

BARNSELY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD

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

Date: Monday, 3rd December, 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 1st October, 2018 (copy attached) (Pages 1 - 3)
6. Matters Arising
To discuss matters arising from the previous minutes, which are not included elsewhere on the agenda.
7. BDR Managers Report 2018-19 (Pages 4 - 16)
 - Governance
 - Contract Delivery
 - Legal
 - Financial
 - Communications
 - Resources
 - Other
 - CLG Minutes
8. Current Issues
9. Risk Register (Pages 17 - 29)
10. Date, time and venue for the next meeting - to be confirmed

BARNSELY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD
Monday, 1st October, 2018

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

Apologies for absence were received from Councillor S. Sansome (Rotherham MBC) and Mrs. G. Gillies (Doncaster MBC).

10. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

11. MINUTES OF THE PREVIOUS MEETING HELD ON 6TH JULY, 2018

Consideration was given to the minutes of the previous meeting of the Barnsley, Doncaster and Rotherham Joint Waste Board, held on 6th July, 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.

12. 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 April 2017 to March 2018:-

- Contract delivery (including performance and targets);
- Complaints;
- Health and Safety;
- Finance – the Operational Management Budget Out-turn 2017/18;
- Communications;
- Minutes of the meeting of the BDR PFI waste treatment facility community liaison group held on 30th April, 2018;
- Resources;
- Waste Compositional Analysis;
- Renewi Contract.

The Joint Waste Board welcomed Mr. A. Brookes (SPV Director) and Mr. S. Lund (Renewi) who reported on the contract performance in respect of

the Bolton Road waste treatment facility. Reference was made to the commercial performance of Renewi and the company's commitment to the current contract.

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

(2) That the details now reported in respect of the Renewi contract be noted and Members be provided with copies of the briefing note now discussed.

13. CURRENT ISSUES

Discussion took place on the following items:-

(1) During the spell of hot weather in July and August 2018, there had been an increase in the number of complaints about flies from the Bolton Road site. The number of complaints had reduced as the spell of hot weather had ended.

(2) Possible introduction by Central Government of an Incineration Tax, as part of the proposed new Waste and Resource Strategy.

Agreed:- That the information be noted.

14. 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 fifteen risks are registered, with one risk added and none deleted since the last Joint Waste Board meeting held on 6th July, 2018. The new risk had been added due to the financial performance of the sub-contractor in the UK municipal market.

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

15. 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 either Monday, 26th November, 2018, or Monday, 3rd December, 2018, at a venue in Sheffield and at a starting time to be determined.

(2) That the next following meeting of the Barnsley, Doncaster and Rotherham Joint Waste Board be held on a Monday during February or

March, 2019 at the Town Hall, Rotherham.

**BDR WASTE PFI
BDR MANAGER ANNUAL UPDATE REPORT**

SEPTEMBER 2018 – OCTOBER 2018

1.0 Governance

1.1 Resources

1.1.1 The post of BDR Senior Contract Officer has been filled

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.

2.0 Contract Delivery

2.1 Bolton Road

1.1.1 Table 1 contains the information about the number of tonnes delivered and processed to October 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 October 2018

		<u>Inputs</u>	2017/18	April	May	June	July	August	Sep	Oct	YTD 2018/19
		Contract Waste (Limbs)									
Barnsley	A	(Household)	52561	4262	4854	4324	4129	4655	3926	4387	30538
	B	(Commercial)	5322	422	478	438	455	406	423	482	3104
	C	(HWRC)	5287	550	515	447	438	461	426	415	3252
	D	(Public Highways etc)	1138	98	96	89	94	99	85	87	648
	E	(Grounds Maintenance)	0	0	0	0	0	0	0	0	0
Doncaster	A	(Household)	67476	5596	6023	5776	5312	5994	5342	5553	39596
	B	(Commercial)	9128	676	663	555	415	461	468	542	3780
	C	(HWRC)	8294	778	719	643	605	649	603	563	4560
	D	(Public Highways etc)	0	0	0	0	0	0	0	0	0
	E	(Grounds Maintenance)	0	0	0	0	0	0	0	0	0
Rotherham	A	(Household)	57499	4900	5187	4684	4752	4919	4349	4991	33783

	B	(Commercial)	3524	294	324	294	305	266	282	318	2083
	C	(HWRC)	8209	726	610	532	523	566	501	470	3928
	D	(Public Highways etc)	0	0	0	0	0	0	0	0	0
	E	(Grounds Maintenance)	0	0	0	0	0	0	0	0	0
	<i>Limbs A&B Sub-Total</i>		195509	16151	17529	16071	15368	16702	14791	16273	112884
BDR	A	(Household)	177536	14758	16064	14784	14193	15568	13617	14931	103916
	B	(Commercial)	17974	1392	1465	1287	1175	1133	1173	1342	8968
	C	(HWRC)	21790	2054	1844	1622	1566	1676	1530	1448	11740
	D	(Public Highways etc)	1138	98	96	89	94	99	85	87	648
	E	(Grounds Maintenance)	0	0	0	0	0	0	0	0	0
	Total		218,437	18,303	19,468	17,782	17,029	18,476	16,406	17,808	125,272

1.1.2 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 October 2018

<u>Inputs</u>	2017/18	April	May	June	July	August	Sep	Oct	YTD 2018/19
Renewi Derby	14034	985	532	620	852	1288	1058	2229	7564

1.1.3 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 October 2018

	2017/18	April	May	June	July	August	Sep	Oct	YTD 2018/19
Landfill	9973	447	410	1129	458	325	485	376	3631
Recovery (RDF + Moisture)	183275	15215	17904	16088	16665	15430	14293	15686	111281
Ferrous	2297	138	186	183	175	115	137	111	1046
Non-Ferrous	379	34	41	37	31	41	22	19	225
Fines	11040	661	1184	1118	1071	563	338	812	5747
Glass & Stone	4552	-	-	48	26	143	221	323	761
Plastic	6902	295	470	291	356	742	764	538	3455
Direct Delivered	106	0	0	0	0	0	0	0	0
<i>Recycling Sub-Total</i>	25277	1129	1881	1677	1659	1603	1483	1801	11234
Ferrybridge Metals	2134	193	220	194	205	195	175	192	1372
AWM-Recycling	284	0	0	0	0	0	0	0	0

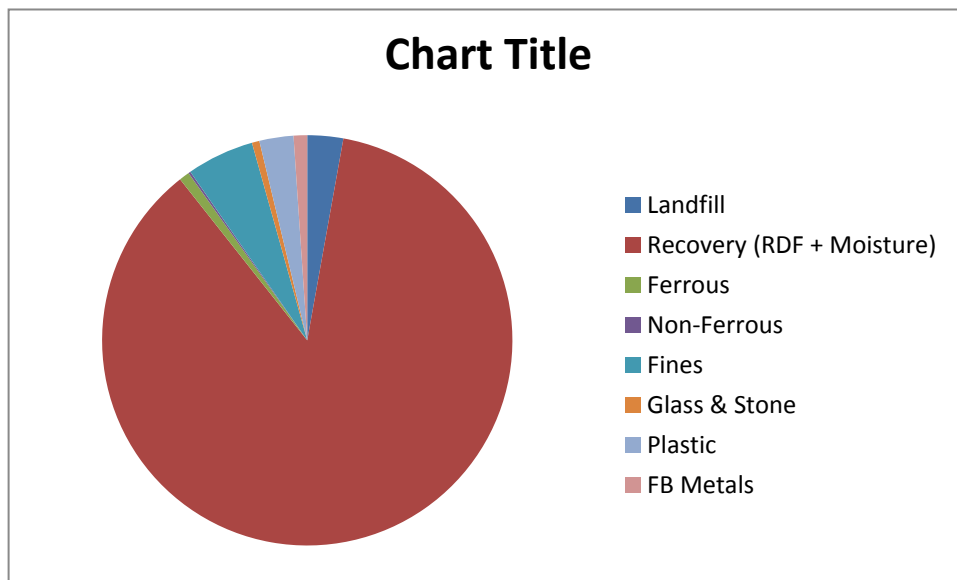
Fines CLO Uplift	2067	124	222	209	201	105	63	152	1076
<i>Recycling Total</i>	29762	1446	2322	2080	2064	1903	1721	2145	13682
Outbound Total	218525	16792	20195	18895	18782	17359	16261	17864	126146
Recycling (%)	15.14%	8.95%	13.25%	12.94%	13.43%	11.39%	11.64%	13.18%	12.12%
Diversion (%)	95.35%	89.30%	101.62%	99.91%	107.60%	92.14%	96.16%	98.20%	97.80%
Moisture Loss (%)		29.24%	30.39%	30.80%	30.19%	28.99%	30.38%	30.60%	

2.1.4 Following a poor start in recycling output in April, the contract recycling rate was 13.18% in September and the YTD recycling figure currently stands at 12.12%.

Table 4 - Contract Outputs

Item	Tonnes	%
Landfill	3631	2.90%
Recovery (RDF + Moisture)	111281	88.83%
Ferrous	1046	0.93%
Non-Ferrous	225	0.20%
Fines	6823	6.04%
Glass & Stone	761	0.67%
Plastic	3455	3.06%
FB Metals	1372	1.22%

Figure 1 – Contract Outputs



1.1.4 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.

1.1.5 It should be noted that the average monthly figure for material to landfill from April 2018 to October 2018 is 4.86% or 95.14% diversion from landfill.

1.2 Complaints

Flies

2.2.1 Only 1 fly complaint was received in early September from a local resident. Internal fly numbers continued to fall throughout the period with no fly complaints received in October. All action points from the EA relating to the fly management plan have been closed with the exception of the collection of fly count data.

Odour

2.2.2 There was 2 odour complaint received from a local resident in October, the property was visited by a Renewi staff member and accompanied by a representative from the Council. No odours were identified at the time of the visit.

Table 5 - Fly complaints by month

Month	April	May	June	July	August	Sep	Oct	Total YTD
Number	3	5	49	10	8	1	0	76

2.3 Fire Protection Improvements

2.3.1 The Fire Improvement Works project is currently in the design phase with 2 contractors selected to develop detailed designs. Delays in the design phase will result in some slippage on the commencement of on-site installation works and it is anticipated the install will now start in early January 2019.

2.4 Fines Clean Up

2.4.1 The CLO clean-up project work was completed in September 2018. Some minor blockages of the zig zag screen were witnessed in October. Cleaning frequencies have been amended to alleviate fines material build up in the screen. Lab tests to ascertain glass content in the fines continued throughout the month with an average of glass content >2mm running below 0.4% against a target of 2%.

2.5 Grange Lane

- 2.5.1 An independent survey has been completed for the fixed electrical wiring at BTS, which were found to be satisfactory and a certificate issued. Work is ongoing to procure a contractor for the roof.
- 2.5.2 An independent survey of the floor area 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 8 Be Aware Safety (BOS) audits conducted during September and October. 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.
- 2.6.2 The inaugural Renewi Health and Safety week was held at all UK sites from 17th to 21st September. Safety workshops, training and exercises were held throughout the week involving staff from all departments. The key areas of focus were manual handling and traffic management.

Table 6 – Compliance from April 2018 to October 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	Environmental
April	27	0	0	0	0	0	0	1
May	39	0	0	1	0	0	0	0
June	45	4	0	1	0	0	0	0
July	111	2	0	1	0	0	0	0
Aug	93	2	0	5	0	0	0	1
Sep	93	0	0	2	0	0	0	0
Oct	67	1	0	1	0	1	0	0
YTD Total	475	9	0	11	0	1	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	3,854	21,411	22,765	-1,354
Call off Finance	0	0	1,120	-1,120
Call off Legal	30,646	56,060	66,897	-10,837
Call off Technical	0	0	0	0
External Finance	9,011	17,011	30,000	-12,989
External Legal	0	36,782	50,000	-13,218
External Technical	0	19,860	24,850	-4,990
Management	59,739	108,882	117,075	-8,193
HWRC Project	0	0	0	0
Insurance Advisors	0	0	0	0
Grand Total	103,249	260,005	312,707	-52,702

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.

5.0 Communications

5.1 Community Education and Liaison Officer (CELO)

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

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

3.1.6 The spring and autumn 2018 compositional analysis sampling have been completed.

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

5.1.6 The CELO has completed the Recycle Week 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 16 July 2018.

6.0 Resources

3.1.7 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 and the recruitment process is complete.

3.1.8 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 and 2 of the 2018/19 Waste Compositional Analysis have been completed.

8.0 HWRC Procurement

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

9.0 Glossary of Terms

Term	Definition
3SE	The name for the partnership between Shanks Group plc and Scottish & Southern Energy plc.
A2A (formerly Ecodeco)	Italian company who research, design, construct, and manage plant and equipment for the disposal of waste.
Anaerobic Digestion (AD)	A series of biological processes in which micro-organisms break down biodegradable material in the absence of oxygen. One of the end products is biogas, which is combusted to generate electricity and heat.
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, 16th July, 2018.

Attendance:

Non members:

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

2. Apologies. Apologies were received and the chair welcomed representation from Barnsley Council and said he hoped this would continue on a regular basis.

3. Minutes of last meeting on 30th April were approved as a true record.

4. Issues arising. CLG members again asked for HWRCs across Barnsley, Doncaster and Rotherham to adopt a common approach so that residents could use HWRCs in any of the three local authorities. At the moment Barnsley operates a residents only permit policy. The BDR Manager explained that apportioning costs to HWRCs in different areas was complex, but the aim when awarding new HWRC contracts was to introduce as many common policies as possible. The chairman asked for this to be given priority in order to promote responsible behaviour by residents. There was also a discussion about the need to promote re-use of waste taken to HWRCs, and plans to include in new contracts areas signposted for items to be re-used were welcomed.

Action: Head of Street Scene to ask Assistant Director to raise this at Steering Committee.

Action: BDR Manager to give a full update at next CLG meeting.

5. Update on new RMBC waste collection service. The Head of Street Scene gave an update on the consultation carried out, and the new proposals. 9,700 responses had been received from residents, and 700 people attended drop in information sessions. Overall, thousands of comments were received. Regular collections were considered to be the most important issue, people preferred bins for recycling rather than boxes and bags, and wanted existing bins to be re-used. 80% of residents wanted more materials collected for recycling, in particular plastics. Concerns were the introduction of a charge for green waste, and smaller capacity leftover waste bins. The Head of Street Scene felt the impact of smaller bins would be offset by kerbside collection of plastic, meaning less waste going into the leftover waste bins. He gave an assurance that the situation of large families and households with no outside space would be dealt with sympathetically and more consultation and engagement would take place. Some CLG members again expressed concern about the smaller capacity bin and space available for up to four bins per household. A major engagement and communication programme would be launched to help people adjust to the changes. The chairman welcomed efforts to increase recycling and encourage the right behaviour.

6. Fly update. Renewi Contract Director reported that in June over a short period, approximately 50 complaints were received. This coincided with the replacement of

damaged reception hall doors. Since that time the number of complaints had considerably reduced. Working to an action plan agreed by the Environment Agency, work on door replacement was suspended, fly treatments increased and some waste diverted away from the plant. Efforts were made to reduce the stockpile of waste waiting to be treated and move it through the facility as quickly as possible. The EA had carried out a further review and their report was due shortly. The issue of odour from the facility was also raised, but CLG members felt air quality in the area was a vast improvement from 30 years ago.

7. Third party waste. Renewi Contract Director said under current planning restrictions, no third party waste could be delivered to the plant before 9.30am. To improve the flow of waste through the plant, planning consent could be sought to bring in third party waste from 6.30am to avoid mainstream waste deliveries. This would involve a maximum of five vehicles, but normally just two or three. There would be no net increase in the number of vehicles. CLG members raised no objections to going ahead with the request for planning consent for this change.

8. 3SE update. Renewi Contract Director reported that work to improve the bio-filters scheduled to take 7.5 weeks had been completed in four, and work on a glass clean-up project previously outlined was scheduled to start on 16th August. Fire prevention improvement works were at the design stage and would then go out to tender.

9. BDR update. The BDR Manager said a Memorandum of Understanding for the delivery of the South Yorkshire Waste Strategy had now been signed. Discussions were taking place with Renewi about the contract and changes needed to deliver the new waste service in Rotherham.

10. CELO update. The current main focus was planning and executing the Love Food Hate Waste campaign. Eight events have taken place across BDR at supermarkets and food banks, and training given to food bank staff. Two shortlisted submissions to the 2018 National Recycling Awards had not been successful. Several site tours had taken place, and spaces were still available available on Saturday 22nd September at 2pm and 6pm. Talks were taking place with FM1 about developing a series of joint information packs and an opportunity for a secondary school, all focusing on STEM subjects, engaging young people with the waste industry and the diverse careers available. The CELO has also taken part in a study being conducted by a PhD student at Leeds University looking at partnership working. This will involve Renewi, BDR and the three Councils.

11. Communications update. Responses to media articles about flies had been prepared, together with updates for CLG members, local businesses, complainants, ward members, steering committee and the local authority communication teams. A press release had been issued on the Love Food Hate Waste campaign which generated some positive publicity and a radio interview. A major publicity campaign would be developed to help make the changes to waste collections in Rotherham go as smoothly as possible.

12. Any other business. SG raised the issue of litter around the facility and said there was a contractual obligation to pick this up within 100 metres of the gate. This

prompted a long discussion about the causes of litter and how to deal with the problem. The BDR Manager said that litter near the plant was being picked on a regular basis, but not where it was unsafe to do so because there was no pavement. In areas with no pavement, it was the responsibility of the council, but cuts had affected this work. SG said he organised regular litter picks in the area and felt businesses should be involved. He praised the contribution of Street Pride who worked with them to remove the litter once it had been picked.

13. Date and time of next meeting. This will be on Monday 1st October at 7pm at the Visitor Centre.

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 1st October 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 are no 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	26/2/18	67/18	21/09/18	01/10/18	22/11/2018
Red	2	2	2	2	2
Amber	8	8	9	9	5
Green	4	4	4	4	8
Total	14	14	15	15	15

- 3.6 Risk 11 failure of plant and equipment – this risk has been downgraded due to the changes that have been implemented to both the kit and the engineering processes. An Engineering manager is in place he has been with the project since commissioning as the MBT Manager and has made significant changes to the engineering processes. This has resulted in the plant being more stable.
- 3.7 Risk 8 - Collection changes and waste volumes. Although there may still be changes in waste volumes the service changes the councils intend to implement in the short term have been modelled and the impacts on the facility have been agreed. The Significant Collection Change negotiation process is better understood for these reasons the risks have been downgraded.
- 3.8 Risk 12 - Lack of resources a BDR Senior Contracts Officer has been appointed and for this reason the risk has been downgraded
- 3.9 Risk 1 Contractor not complying with the terms and conditions of the contract. there has been three years of reasonable performance and contract management processes in place hence it is proposed to downgrade this risk.
- 3.10 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	26/02/18	6/07/18	20/09/18	1/10/18	3/12/2018
Red	0	0	0	0	0
Amber	7	7	7	7	4
Green	7	7	8	8	11
Total	14	14	15	15	15

Monitoring

3.11 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:-


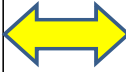

Strategic Director of Finance and Corporate Services: Not applicable


Director of Legal Services: Not applicable

Head of Procurement (if appropriate): Not Applicable

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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	14/11/2018	
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	14/11/2018	
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	14/11/2018	
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	14/11/2018	
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	14/11/2018	
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	14/11/2018	
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	14/11/2018	

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.	2	4	8	Dialogue with WIDP/DEFRA and between BDR Councils. Test potential impacts to the contract/Councils against the IAA2. Lobby Government on recycling definitions.	2	3	6	BDR MANAGER	14/11/2018	
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 Guaretees exist to provide and/or pay for intern/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	14/11/2018	
11	Failure of plant equipment results in withdrawal of credits (Review of WICS)	Reputational damage and adverse publicity emanating from poor performance of state of the art facility. Potential for Local/National interest. Budget impact	Regular contract meetings/Monitoring and review procedures/Contingency facilities in place/Performance deduction , Step in provisions exist. It is likely that the Funders would step in an appoint another Contractor if performance is poor. Alternately the Councils could step in until the Contract could be retenderd	3	2	6	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	3	1	3	BDR MANAGER	14/11/2018	
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	2	6	Staff retention could be improved if a clear career path existed. CIPFA Asset Management system to hold all relevant documentation.	2	2	4	BDR MANAGER	14/11/2018	
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	14/11/2018	
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. Guarenteed minimum tonnage requirement for the Councils. Regular reports to Steering Group/Joint Waste Board. Systems inplace to pay the Contractor Internal and External Audits undertaken	3	2	6	Make an agenda item at meetings	2	2	4	BDR MANAGER	14/11/2018	
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 retenderd	2	2	4	Ensure succession planning is adequate. Invest in training for the current team Project Management and COTC.	2	1	2	BDR MANAGER	14/11/2018	

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 retenderd	2	2	4	Ensure succession planning is adequate. Invest in training for the current team Project Management and COTC.	2	1	2	BDR MANAGER	14/11/2018	
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Risk Owner (Officer responsible for managing risk and controls)	Risk Review Date	Movement
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	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)						