

BARNSELEY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD

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

Date: Monday, 1st October, 2018

Time: 9.30 a.m.

A G E N D A

1. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence
4. Declarations of Interest
5. Minutes of the previous meeting held on 6th July, 2018 (Pages 1 - 4)
6. Matters Arising
To discuss matters arising from the previous minutes, which are not included elsewhere on the agenda.
7. BDR Joint Waste Project - Manager's Report (Pages 5 - 18)
 - Governance
 - Contract Delivery
 - Legal
 - Financial
 - Communications
 - Resources
 - Other
 - Community Liaison Group Minutes
8. Current Issues
9. Risk Register (Pages 19 - 31)
10. Any Other Business

11. Date, time and venue for the next meeting

: a meeting on a date to be arranged during November or 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.

**BARNSELEY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD
6th July, 2018**

Present:- Councillor C. McGuinness (Doncaster MBC), Councillor P. R. Miller (Barnsley MBC) and Councillor S. Sansome (Rotherham MBC), together with Mrs. L. Baxter, Mr. T. Smith and Mrs. R. Fleetwood (Rotherham MBC), Mr. P. Castle (Barnsley MBC) and Mr. C. Pratt (Doncaster MBC).

Apologies for absence were received from Councillor E. Hoddinott (Rotherham MBC), Mrs. G. Gillies and Mr. L. Garrett (Doncaster MBC) and Mr. J. Busby (DEFRA).

1. APPOINTMENT OF CHAIRMAN FOR THE MUNICIPAL YEAR 2018/2019

Agreed:- That Councillor Emma Hoddinott of Rotherham Metropolitan Borough Council be appointed Chair of the Barnsley, Doncaster and Rotherham Joint Waste Board for the 2018/2019 Municipal Year.

2. APPOINTMENT OF VICE-CHAIRMAN FOR THE MUNICIPAL YEAR 2018/2019

Agreed:- That Councillor Roy Miller of Barnsley Metropolitan Borough Council be appointed Vice-Chair of the Barnsley, Doncaster and Rotherham Joint Waste Board for the 2018/2019 Municipal Year.

In the absence of both the Chair and the Vice-Chair, it was agreed that Councillor S. Sansome (Rotherham MBC) be appointed Chair of this meeting.

(Councillor Sansome in the Chair)

3. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

4. MINUTES OF THE PREVIOUS MEETING HELD ON 26TH FEBRUARY, 2018

Consideration was given to the minutes of the previous meeting of the Barnsley, Doncaster and Rotherham Joint Waste Board, held on 26th February, 2018.

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.

5. APPROVAL OF DELEGATIONS UNDER THE SECOND INTER-AUTHORITY AGREEMENT FOR THE MUNICIPAL YEAR 2018/19

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

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

The report highlighted that these arrangements may be altered during October or November 2018, subject to the approval of the Joint Waste Board.

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

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

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

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

(c) the BDR Manager may delegate any decisions delegated to them to a member of the Joint Waste Team (if the right to delegate is granted by the Authorised BDR Steering Committee Member); and

(d) Barnsley Metropolitan Borough Council’s representative on the BDR Steering Committee will be the Authorised BDR Steering Committee Member for 2018/19 until such time as the Doncaster Metropolitan Borough Council’s representative becomes available.

6. BDR JOINT WASTE PROJECT - MANAGER'S ANNUAL REPORT 2017-2018

The Barnsley, Doncaster and Rotherham Joint Waste Manager submitted a report which highlighted and updated the following issues relating to the Joint Waste Private Finance Initiative (PFI), for the period April 2017 to March 2018:-

- BDR Liaison Committee elected a new Chair, Mr. A. Comerford;
- BDR Liaison Committee new key priorities agreed for 2017/18;
- Contract delivery (including performance and targets);
- Complaints;
- Health and Safety;
- Finance – the Operational Management Budget Out-turn 2017/18;
- Communications;
- Resources;
- South Yorkshire Municipal Waste Strategy;
- Renewi Corporate Social Responsibility Fund.

Agreed:- That the BDR Manager's Annual Report 2017/18 be received and its contents noted.

7. CURRENT ISSUES

During the spell of hot weather, there had been several complaints about flies from the Bolton Road site. The damage caused to the doors of the Mechanical Biological Treatment building and the replacement of those doors had potentially contributed to an increase in the number of flies.

Agreed:- That the information be noted.

8. 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 none added and none deleted since the last Joint Waste Board meeting held on 26th February, 2018.

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

9. 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, 21st September, 2018, at the Town Hall, Rotherham, commencing at 2.30 p.m.

(2) That the next following meeting of the Barnsley, Doncaster and Rotherham Joint Waste Board be held on a Friday during November or December, 2018 at the Town Hall, Rotherham.

BDR WASTE PFI
BDR MANAGER ANNUAL UPDATE REPORT

APRIL 2018 – AUGUST 2018

1.0 Governance

1.1 Resources

1.1.1 The post of BDR Senior Contract Officer is in the recruitment process, it is hoped this post will be filled by December 2018.

1.1.2 The BDR CELO is providing support to RMBC to assist with the engagement of residents in the new service on a consultancy basis. In order to ensure there is no impact on the BDR community engagement work an assistant CELO has been appointed. The CELO will continue to manage the overall BDR engagement work.

1.2 Rotation of Chair

1.2.1 In July 2018, the Chair of Joint Waste Board I rotated to Rotherham and Cllr Hoddinott. Paul Castle, Barnsley is to remain as the Chair of Steering Committee until the Doncaster representative is available

1.3 South Yorkshire Leaders Meeting

1.1.1 The BDR Manager is due to attend the South Yorkshire Leaders Meeting in November 2018 to present the 2017/18 Annual Report and update on the South Yorkshire Waste Strategy.

2.0 Contract Delivery

2.1 Bolton Road

1.1.2 Table 1 contains the information about the number of tonnes delivered and processed to August 2018. The forecast tonnage will be adjusted quarterly, to better reflect the anticipated outturn and minimise adjustments at the annual reconciliation.

Table 1 – Year to date tonnes processed 1 April 2018 to 31 August 2018

Inputs			2017/18	April	May	June	July	August	YTD 2018/19
		Contract Waste (Limbs)							
Barnsley	A	(Household)	52561	4262	4854	4324	4129	4664	22234
	B	(Commercial)	5322	422	478	438	455	406	2199
	C	(HWRC)	5287	550	515	447	438	461	2411
	D	(Public Highways etc)	1138	98	96	89	94	99	475
	E	(Grounds Maintenance)	0	0	0	0	0	0	0
Doncaster	A	(Household)	67476	5596	6023	5776	5312	5994	28702
	B	(Commercial)	9128	676	663	555	415	461	2770
	C	(HWRC)	8294	778	719	643	605	649	3394
	D	(Public Highways etc)	0	0	0	0	0	0	0
	E	(Grounds Maintenance)	0	0	0	0	0	0	0
Rotherham	A	(Household)	57499	4900	5187	4684	4752	4919	24442
	B	(Commercial)	3524	294	324	294	305	266	1483
	C	(HWRC)	8209	726	610	532	523	566	2957
	D	(Public Highways etc)	0	0	0	0	0	0	0
	E	(Grounds Maintenance)	0	0	0	0	0	0	0
		<i>Limbs A&B Sub-Total</i>	195509	16151	17529	16071	15368	16711	81830
BDR	A	(Household)	177536	14758	16064	14784	14193	15578	75378
	B	(Commercial)	17974	1392	1465	1287	1175	1133	6452
	C	(HWRC)	21790	2054	1844	1622	1566	1676	8762
	D	(Public Highways etc)	1138	98	96	89	94	99	475
	E	(Grounds Maintenance)	0	0	0	0	0	0	0
		Total	218,437	18,303	19,468	17,782	17,029	18,486	91,068

1.1.3 The above table breaks down the input tonnages by authority and waste streams.

Table 2 - Third Party Waste Year to date 1 April 2018 to 31 August 2018

Inputs			2017/18	April	May	June	July	August	YTD 2018/19
		Renewi Derby	14034	985	532	620	852	1288	4277

1.1.4 Table 2 shows the third party waste tonnage, this is municipal waste from the sub-contractors other contract.

Table 3 – Performance Year to Date from 1 April 2018 to 31 August 2018

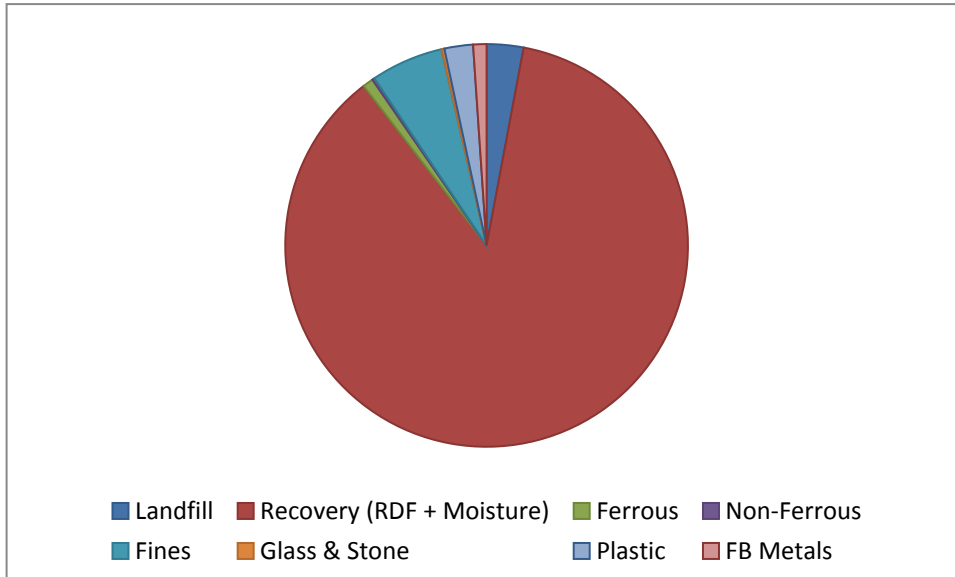
-	2017/18	April	May	June	July	August	YTD 2018/19
Landfill	9973	447	410	1129	458	325	2770
Recovery (RDF + Moisture)	183275	15215	17904	16088	16665	15430	81302
Ferrous	2297	138	186	183	175	115	798
Non-Ferrous	379	34	41	37	31	41	184
Fines	11040	661	1184	1118	1071	563	4597
Glass & Stone	4552	-	-	48	26	143	217
Plastic	6902	295	470	291	356	742	2154
Direct Delivered	106	0	0	0	0	0	0
<i>Recycling Sub-Total</i>	25277	1129	1881	1677	1659	1603	7950
Ferrybridge Metals	2134	193	220	194	205	195	1006
AWM-Recycling	284	0	0	0	0	0	0
Fines CLO Uplift	2067	124	222	209	201	105	861
<i>Recycling Total</i>	29762	1446	2322	2080	2064	1903	9816
Outbound Total	218525	16792	20195	18895	18782	17359	92022
-							
Recycling (%)	15.14%	8.95%	13.25%	12.94%	13.43%	11.39%	12.00%
Diversion (%)	95.35%	89.30%	101.62%	99.91%	107.60%	92.14%	98.01%
Moisture Loss (%)		29.24%	30.39%	30.80%	30.19%	28.99%	

1.1.5 Recycling performance in April was poor due to glass and stone not being accepted by the reprocessing facility. In August, the dip in performance has been due to work that is being undertaken to improve the quality of the fines.

Table 4 - Contract Outputs

Item	Tonnes	%
Landfill	2770	3.04%
Recovery (RDF + Moisture)	81302	89.28%
Ferrous	798	0.98%
Non-Ferrous	184	0.23%
Fines	5457	6.67%
Glass & Stone	217	0.27%
Plastic	2154	2.63%
FB Metals	1006	1.23%

Figure 1 – Contract Outputs



1.1.6 N.B. The above figures are unaudited and subject to change. Landfill diversion is calculated by total waste diverted from landfill divided by the total waste delivered.

1.1.7 It should be noted that the average monthly figure for material to landfill from April 2018 to August 2018 is 3.39% or 96.61% diversion from landfill.

1.2 Complaints

Flies

2.2.1 Further to the spike in complaints during June, the number dropped significantly to 10 in July and 8 in August. A meeting was held with the EA on 12th July to discuss the FMP and fly control. A series of actions further to the meeting have seen internal fly numbers falling following changes to the management of reception and shredder pits.

Table 5 - Fly complaints by month

Month	April	May	June	July	August	Total YTD
Number	3	5	49	10	8	75

2.3 Fire Protection Improvements

2.3.1 The Fire Improvement Works project is progressing. Marsh Risk Consulting attended site in late July to conduct a 3-day survey of the installed fire protection system in refinement. The tendering process for the project commenced in August with a start date for installation works currently expected in late November.

2.4 Fines Clean Up

1.2.1 The CLO clean-up project commenced in August 2018. As part of the works, a minor shutdown will be required to undertake installation works. It is anticipated this will take place in late August and require a complete shutdown of refinement for 4 days incorporating a weekend. The project is scheduled to take 8 weeks although some compression of the programme is expected.

1.3 Grange Lane

1.3.1 The dilapidations work is continuing at Grange Lane with the electrical work having been completed and discussions are ongoing regarding the replacement of the roof and the logistics of undertaking this work.

2.5.2 An area of the floor will need replaced and an independent survey has been completed to determine the correct solution and discussions are underway regarding the cost-sharing basis for this.

2.6 Health and Safety

2.6.1 There were 6 Be Aware Safety (BOS) audits conducted during July and August. These are site based audits concentrating on operator behaviour in the work place. As part of the surveys, close call identification and behavioural audits are undertaken in selected areas of the site, these were completed in AD, Compactor area and Waste Reception.

Table 6 – Compliance from April 2018 to August 2018

2018/19	Close Call	Accident less than 3 days	Accident more than 3 days	Non RIDDOR dangerous occurrence	RIDDOR dangerous occurrence	RIDDOR more than 7 day injury	Major RIDDOR	Environm
April	26	0	0	0	0	0	0	1
May	38	0	0	1	0	0	0	0
June	45	4	0	1	0	0	0	0
July	108	2	0	1	0	0	0	0
Aug	92	2	0	5	0	0	0	1
YTD Total	309	8	0	8	0	0	0	2

Please note: close calls are not incidents; they are where staff have made an observation of something that has the potential to cause an accident. Reporting

close calls allows action to be taken before an accident occurs and is a positive indicator of the efforts being made to improve health and safety.

3.0 Legal

3.1.1 Discussions on the impact of RMBC service changes on the recycling target are ongoing and are expected to be finalised by November 2018.

4.0 Financial

Table 7 - 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	2,612	21,457	22,667	-1,210
Call off Finance	0	0	1,120	-1,120
Call off Legal	24,833	60,999	66,897	-5,898
Call off Technical	0	0	0	0
External Finance	3,557	15,557	30,000	-14,443
External Legal	0	49,500	50,000	-500
External Technical	0	15,000	20,000	-5,000
Management	42,671	115,393	130,834	-15,441
HWRC Project	0	1,000	5,000	-4,000
Insurance Advisors	0	0	0	0
Grand Total	73,673	278,906	326,518	-47,612

3.1.2 The budget includes costs for the HWRC procurement exercise, the modelling of potential Council collection changes and a review of the Fire Improvement Works at site, due diligence on the Fire Improvement Works, negotiation of changes and on-going work on Operational savings.

3.1.3 The underspend is due in part to the delay in the recruitment of the Senior Contracts Officer.

3.1.4 In a financial statement to the city, the sub-contractor Renewi UK business reported revenues up 1% to £176.4m and made a trading loss of £5.8m (2017: loss of £4.2m). This was due to offtake markets and the sensitivity of the business model to market shifts, and specific operational optimisation issues in several of the Contracts.

3.1.5 The biggest risk to Renewi UK remains the paper and plastic recycle market and the commissioning of the Derby facility. They have incurred exceptional costs of £72.3m in the year relating to decisive portfolio management and onerous contract provisions. Management do not anticipate further exceptional costs relating to the UK assets.

5.0 Communications

5.1 Awards and Community Education and Liaison Officer (CELO)

3.1.6 The CELO continues to compile case studies for the current work being undertaken with landlords across Barnsley, Doncaster 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 autumn 2018 compositional analysis sampling has begun.

3.1.9 The CELO had submitted an application to the 2018 National Recycling Awards for the BDR Love Food Hate Waste campaign and although Renewi were shortlisted, the award was won by The University of Winchester, 'Chew Fancy a Brew?' - A Coffee Cup Campaign

5.1.5 Script, a Barnsley firm have completed the design of the South Yorkshire Waste Strategy.

5.1.6 The CELO has completed the Love Food Hate Waste (LFHW) campaign and is collating the post campaign review.

5.1.7 Appendix 1 contains the minutes from the last Community Liaison Group (CLG) Meeting on 30 April 2018.

6.0 Resources

3.1.10 The BDR Partnership Team Compliance Officer left in October 2017 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 Waste Compositional Analysis

7.1.1 Phase 1 of the 2018/19 Waste Compositional Analysis has been completed and Phase 2 will be undertaken in September 2018.

8.0 HWRC Procurement

8.1.1 The HWRC procurement has been completed and mobilisation is underway.

9.0 Other

- 9.1.1 There have been items in the news indicating an Incineration Tax may be introduced as part of the new Waste and Resource Strategy. If this materialises the Councils may face a cost pass through.

10.0 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.
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.
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 UK Services	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.
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.

Contact Name:- Lisbeth Baxter, BDR Manager, Tel. Ext 55989
email: Lisbeth.Baxter@rotherham.gov.uk

BDR PFI Waste Treatment Facility – Community Liaison Group Meeting on Monday, 30th April, 2018.

Attendance:

Non members:

1. Welcome. The chair welcomed everyone to the meeting.

2. Apologies. Apologies were received.

3. Minutes of the last meeting on 19th February were approved as a true record.

4. Issues arising. The chairman expressed disappointment that two elected members were missing and again no apologies had been received. He was particularly concerned about the absence of the Barnsley Council member as Barnsley's lack of representation at CLG meetings had been raised with the BMBC portfolio holder. If this situation continued he would like to withdraw the invitation to BMBC to be part of the group.

Action: BDR Manager to raise the issue again with Joint Waste Board.

The BDR Manager reported that she had passed on details about TWIGS to RMBC's co-ordinator for Love Where You Live. She had also established that a total of 68 pedestrian permits had been issued at HWRCs in Doncaster.

There was a long discussion about litter in South Yorkshire, which CLG members felt was a worse problem than in other parts of the country. Causes included rubbish falling from lorries, litter being thrown from cars and discarded near takeaways. It was felt that the appearance of the area could deter potential investors.

Action: BDR Manager to raise the issue with the local authorities to establish what other councils are doing to successfully tackle the problem.

5. Update on RMBC proposed changes to waste service. This was given by the BDR Manager and RMBC representative on the CLG in the absence of RMBC Head of Street Scene who was ill and had sent apologies.

RMBC had consulted local residents about their proposals, and the following changes had been approved:

- 240 litre size black bins for residual waste will be replaced with 180 litre ones.
- The 240 litre black bins will become the new recycling bins for plastics, glass and cans.
- New brown bins will be provided for the new chargeable garden waste service
- The existing green wheelie bin will be used for paper and card.

Free collections of garden waste would end in October. If residents sign up by October for the new chargeable service, they will get 15 months for £39. After that it would be an annual charge. Collections would be monthly between November and February, and fortnightly after that, with a four-week break for Christmas. Larger

families and people with specific medical needs would be allocated a larger bin. The changes involved a great deal of planning, and work was currently taking place to procure an outlet for plastics which in future will be collected from the kerbside. Initial indications show that about one third of households will sign up for the chargeable green waste collection. FAQs on websites and a major engagement and communication programme would help residents cope with the change. This would be in four phases:

1. End of free of charge garden waste service and change of use of existing green wheelie bin to paper and card.
2. Start of collection of chargeable service for garden waste
3. Delivery of new smaller residual waste bin
4. Change of use of existing black bin to plastics, glass and cans and new smaller residual bin collection begins

CLG members raised a number of concerns about the proposals:

- Cost – the new service would not save money
- Charges for garden waste service
- Lack of consistency with other BDR authorities
- Difficulty of storing four bins, particularly for flat dwellers
- Overflowing residual waste bin because of smaller size
- The majority of consultees were not in favour of the changes

The BDR Manager explained the increased cost was because of the introduction of kerbside collection of plastics, something requested by the vast majority of respondents to the consultation. The aim of the South Yorkshire Waste Strategy was to bring about a more consistent approach by the four local authorities.

Action: RMBC Head of Street Scene to be invited to the next CLG meeting to discuss the new proposals.

6.3SE update. The Renewi Operations Manager reported a couple of noise complaints from an anonymous source. Despite extensive checks, no noise problem had been found and the issue had been referred to the Environment Agency. Proposals for the fire prevention improvement programme would be discussed with the insurers in the next few weeks. The aim would be to ensure the work was carried out with minimum disruption to the plant. The Compost Like Output (CLO) clean-up project is due to start this year. This is designed to remove contaminants from the input material before it enters the AD facility in order to give a 'cleaner' CLO product. It is hoped this would cause as little disruption as possible to the facility. Silt deposits had been found in the drainage system so emergency procedures had been put in place to deal with this. The Environment Agency had taken water samples which had now been given the all clear. The cause of this was being investigated. Figures for the year showed a 15.03 recycling figure – the best the facility had ever achieved. The reception hall doors damaged by wind would be replaced in May. The new fly prevention system was in operation and teething problems with this were being ironed out. A couple of complaints had been received about flies. The cause was

thought to be the short spell of exceptionally warm weather in April, combined with the damaged reception hall doors.

7. BDR update. The BDR Manager reported on a meeting of the liaison committee when directors of the three local authorities met directors of Renewi and SSE. The impact of changes in Rotherham's waste service on the facility would be the subject of negotiation because it was a significant change. A Memorandum of Understanding for the South Yorkshire Waste Strategy was being signed by all four authorities, and the strategy itself was now with designers. CLG members were shown a first design for the 20-page document which they indicated they were happy with. Contracts for HWRCs were up for renewal and a procurement process was taking place. In June the chairmanship of the Joint Waste Board would move from Doncaster to Rotherham.

8. CELO update. Last year 128 events were attended and more than 150 people shown round the site. Work was taking place on the planning of this year's Love Food Hate Waste campaign which would run from 4th June for 11 weeks. The emphasis this year would be on social media and public events would focus on supermarkets across the three council areas. The campaign will be run using WRAP resources. The possibility of hiring an apprentice to help with work with schools and workshops was being investigated. Two submissions to this year's National Recycling Awards had been shortlisted and the final results would be announced in June. This year's Corporate Social Responsibility Fund had been allocated to five projects across Barnsley, Doncaster and Rotherham. Most of the projects focused on developing nutrition skills in adult groups and cutting down on food waste, which accounted for one third of waste thrown away across the BDR area.

£800 was awarded to Social Eyes to construct raised beds to be used for therapeutic horticulture to grow simple foods to be used in life skills and meal preparation sessions. These sessions will include Love Food Hate Waste principles.

£2,540 to Great Houghton Village Hall to construct an allotment to run horticulture and mindfulness sessions with children and adults with special needs. The produce grown will then be used in cook and eat sessions where groups will be taught to make the most possible use of food.

£760 to Gateway Church to work with families in crisis to run cook and eat sessions focusing on good nutrition and healthy food on a budget including ways to make food last longer and embodying the Love Food Hate Waste principles.

£900 to Mexborough Arts Collective to produce a free of charge magazine including poetry and prose focusing on the environment and recycling.

£1,000 to POPs Outdoor Adventure to plant and grow food to be used in healthy eating sessions designed to improve life skills, reduce waste and minimise food waste.

9. Communications update. Stratiji thanked CLG members for providing contact details so that an up-to-date database could be produced. This showed a good spread of representation with four members from Rotherham, and three each from

Barnsley and Doncaster. A press release had been issued about the awards shortlisting, and the news had also been posted on the BDR and local authority websites. A press release was planned to publicise this year's beneficiaries of the CSR fund.

10. Any other business. A CLG member asked why there were so many Sherwood vehicles visiting the site and if they were from Nottingham. It was explained that Fred Sherwood was the name of the company which operated the fleet and they were bringing waste to the facility from Barnsley and Doncaster, and then on to Ferrybridge.

11. Date and time of next meeting. This will be on Monday 16th July at 7pm at the Visitor Centre.

Summary Sheet

Council Report:

Barnsley, Doncaster and Rotherham Joint Waste Board 01 October 2018

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 6th July 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.

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 5
	IMPACT (B)					

3. Key Issues and Risks

- 3.1 There is one new risks proposed for inclusion on the register. There are fifteen 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	23/11/17	4/12/17	26/2/18	6/7/18	21/09/2018
Red	3	3	2	2	2
Amber	6	6	8	8	9
Green	4	4	4	4	4
Total	13	13	14	14	15

- 3.6 A new risk was included due to the financial performance of the sub-contractor in the UK municipal market. The BDR Councils are working with the sub-contractor to identify areas where their losses can be minimised without transferring risk to the Councils.
- 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	29/09/17	23/11/17	26/2/18	6/7/18	20/09/2018
Red	0	0	0	0	0
Amber	6	6	7	7	7
Green	7	7	7	7	8
Total	13	13	14	14	15

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 - 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	30/08/2018	
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	30/08/2018	
16	Contractor exits UK Municipal market due to financial pressures	The PFI model anticipates several stages where the private sector entities – Operating Sub-Contractor, Contractor (Equity and Junior Debt investors) and Senior Lenders – all progressively take risk (and lose all their investment/loans) before the Councils bear additional cost risk. In particular the Contractor may choose to replace the Operating Sub-Contractor and/or Senior Lenders may choose to replace the Contractor with a suitable substitute service provider and continue the Contract to maximise their ability to see their outstanding loan repaid	The PFI Contract has several layers of protection including Lenders stepping in	5	2	10	The Councils will identify areas where they could work with the Contractor to help reduce the losses they are currently facing whilst maintaining the intended risk transfer and achieving the required service performance. However, they should ensure that the outcome of any negotiations does not result in the Council being liable for increased compensation on termination costs should a termination still be likely as a result of the contract being considered more valuable on a market tendering exercise.	5	1	5	Chair of Steering Committee	05/09/2018	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 retendered	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	30/08/2018	
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	30/08/2018	
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	30/08/2018	

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	30/08/2018	
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	30/08/2018	
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	30/08/2018	
12	Lack of resources due to restructures, and staff resignations failure to have a knowledge management plan (Business Continuity - BDR)	Failure to monitor the contract effectively/make payments resulting in Breach	Contract manual to document the processes and procedures. To be maintained and updated when changes occur. Contract information held on CIPFA site and on a Sharepoint portal. Staff training and development. Knowledge management plan.	3	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	30/08/2018	
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	30/08/2018	
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 interim/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	30/08/2018	
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	30/08/2018	

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	30/08/2018	
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	30/08/2018	

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
		I	L			I	L	

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

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

LIKELIHOOD	SCORE	EXPECTED FREQUENCY
ALMOST CERTAIN	5	Reasonable to expect that the event WILL undoubtedly happen/recur, possibly frequently and is probable in the current year.
PROBABLE/LIKELY	4	Event is MORE THAN LIKELY 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.
POSSIBLE	3	LITTLE LIKELIHOOD of event occurring. Not likely in the current year, but reasonably likely in the medium/long term.
UNLIKELY	2	Event NOT EXPECTED . Do not expect it to happen/recur. Extremely unlikely to happen in the current year, but possible in the longer term.
VERY UNLIKELY/RARE	1	EXCEPTIONAL 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
IMPACT (B)						