

## **BARNSELY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD**

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

**Date: Friday, 6th July, 2018**

**Time: 2.50 p.m.**

### **A G E N D A**

1. Appointment of Chairman for the Municipal Year 2018/2019
2. Appointment of Vice-Chairman for the Municipal Year 2018/2019
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 26th February, 2018 (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 2018/19 (Pages 4 - 8)
10. BDR Joint Waste Project - Manager's Annual Report 2017-2018 (Pages 9 - 20)
  - Governance
  - Contract Delivery
  - Legal
  - Financial
  - Communications
  - Resources
  - Other
  - Renewi Corporate Social Responsibility Fund

11. Current Issues

12. Risk Register (Pages 21 - 32)

13. Any Other Business

14. Date, time and venue for the next meeting

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

: a meeting on a date to be arranged during December, 2018.

: if necessary, a meeting shall be held during March, 2019, on a date to be arranged.

: annual meeting on a date to be arranged during June or July, 2019.

**BARNSELY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD**  
**26th February, 2018**

Present:- Councillor C. McGuinness (Doncaster MBC - in the Chair); Councillors S. Allen and E. Hoddinott (Rotherham MBC) and P. R. Miller (Barnsley MBC) together with Mr. A. Ali, Mrs. L. Baxter and Mrs. R. Fleetwood (Rotherham MBC), Mr. P. Castle (Barnsley MBC), Mr. L. Garrett (Doncaster MBC) and Mr. J. Busby (DEFRA).

**24. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at this meeting.

**25. MINUTES OF THE PREVIOUS MEETING HELD ON 4TH DECEMBER, 2017**

Consideration was given to the minutes of the previous meeting of the Barnsley, Doncaster and Rotherham Joint Waste Board, held on 4th December, 2017.

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.

**26. BDR JOINT WASTE PROJECT - MANAGER'S REPORT**

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 November, 2017 to January, 2018:-

- Table of recycling tonnes processed (April 2017 to January 2018);
- Information about complaints (noise and flies);
- Health and Safety;
- Fire protection improvements at the Bolton Road site;
- Issues affecting the Bolton Road facility and the transfer station at Grange Lane, Barnsley;
- Community Education (and applications being made to the Renewi Corporate Social Responsibility Fund);
- Finance – the Operational Management Budget Summary 2017/18;
- Waste Compositional Analysis continues, with the first phase results being compiled and the second phase to be undertaken during April 2018;
- Resources and staffing; establishment of one new post replacing the vacant post of Compliance Officer

- China has put in place limitations on the importing of waste materials; one consequence has been a worldwide slump in the paper and cardboard recycling markets.

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

## **27. CURRENT ISSUES**

The Barnsley, Doncaster and Rotherham Joint Waste Board noted the following matters:-

### **(1) Contract Issues**

Members were informed that the contract is performing well, although appropriate action should be taken to ensure an upward trend in recycling rates.

Tenders were currently being invited for the Household Waste Recycling Centre contract.

### **(2) Complaints**

During the Winter months, there had been no complaints about flies from the Bolton Road site. The number of flies might increase during the warmer months of 2018. The contractor has augmented the fly treatment controls since 2017.

Discussions continued with a local resident about noise from the Bolton Road site.

## **28. 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 fourteen risks are registered, with one risk added and none deleted since the last Joint Waste Board meeting held on 4th December, 2017. The new risk added was in relation to recycling markets, due to restrictions on tonnage and increased quality requirements introduced in 2018 by China.

Members discussed Risk 7 (Insurance) and noted the difficulty of obtaining terms in the commercial market for insurance for waste treatment plants. There was also the requirement by the 3SE insurers for more mitigation equipment to be installed at the waste treatment site.

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

**29. ANY OTHER BUSINESS**

Brief discussion took place on the powers available to local authorities to seize vehicles used in fly-tipping (eg: Section 5 of the Control of Pollution (Amendment) Act 1989 and Section 34B of the Environmental Protection Act 1990. It was noted that Rotherham MBC had recently seized a number of vehicles used in fly-tipping.

**30. DATE, TIME AND VENUE FOR THE NEXT MEETING**

Agreed:- (1) That the Annual General Meeting of the Barnsley, Doncaster and Rotherham Joint Waste Board be held at the Town Hall, Rotherham, on Monday, 4th June, 2018, commencing at 9.15 a.m.

(2) That the next following meetings of the Barnsley, Doncaster and Rotherham Joint Waste Board be held on Mondays (dates to be arranged) during September, 2018 and December, 2018 at the Town Hall, Rotherham, commencing at 9.15 a.m.

(3) That an additional meeting be held during March, 2018, including representatives of Sheffield City Council, in respect of the South Yorkshire Waste Strategy.

## 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 2018/19**

### **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 Council's representative on the BDR Steering Committee will be the Authorised BDR Steering Committee Member for 2018/19 until October 2018 following this Doncaster Metropolitan Borough Council's representative on the BDR Steering Committee will be the Authorised BDR Steering Committee Member for 2018/19.**

**List of Appendices Included**

None.

**Background Papers**

Joint Waste Board IAA Delegations report 30.6.17 Final  
Inter Authority Agreement (IAA2)

**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 2018/19**

#### **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 Council's representative on the BDR Steering Committee will be the Authorised BDR Steering Committee Member for 2018/19 until October 2018 following this Doncaster Metropolitan Borough Council's representative on the BDR Steering Committee will be the Authorised BDR Steering Committee Member for 2018/19.**

#### **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 exercised 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 2017/18, this delegation was made to the Barnsley 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 2018/19, this delegation should therefore be made to the Doncaster member of the Steering Committee. Due to unforeseen circumstances the Doncaster Officer of the Steering Committee will be unable to fulfil this role until October 2018 therefore it is proposed that the Barnsley Representative continue in this role until then. 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)**

Tom Smith, 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 WASTE PFI**  
**BDR MANAGER ANNUAL UPDATE REPORT**

**APRIL 2017 – MARCH 2018**

## **1.0 Governance**

### **1.1 Resources**

1.1.1 Tom Smith has been appointed as the new Assistant Director of Community Safety and Street Scene in Rotherham and commenced in the post mid-March 2018.

### **1.2 BDR Liaison Committee Meeting**

1.1.1 Ashley Comerford 3SE, became the Chair of the BDR Liaison Committee and the annual review meeting was held in October 2017. Following on from a request at that meeting, a 6-month review was held in April 2018.

1.1.2 The following key priorities for 2017/18 were agreed at the annual meeting in October as shown below:

- Improving level of performance and sustaining recycling rate
- Improvements in working with communities, schools and an increased focus on re-use
- Clear visibility of achievements from the Community Education and Liaison Officers work plan
- Contractor to re-look at amount of Corporate Social Responsibility funding in place
- Ensure Health and Safety continues to be a priority
- Carbon management plan and movements around minimising environmental impacts
- Turnaround times and back end process to be streamlined

1.1.3 The following items were discussed at the review meeting in April 2017:

- Contractual performance and recycling rates
- The Love Food Hate Waste campaign
- Appointment of an apprentice to assist the CELO in the delivery of the CELO plan
- The outcome of the Dispute Resolution Process

- Options available to upgrade the fire protection at site at the request of the insurers
- Major projects that are to be undertaken during 2018/19 including improving the quality of the Compost Like Output.
- Rotherham Council collection changes and the contractual process required to implement the changes

### **1.3 Steering Committee**

1.1.4 The Chair of the BDR Steering Committee will rotate from Barnsley Council to Doncaster Council in July 2018 and the BDR Team would like to thank Paul Castle for his hard work and support during 2017/18.

### **1.4 South Yorkshire Leaders Meeting**

1.1.5 The BDR Manager attended the South Yorkshire Leaders Meeting November 2017 to present the 2016/17 Annual Service and Environmental Report. An update on the progress of the South Yorkshire Municipal Waste Strategy was also provided.

### **1.5 Operating Contractor (OpCo)**

1.1.6 A new Contract Director dedicated exclusively to the BDR Project joined the business in July 2017.

1.1.7 A new Head of Health and Safety for Renewi Services UK was appointed in July 2017, additionally, a new Senior Safety Health Environment and Quality Advisor was recruited to share responsibilities between BDR and one other PFI contract.

## **2.0 Contract Delivery**

### **2.1 Bolton Road**

1.1.8 Continuous improvement processes have been implemented on various sections of the MBT to help identify, program and complete actions to improve plant availability and performance. Several minor projects were completed, giving excellent results in addressing issues and preventing reoccurrence.

1.1.9 The AD plant faced a number of challenges during this year, which has affected the power output of the facility, the volume and quality of the

Compost Like Output (CLO) output and emissions from the pollution control system. The Environment Agency has been involved in assessing the impacts of these challenges and the proposed mitigations.

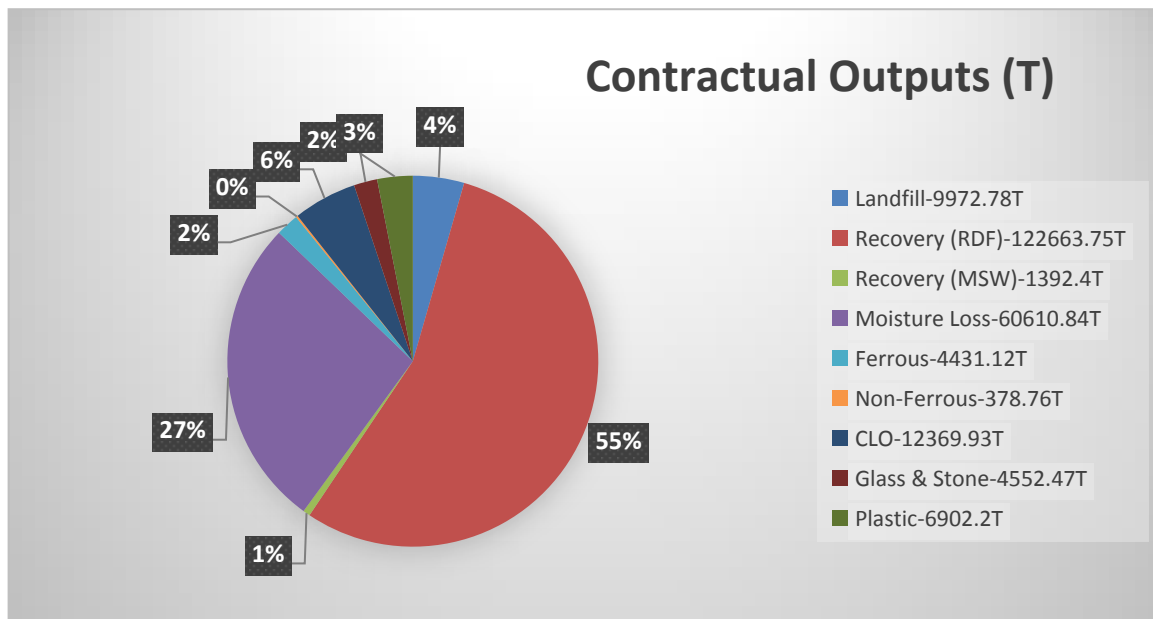
- 2.1.3 During the year, there has been an increase in downtime from the Combined Heat and Power (CHP) system, which impacted on the generated power produced. There have been 3 major periods of downtime of the CHP. During this period all Biogas was sent to the flare to be burnt. A new maintenance contract is now in place providing 24 /7 support to increase the uptime and performance.
- 2.1.4 There has been a continuing decrease in the levels of glass contamination in the CLO throughout the year with the average percentage glass in the CLO falling from 4% to 2.5% due to improvement in screening equipment and better control of the fines process.
- 2.1.5 Emission levels of ammonia out of the bio filter stack are above the levels indicated in the process design specification data. The process provider has proposed modifying the present Ammonia Scrubber to include an acid dosing system.

**Table 2.1.1 Performance - Tonnage**

Authority	Contract Waste Tonnage	Percentage Breakdown
Barnsley	64,332.47	29%
Doncaster	85,016.08	39%
Rotherham	70,198.97	32%
<b>TOTAL</b>	<b>219,547.52</b>	<b>100%</b>

1.1.10 Table 2.1.1 shows the tonnage of contract waste delivered to the facility from 1<sup>st</sup> April 2017 to the 31<sup>st</sup> of March 2018. In addition to the councils tonnages the plant accepted 31,000 tonnes of third party waste.

**Figure 2.1.1 Contractual Outputs**



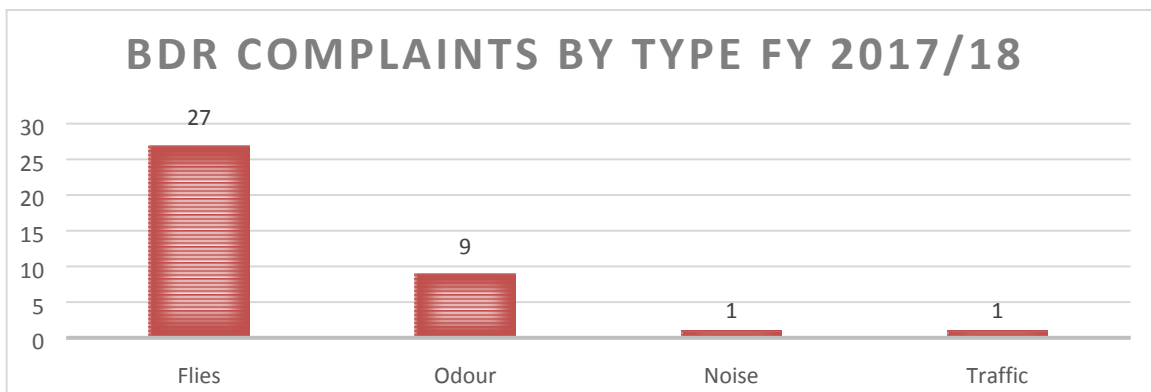
1.1.11 Figure 2.1.1 represents the contractual outputs from the waste treatment facility once the residual waste has been treated through the Mechanical Biological Treatment (MBT) and Anaerobic Digestion (AD) processes.

**Table 2.1.2 Contract Targets**

	<b>Recycling %</b>	<b>Diversion %</b>
<b>Contract Target</b>	19.00%	95.00%
<b>Contract Performance</b>	15.11%	96.35%

## 2.2 Complaints

**Figure 2.2.1 Complaint Statistics**



2.2.1 A total of 38 complaints were received. These were in relation to noise, odour, flies and traffic coming from the facility.

2.2.2 There have been several fly complaints throughout the year, which have all been investigated. A new Larvicide dosing system has been designed and installed on the shredders, which should give an improvement in the level of fly numbers in 2018/19.

2.2.3 There has also been a small number of noise complaints that have been fully investigated however the noise complaints do not correlate with site activities. There continues to be full engagement with both the BDR manager and the EA over such matters demonstrating Renewi, as an open, honest and responsible contractor.

**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												
EA inspection @ Barnsley Transfer Station												
CAR Received BDR Bolton Road		1	1	1	1	0	2	2	0	1	2	1
CAR Received Barnsley Transfer Station												
HSE Enforcement notices BDR Bolton Road												
HSE Enforcement notices Barnsley Transfer Station												
HSE Cautions BDR Bolton Road												
HSE Cautions Barnsley Transfer Station												
New Permits, Variations, Revocations & Suspensions issued. (All Operations)												

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

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

2.2.5 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 emission control systems, and
- Segregation of bulky items from HWRC waste

## 2.3 Ferrybridge

2.3.1 Offtake of the MBT outputs has been relatively stable. At Ferrybridge the SRF off-taker have suffered some issues that have resulted in longer tipping times for delivery vehicles, which can impact on the just in time process at Bolton Road. Several duty of care audits have been completed with current and proposed off-takers.

2.3.2 During 2017/18 Ferrybridge generated 578,804 MWhrs of electricity and accepted 623,839 tonnes of BDR's SRF.

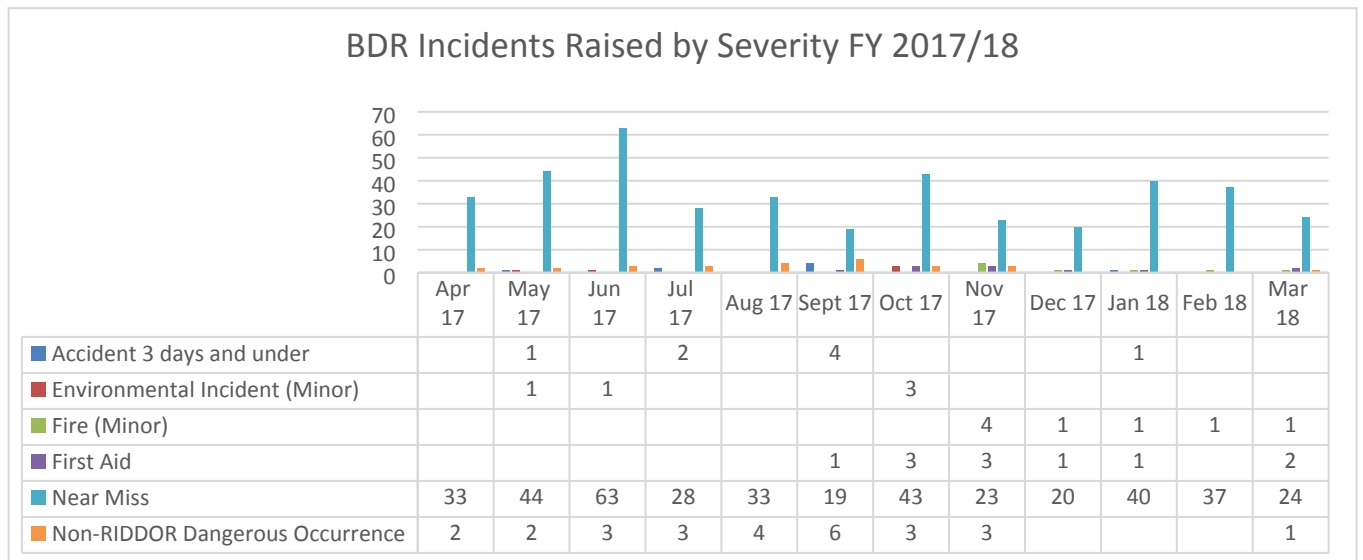
## 2.4 Grange Lane

2.4.1 The dilapidation work was undertaken from May to November 2017 at Barnsley Transfer Station and work planned allowed the Transfer Station to remain operational.

2.4.2 During the dilapidation work, it was identified that there was additional work required, over and above the work identified in the original survey. Push walls were replaced along with the electrical wiring to the lights, it was also discovered that the roof supports were badly corroded and this was impacting on the integrity of the roof. Barnsley Council along with Renewi are discussing options for replacing the roof, which is planned for 2018 -2019, along with some remedial work required on the paintwork completed as part of the Dilapidation works.

## 2.5 Health and Safety

**Figure 2.5.1 Health & Safety Statistics 2017-18**



2.5.1 Renewi uses the Safety, Health and Environment Assure incident reporting database to record and action health and safety incidents at their sites.

2.4.2 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 Renewi Compliance department who can use this information to understand any common issues at operational sites; update site rules, standard operating procedures and identify areas where further training may be required.

2.4.3 Comprehensive action is taken by Renewi 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 Insurance

3.1.1 Dispute resolution was triggered on the 14th November 2017 and the adjudicator's conclusion submitted on 21st December 2017 found in the Councils' favour.

#### 4.0 Financial

3.1.1 The Operational Management costs for 2017/18 was £46,907 underspent. This included the costs of dispute.

**Table 4.1.1 Operational Management Budget Out turn 2017/18**

Contract Manager detail	Data			
	Sum of Spend to date	Sum of Total Forecast 2017/18	Sum of Budget 2017-18	Sum of Variance 2017/18
Administration	23130	23130	22667	463
Call off Finance	0	0	1120	-1120
Call off Legal	62578	62578	66897	-4319
Call off Technical	0	0	0	0
Contingency Advisor Costs	3200	3200	10000	-6800
External Finance	22727	22727	30000	-7273
External Legal	74841	74841	50000	24841
External Technical	10968	10968	30000	-19032
HWRC Project	0	0	10000	-10000
Management	112194	112194	135861	-23667
<b>Grand Total</b>	<b>309638</b>	<b>309638</b>	<b>356545</b>	<b>-46907</b>

3.1.2 It is proposed that the 2018/19 operational management budget is reduced by 12.3% it is anticipated that this will be sufficient for due diligence on the Fire Improvement Works, negotiation of changes and on-going work on Operational savings. Should there be any disputes this would be an exceptional spend.

**Table 4.1.2 Operational Management Budget 2018/19**

Contract Manager detail	Data			
	Sum of Spend to date	Sum of Total Forecast 2018/19	Sum of Budget 2018-19	Sum of Variance 2018/19
Administration	1,172	22,425	22,765	-340
Call off Finance	0	1,120	1,120	0
Call off Legal	9,645	64,483	66,897	-2,414
Call off Technical	0	0	0	0
External Finance	7,361	28,361	30,000	-1,639
External Legal	0	50,000	50,000	0
External Technical	5,300	24,850	24,850	0
Management	16,933	117,076	117,075	1
HWRC Project	0	0	0	0
Insurance Advisors	0	0	0	0
<b>Grand Total</b>	<b>40,411</b>	<b>308,315</b>	<b>312,707</b>	<b>-4,392</b>

3.1.3 The Unitary Charge for the 2017/18 financial year totalled £22,666,124.68.

3.1.4 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)**

3.1.5 The Renewi Corporate Social Responsibility Fund was launched for 2017/18, the closing date for applications was 16th February 2018 and shortlisting took place on 9th March 2018.

3.1.6 The CELO continues to compile case studies for the current work being undertaken with landlords across Barnsley, Barnsley and Rotherham.

3.1.7 The CELO is to assist with the publication and implementation of the South Yorkshire Waste Strategy throughout 2018-19.

3.1.8 The CELO has commenced procurement for the spring 2018 compositional analysis.

3.1.9 The CELO has submitted an application to the 2018 National recycling Awards for the BDR Love Food Hate Waste campaign.

5.1.6 Script, a Barnsley firm have been commissioned to design up the South Yorkshire Municipal Waste Strategy.

## **6.0 Resources**

3.1.10 The BDR Partnership Team Compliance Officer left in October as he had secured a better post with another authority. The BDR Project Administrator has taken on some extra duties to assist the BDR Manager until the recruitment process is complete.

3.1.11 There is additional support as required from a legal locum, and internal and external technical and financial advisors for more complex matters.

## **7.0 Other**

### **7.1 South Yorkshire Municipal Waste Strategy (SYMWS)**

3.1.12 The SYMWS has now been adopted by the South Yorkshire Councils.

### **3.2 HWRC Procurement**

7.2.1 The ITT have been sent out and clarification questions are being answered. The project is progressing in line with the timetable.

### **4.0 Renewi Corporate Social Responsibility Fund**

8.1.1 The first successful project for the BDR/Barnsley area is Gateway Church. The group applied for £760 to run non-denominational healthy eating and food poverty reduction sessions. These sessions will highlight the principles of the Love Food Hate Waste campaign and support families to make better use of the food that they have while reducing the food waste thrown away.

8.1.2 The second successful project for the BDR/Barnsley area is Great Houghton Village Hall Committee. They applied for £3,000 and were awarded £2,540, which they will use to support their allotment project where they provide gardening sessions for community groups such as schoolchildren and adults with learning disabilities. The food produced on the allotment is then used to supply the cook and eat sessions run in the village. The whole project supports mindfulness, positive mental health and helps to teach life skills. The crops produced allow the cook and eat sessions, which support the key messages of Love Food Hate Waste to be undertaken within the community.

8.1.3 The successful project for the BDR/Doncaster area is Mexborough Arts Collective. The group applied for £900 to produce a free of charge arts magazine focussed on waste, recycling and the environment. The publication, which will be distributed through schools, libraries, community groups and given to the public, will include illustrations, artwork, photography, poetry and fiction on environmental topics.

8.1.4 The first successful project for the BDR/Rotherham area is Pops Outdoor Adventure Centre. The group applied for £1,000 to purchase cookery and gardening equipment to grow food with children for use in healthy eating sessions to improve life skills, reduce waste and reduce childhood obesity. The project aims to improve mental and physical health of children while they learn how to help reduce waste and recycle or compost the items used in the sessions. This project will also utilise community links to strengthen the messages contained within it and gain valuable expertise.

8.1.5 The second successful project for the BDR/Rotherham area is Social Eyes. The group applied for £800 to construct raised beds to be used to grow vegetables for use in meal preparation and life skills sessions. Horticulture is considered therapeutic, disguised exercise that is educational and teaches life skills such as responsibility. The produce grown will be used as part of the centres' healthy lifestyle projects.

## 9.0 Glossary of Terms

Term	Definition
<b>3SE</b>	The name for the partnership between Shanks Group plc and Scottish & Southern Energy plc.
<b>A2A (formerly Ecodeco)</b>	Italian company who research, design, construct, and manage plant and equipment for the disposal of waste.
<b>Anaerobic Digestion (AD)</b>	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.
<b>Compositional Analysis</b>	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).
<b>Department for Environment, Food and Rural Affairs (DEFRA)</b>	The UK government department responsible for policy and regulations on environmental, food and rural issues.

<b>Environment Agency (EA)</b>	An executive non-departmental public Body responsible to the Secretary of State for Environment, Food and Rural Affairs for issues affecting the environment.
<b>FCC Environment</b>	One of the UK's leading waste and resource management companies.
<b>Ferrybridge Multifuel 1 (FM1)</b>	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)
<b>Household Waste Recycling Centre (HWRC)</b>	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.
<b>Joint Waste Board (JWB)</b>	The Statutory Committee comprising Portfolio Holders and Senior Officers with responsibility for waste.
<b>Liaison Committee</b>	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
<b>Mechanical Biological Treatment (MBT)</b>	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.
<b>Private Finance Initiative (PFI)</b>	Mechanism for creating "public-private partnerships" (PPPs) by funding public infrastructure projects with private capital.
<b>Refuse Collection Vehicle (RCV)</b>	The collection of rubbish and waste, usually in a rubbish or refuse truck, before final disposal.

<b>Renewi UK Services</b>	The new trading name for Shanks Waste Management.
<b>Solid Recovered Fuel (SRF)</b>	A fuel produced by shredding and dehydrating solid waste (MSW) with a waste converter technology.
<b>SSE plc (formerly Scottish and Southern Energy plc)</b>	A British energy company headquartered in Perth, Scotland.
<b>Waste Infrastructure Credits</b>	Awarded by DEFRA to incentivise local authorities to develop infrastructure to treat waste as an alternate to landfill.
<b>Waste Transfer Station (WTS)</b>	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.

**Contact Name:- Lisbeth** Baxter, BDR Manager, Tel. Ext 55989  
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## 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 eight 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 26 February 2018.
- 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.

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

### 3. Key Issues and Risks

- 3.1 There are no new risks proposed for inclusion on the register. There are fourteen 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	29/09/17	23/11/17	4/12/17	26/2/18	6/7/18
Red	3	3	3	2	2
Amber	6	6	6	8	8
Green	4	4	4	4	4
Total	13	13	13	14	14

- 3.6 There has been no movement in risk 11 since the risk register was considered in February 2018, this is due to improved performance at the plant and projects that are in place to make further improvements.
- 3.9 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.

Target RAG Rating	30/6/17	29/09/17	23/11/17	26/2/18	6/7/18
Red	0	0	0	0	0
Amber	7	6	6	7	7
Green	7	7	7	7	7
Total	14	13	13	14	14

## **Monitoring**

3.10 The BDR Risk Register is reviewed eight 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 Steering Committee has reviewed and agreed the attached 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**

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

Risk Number	Risk	Consequence /effect: - What would actually happen as a result? How much of a problem would it be? To whom and why?	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 - <b>Insurance costs increase</b>	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	26/06/2018	
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 Insurerer 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	2	10	BDR MANAGER	26/06/2018	
11	Failure of plant equipment results in withdrawal of credits ( <b>Review of WICS</b> )	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	3	3	9	Ensure monitoring staff are sufficiently skilled to manage this situation. Liaison with other PFI Contract Managers, knowledge transfer close liaison with DEFRA. Contractor has improved the refinement and is introducing further measures to ensure plant performance continues to improve	5	1	5	BDR MANAGER	26/06/2018	
10	Environmental Impact to Local Area from Noise/Odour/Flies/Vermin etc ( <b>Compliance</b> )	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	26/06/2018	
9	Changes in Government Law/Regulations including the UK exiting the European Union ( <b>Legislative Change</b> )	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	26/06/2018	
8	Changes to Collection services to support budget savings that impact on the PFI Contract - <b>waste volumes change</b>	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	26/06/2018	
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	26/06/2018	

15	Recycling Markets	Lack of recycling markets impacts on Contractors ability to achieve recycling rate	Reviewing disposal points, ensuring Contractor has contingency in place	3	4	12	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	26/06/2018	
12	Lack of resources due to restructures, and staff resignations failure to have a knowledge management plan ( <b>Business Continuity - BDR</b> )	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	3	6	BDR MANAGER	26/06/2018	
6	Serious injury/death of a member of staff or public through service operation ( <b>MAJOR INCIDENT AT ITS/AD</b> )	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	26/06/2018	
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	3	2	6	BDR MANAGER	26/06/2018	
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 retendered	2	4	8	Ensure succession planning is adequate. Invest in training for the current team Project Management and COTC.	2	3	6	BDR MANAGER	26/06/2018	
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	2	2	4	BDR MANAGER	26/06/2018	
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	26/06/2018	



<b>Risk Owner (Officer responsible for managing risk and controls)</b>	<b>Risk Review Date</b>	<b>Movement</b>
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**BDR Risk Register Appendix 2 Risk Register Scoring guide**

	IMPACT	SCORE	BENCHMARK EFFECTS
<b>CRITERIA</b>	<b>CRITICAL/ CATASTROPHIC</b>	<b>5</b>	<ul style="list-style-type: none"> <li>• Multiple deaths of employees or those in the Council's care</li> <li>• Inability to function effectively, Council-wide</li> <li>• Will lead to resignation of Chief Operating Officer and/or City Mayor</li> <li>• Corporate Manslaughter charges</li> <li>• Service delivery has to be taken over by Central Government</li> <li>• Front page news story in National Press</li> <li>• Financial loss over £10m</li> </ul>
	<b>MAJOR</b>	<b>4</b>	<ul style="list-style-type: none"> <li>• Suspicious death in Council's care</li> <li>• Major disruption to Council's critical services for more than 48hrs (e.g. major ICT failure)</li> <li>• Noticeable impact in achieving strategic objectives</li> <li>• Will lead to resignation of Strategic Director and/ or Executive Member</li> <li>• Adverse coverage in National Press/Front page news locally</li> <li>• Financial loss £5m - £10m</li> </ul>
	<b>MODERATE</b>	<b>3</b>	<ul style="list-style-type: none"> <li>• Serious Injury to employees or those in the Council's care</li> <li>• Disruption to one critical Council Service for more than 48hrs</li> <li>• Will lead to resignation of Divisional Director/ Project Director</li> <li>• Adverse coverage in local press</li> <li>• Financial loss £1m - £5m</li> </ul>
	<b>MINOR</b>	<b>2</b>	<ul style="list-style-type: none"> <li>• Minor Injury to employees or those in the Council's care</li> <li>• Manageable disruption to internal services</li> <li>• Disciplinary action against employee</li> <li>• Financial loss £100k to £1m</li> </ul>
	<b>INSIGNIFICANT/ NEGLIGIBLE</b>	<b>1</b>	<ul style="list-style-type: none"> <li>• Day-to-day operational problems</li> <li>• Financial loss less than £100k</li> </ul>

LIKELIHOOD	SCORE	EXPECTED FREQUENCY
<b>ALMOST CERTAIN</b>	<b>5</b>	Reasonable to expect that the event <b>WILL</b> undoubtedly happen/recur, possibly frequently and is probable in the current year.
<b>PROBABLE/LIKELY</b>	<b>4</b>	Event is <b>MORE THAN LIKELY</b> to occur. Will probably happen/recur, but it is not a persisting issue. Will possibly happen in the current year and be likely in the longer term.
<b>POSSIBLE</b>	<b>3</b>	<b>LITTLE LIKELIHOOD</b> of event occurring. Not likely in the current year, but reasonably likely in the medium/long term.
<b>UNLIKELY</b>	<b>2</b>	Event <b>NOT EXPECTED</b> . Do not expect it to happen/recur. Extremely unlikely to happen in the current year, but possible in the longer term.
<b>VERY UNLIKELY/RARE</b>	<b>1</b>	<b>EXCEPTIONAL</b> event. This will probably never happen/recur. A barely feasible event.

LEVEL OF RISK	OVERALL RATING	HOW THE RISK SHOULD BE TACKLED/ MANAGED
High Risk	15-25	IMMEDIATE MANAGEMENT ACTION
Medium Risk	9-12	Plan for CHANGE
Low Risk	1-8	Continue to MANAGE

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
		<i>Insignificant/ Negligible</i> 1	<i>Minor</i> 2	<i>Moderate</i> 3	<i>Major</i> 4	Critical/ Catastrophic 5
<b>IMPACT (B)</b>						