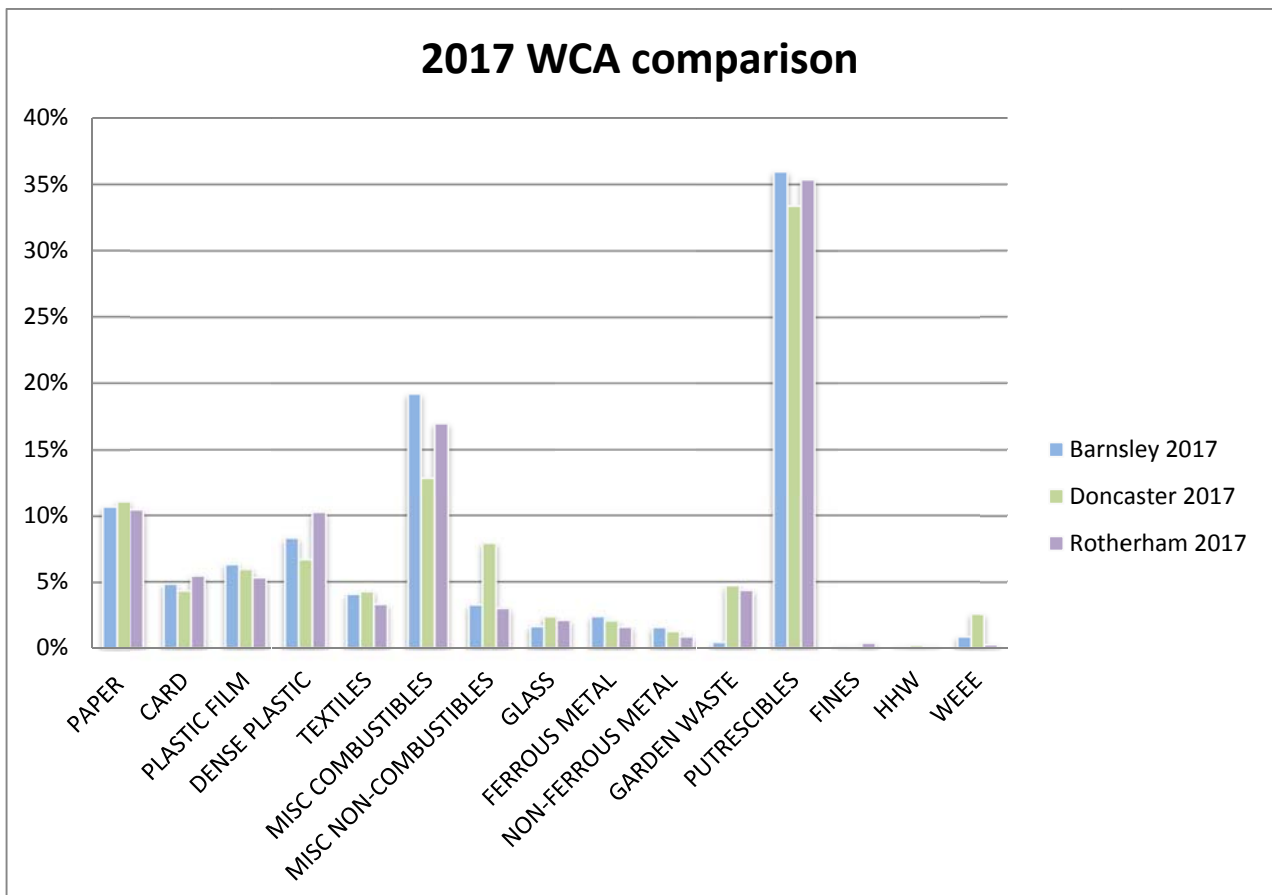


Figure 7.3.2 2017 Waste Composition Analysis Comparison



- 7.3.3 Figure 7.3.2 contains the 2017 WCA by material for each authority. The three authorities have very similar waste compositions. Key differences are in Garden waste where BMBC residents are disposing of very little in the residual waste.
- 7.3.4 DMBC has lower miscellaneous combustibles (nappies, carpets, pet bedding, wood waste etc.) and higher non-combustibles or inerts (DIY rubble, cement, gravel, cat litter clay etc.).
- 7.3.5 RMBC has a slightly higher amount of dense plastic in the residual waste stream that may be linked to the fact that there is no kerbside collection of plastic bottles.
- 7.3.6 Further information on the local authority WCA can be found in Appendix 1

8.0 Shanks Corporate Social Responsibility Fund

- 8.1.1 The first successful project for the BDR / Doncaster area is b: Friend. The group applied for £1,937 to fund Love Food Hate Waste (LFHW) Training, a waste booklet and community-sharing network aimed specifically at older isolated people in Doncaster and sessions targeting this group to reduce social isolation. The group was awarded £2,000. After discussions with the group, it was decided that Shanks would also offer support in the form of volunteer hours to assist with the development of the waste booklet, content of meetings and reused craft activities. It has also been possible for Shanks to assist the group by offering the opportunity for session facilitators to occupy spaces on undersubscribed first aid courses earning them a QCF Level 3 First Aid at Work qualification to improve the level of care offered at sessions.
- 8.1.2 The second successful project for the BDR / Doncaster area is Mexborough Food Bank. The group applied for £3,000 to assist with the running costs of the food bank and food collections from shops as well as grow, cook and eat and food awareness sessions. The group was awarded £2,000. After discussions with the group, it was concluded that having an OCN Level 2 Nutritional Skills Trainer for the NHS in their volunteer team the group would be well placed to deliver this with LFHW advice from the CELO if needed.
- 8.1.3 The successful project for the Barnsley area is Forge Community Partnership. The group applied for £3,500 to provide nutrition and cook and eat sessions with parents accessing their services. The group was awarded £1,000. The group will use this money to run workshops to

develop confidence, budget planning and nutritional awareness in parents of primary aged children who are economically inactive and older residents who suffer from lower social wellbeing. The purpose of these sessions will be to give parents confidence and awareness in preparing healthy, nutritious foods that will contribute to a reduction in childhood obesity whilst reducing family expenditure.

- 8.1.4 The successful project for the Rotherham area is Don Catchment Rivers Trust who had applied for £2,998 to engage the local community in looking after the river and its environs through clean-up days, community activities and education sessions. The application included £2,048 for the employment of a member of staff for the project and £950 for the production of leaflets and advertising, litter picking equipment and rooms and services for community events. The panel did not feel that it would be appropriate for Shanks to fund the employment of a project officer but were happy to fund the equipment needed to advertise, undertake and facilitate community events, education and clean-up days. The group was awarded £1,000. The group will use this money to purchase the materials needed to complete clean-up days and promote these and community and education events designed to encourage the community to care for their river.

9.0 Glossary of Terms

Term	Definition
3SE	The name for the partnership between Shanks Group plc and Scottish & Southern Energy plc.
A2A (formerly Ecodeco)	Italian company who research, design, construct, and manage plant and equipment for the disposal of waste.
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.
Carter Towler	Carter Towler was created in 2008 by the merger of Towlers and Carter and Co, two of the best-known commercial surveying and property consultancy names in Leeds.
Compositional Analysis	Waste Composition Analysis is a study that provides essential information about the weight and type of each component waste material that is in any given waste stream. It firstly involves obtaining representative samples of these waste streams, then manually hand sorting into various pre-defined sort categories using the correct methodology, which are then weighed in each individual fractions in align with Waste Data Flow (WDF) municipal reporting each waste stream has its own European Waste Code (EWC).
Department for Environment, Food and Rural Affairs (DEFRA)	The UK government department responsible for policy and regulations on environmental, food and rural

	issues.
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.
FCC Environment	One of the UK's leading waste and resource management companies.
Ferrybridge Multifuel 1 (FM1)	Multifuel Energy Ltd. (MEL) operates a new £300 million multifuel plant on land owned by SSE at Ferrybridge 'C' Power Station near Knottingley in West Yorkshire. This project is called Ferrybridge Multifuel 1 (FM1)
Household Waste Recycling Centre (HWRC)	A civic amenity site (CA site) or household waste recycling centre (HWRC) is a facility where the public can dispose of household waste and also often containing recycling points.
Inter Authority Agreement (IAA)	The legal agreement between the three authorities that sets out how the contract will be governed.
Joint Waste Board (JWB)	The Statutory Committee comprising Portfolio Holders and Senior Officers with responsibility for waste.
Liaison Committee	Review the Waste Management contract in operation, seek out future development opportunities and to review the operational year identifying any learning points and advise the Joint Waste Board of any corrective action requirements
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. MBT plants are designed to process mixed household waste as well as commercial and industrial wastes.
Private Finance Initiative (PFI)	Mechanism for creating "public-private partnerships" (PPPs) by funding public infrastructure projects with private capital.

Refuse Collection Vehicle (RCV)	The collection of rubbish and waste, usually in a rubbish or refuse truck, before final disposal.
Renewi	The new trading name for Shanks Waste Management.
Solid Recovered Fuel (SRF)	A fuel produced by shredding and dehydrating solid waste (MSW) with a waste converter technology.
SSE plc (formerly Scottish and Southern Energy plc)	A British energy company headquartered in Perth, Scotland.
Shanks Waste Management (SWM)	The UK arm of Shanks Group plc, a leading international sustainable waste management business.
Van Gansewinkel Group	Van Gansewinkel, which employs approximately 4,350 permanent employees, records net annual revenue of approximately € 1 billion. They are the market leader in the Benelux countries in waste management and recycling.
Waste Infrastructure Credits	Awarded by DEFRA to incentivise local authorities to develop infrastructure to treat waste as an alternate to landfill.
Waste Transfer Station (WTS)	Facilities where municipal solid waste is unloaded from collection vehicles and briefly held while it is reloaded onto larger long-distance transport vehicles for shipment to landfills or other treatment or disposal facilities.

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Appendix 1 Waste Compositional Analysis

A Waste Compositional Analysis (WCA) looks at the type of waste that is left in the residual black bin. It is used to analyse what residents are throwing away and helps the waste management teams plan how to manage this material. For example the 3 Councils receive an income from some of the recyclates which helps to offset the costs of the service, the WCA identifies how much of this material is left in the residual bins.

WCA have been completed by M.E.L research in 2009, 2014 and 2016/17. Analysis is completed two times a year, normally in spring and autumn to provide statistical validity. Researches sample 50 properties from 5 streets across each authority. The method used in these WCA's is to empty residents wheeled bins into dumpy bags to remove and analysed before the waste is crushed by an RCV.

Figure 1: BMBC Waste Composition

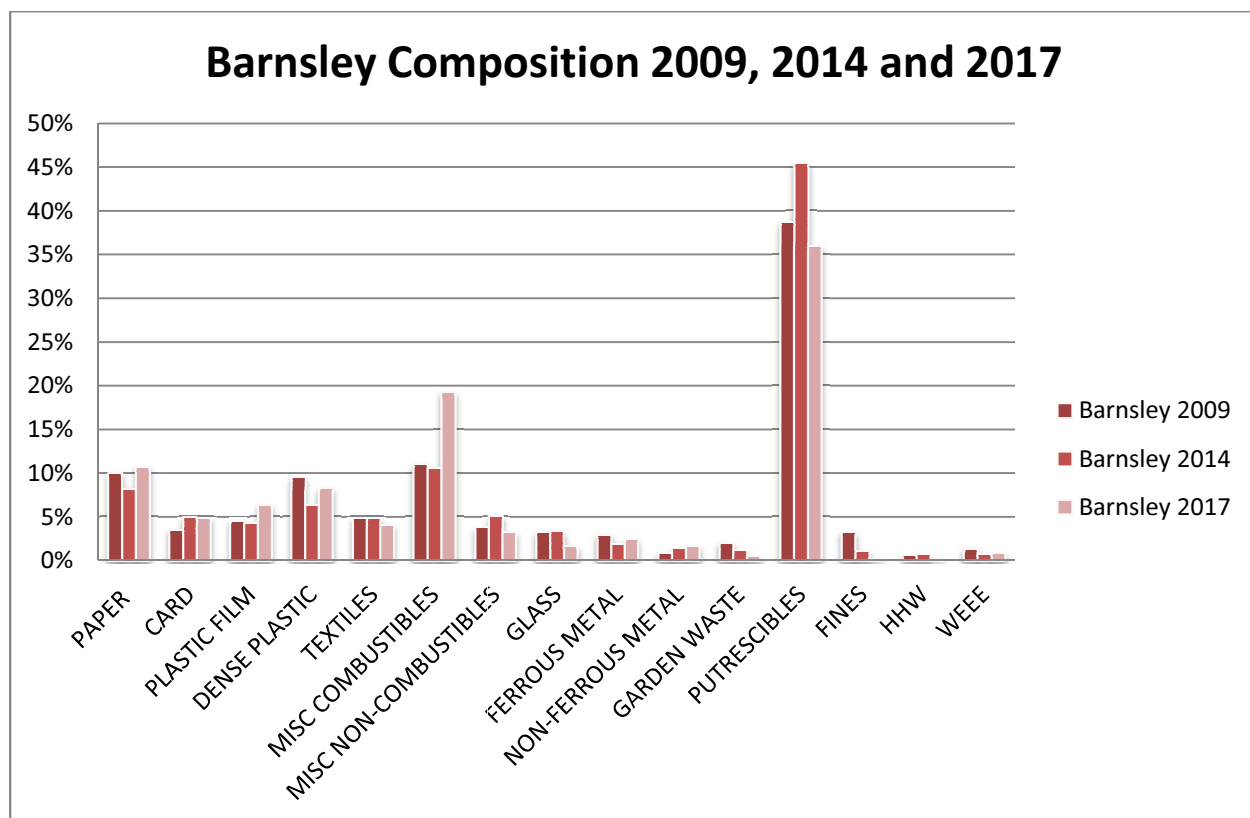


Figure 2: DMBC Waste Composition

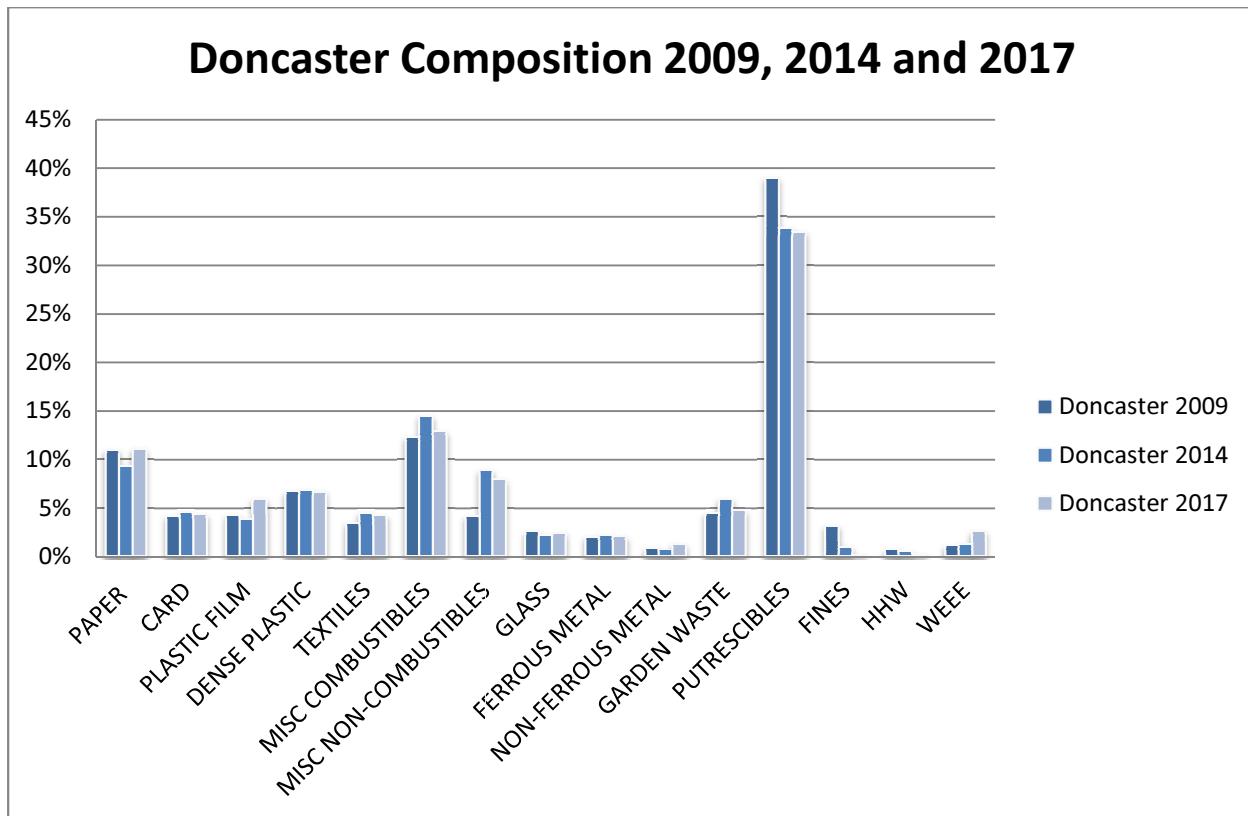
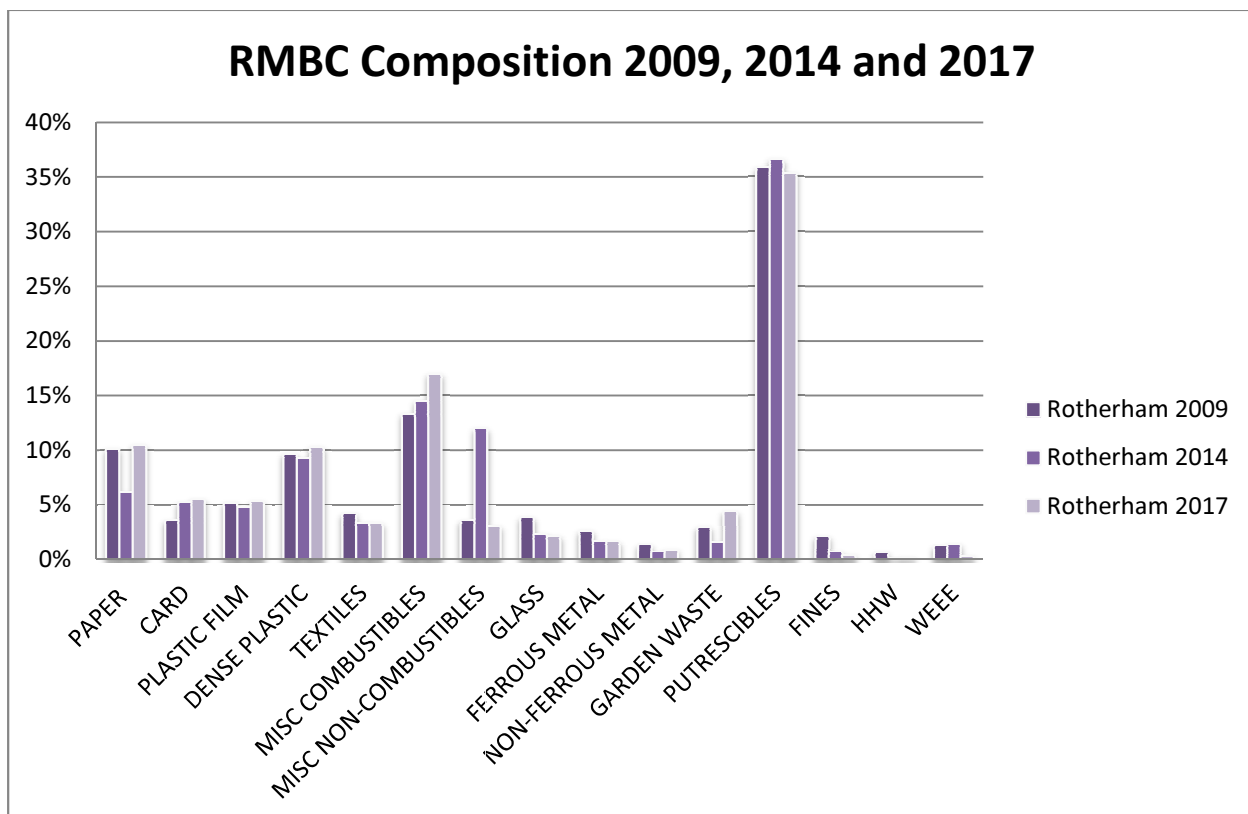


Figure 3: RMBC Waste Composition



Figures 3,4 and 5 show the composition over the 3 separate analysis compositions have remain relatively stable, Putrescible food waste remains the main composition of the waste bin. Targeting this waste though efforts such as the love food hate waste campaign could have the greatest impact in reducing overall household waste arising's.

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 17th March 2017.
- 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 is one new risks proposed for inclusion on the register. There are thirteen risks on the risk register
- 3.2 There is currently one 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	01/07/16	22/09/16	19/01/17	09/03/17	30/6/17
Red	3	3	3	2	3
Amber	5	5	5	6	6
Green	5	5	5	5	5
Total	13	13	13	13	14

- 3.6 Risk 14 has been added as there is potential that insurance may not be available at all.
- 3.7 Risk 7 Insurance risks increase remains one of the highest risks. This is due to the hardening of the market and the requirement by the 3SE insurers for more mitigation equipment.
- 3.8 Risk 3 failure to pay the Contractor on time has been removed as systems are in place, documented and have been working consistently over the last financial year.

Target RAG Rating	01/07/16	22/09/16	19/01/17	09/03/17	30/6/17
Red	1	0	0	0	0
Amber	5	6	6	6	7
Green	7	7	7	7	7
Total	13	13	13	13	14

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

Risk Number	Risk	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?	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
				I	L			I	L				
7	Obtaining required terms for Insurance is difficult 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	3	5	15	Consider reviewing the insurance requirements. Enforcement of Contractual positions	2	5	10	BDR MANAGER	21/07/17	
14	Insurance for the BDR Waste Treatment Plant is not available	The Councils would become the insurer of last resort. The Contractor would have to approach the market every 4 months to attempt to obtain insurance/ Contract would be terminated	Contractor in liaison with Insurere is progressing upgrade of the Fire Protection systems. Insurance broker is working with Insurance market to build confidence	5	3	15	Robust case against Uninsureability. Ensure Contractor Completes the fire improvement works	5	1	5	BDR MANAGER	22/07/17	New Risk
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 retenderd	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	5	2	10	BDR MANAGER	23/07/17	
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	3	4	12	Further plant investment in Acoustic measures. Increased fly spraying during the fly season. Communicate to householders to wrap waste.	3	3	9	BDR MANAGER	24/07/17	
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.	3	4	12	BDR MANAGER	25/07/17	
8	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.	3	3	9	BDR MANAGER	26/07/17	
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.	3	3	9	BDR MANAGER	27/07/17	
12	Lack of resources due to restructures, and staff resignations failure to have 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	3	9	Staff retention could be improved if a clear career path existed. CIPFA Asset Management system to hold all relevant documentation.	2	2	4	BDR MANAGER	28/07/17	
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.	3	2	6	BDR MANAGER	28/07/17	
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 Guarentees 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	3	2	6	BDR MANAGER	30/07/17	
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.	2	3	6	BDR MANAGER	31/07/17	
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. Guarenteed minimum tonnage requirement for the Coincils. Regular reports to Steering Group/Joint Waste Board. Systems inplace to pay the Contractor Internal and External Audits undertaken	3	2	6	Make an agenda item at meetings	2	2	4	BDR MANAGER	01/08/17	
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	2	2	4	BDR MANAGER	02/08/17	

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?	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
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