

BARNSELEY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD

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

Date: Monday, 11th March, 2019

Time: 9.30 a.m.

(Chairman's Briefing 9:20 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. Introductions and Apologies
4. Declarations of Interest
5. Minutes of the previous meeting held on 3rd December, 2018 and any matters arising (copy attached) (Pages 1 - 3)
6. BDR Managers Report 2018-19 (attached) (Pages 4 - 16)
 - Governance.
 - Contract Delivery.
 - Legal.
 - Financial.
 - Communications.
 - Resources.
 - Other.
 - CLG Minutes.
7. Current Issues (Beth Baxter to report) (Pages 17 - 21)
8. Risk Register (attached) (Pages 22 - 29)
9. Any Other Business. (Pages 30 - 36)
 - Brexit.
10. Date, time and venue for the next meeting - Monday, 17th June, 2019 at 9.30 a.m. in Rotherham Town Hall

**THE BARNLSLEY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD
03 DECEMBER 2018**

Present:- Councillor Stuart Sansome (Rotherham MBC - in the Chair); Councillor P. R. Miller (Barnsley MBC) and Councillor C. McGuinness (Doncaster MBC), together with Mrs. L. Baxter, Ms. R. Fleetwood, Mr. P. Hutchinson 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 Emma Hoddinott (Rotherham MBC) and Mrs. G. Gillies (Doncaster MBC).

16. DECLARATIONS OF INTEREST

There were no Declarations of Interest reported at this meeting.

17. MINUTES OF THE PREVIOUS MEETING HELD ON 1ST OCTOBER, 2018

Consideration was given to the minutes of the previous meeting of the Barnsley, Doncaster and Rotherham Joint Waste Board held on 1st October, 2018.

Agreed:- That the minutes of the previous meeting be approved as a correct record.

18. MATTERS ARISING

With regards to Minute No. 12 (BDR Joint Waste Project – Manager's Report) it was noted that the briefing note in respect of the Renewi Contract was being reviewed by officers before it was formally shared.

19. BDR MANAGERS REPORT 2018-19

Consideration was given to the update report of the BDR Project Manager covering the period September – October, 2018.

The Board welcomed Paul Hutchinson as the new BDR Senior Contract Officer to the meeting.

A number of issues were highlighted including:-

- Contract delivery.
- Recycling performance which needed further work.
- Contract outputs.
- Fly complaints and odours.
- Fire protection improvements.
- Fines clean up.

- Grange Lane improvements.
- Health and safety.
- Operational management budget.
- Community education.
- Resources.
- HWRC procurement.

Flies, particularly in hot weather, continued to be nuisance. Actions would be taken to ensure spraying was commenced earlier in the year whilst avoiding resistance to chemicals.

There did need to be more education for residents around wrapping waste, containment and food waste hygiene in general.

Further legal information by way of a briefing note was circulated at the meeting relating to the key aspects of the new HWRC Contract. This set out the position with regards to the use of "Reuse Champions" and the raising of awareness about the reuse facility at Conisbrough Depot and feasibility of introducing a retail outlet on site.

The digitisation proposals would also include the use of real time reporting.

Eight dedicated lift vehicles would also be included in the contract. All vehicles to be used on the contract would be Euro 6 compliant.

There was also to be a focus on customer care with the aim of rolling out NVQ Level 2 Customer Care training to all staff.

Agreed:- That the report and briefing note be received and the contents noted.

20. CURRENT ISSUES

Consideration was given to any current issues.

It was pointed out that support provided by officers and Members throughout the last few months and their co-operation with a potential claim was recognised.

Agreed:- That the support from all officers and Board Members be formally recognised.

21. RISK REGISTER

Consideration was given to the report which set out in detail the risks associated with the delivery of the BDR PFI Waste Facility contractual obligations now the facility was operational. The risks identified in the risk register were considered by the BDR Steering Committee every eight weeks.

A number of risks were on the risk register and no new risk had been proposed to be included or deleted.

Risk 11 failure of plant and equipment – this risk had been downgraded due to the changes that have been implemented to both the kit and the engineering processes. An Engineering manager was in place and had made significant changes to the engineering processes. This had resulted in the plant being more stable.

Risk 8 - Collection changes and waste volumes. Although there may still be changes in waste volumes the service changes the Councils intended to implement in the short term have been modelled and the impacts on the facility have been agreed. The Significant Collection Change negotiation process was better understood for these reasons the risks have been downgraded.

Risk 1 Contractor not complying with the terms and conditions of the contract. There had been three years of reasonable performance and contract management processes in place hence it is proposed to downgrade this risk.

Risk 7 Insurance risks increase remained one of the highest risks. This was due to the hardening of the market and the requirement by the 3SE insurers for more mitigation equipment.

It was noted that there had been some discussion at the recent Steering Group relating to mitigation equipment. This would be raised at the South Yorkshire Leaders' Meeting.

Agreed:- (1) That the updated Risk Register be received and the contents noted.

(2) That any further risks be identified that requiring deleting or adding to the risk register.

22. DATE, TIME AND VENUE FOR THE NEXT MEETING

Agreed:- That the next meeting of the Barnsley, Doncaster and Rotherham Joint Waste Board be confirmed as soon as possible following consultation with the Chair.

**BDR WASTE PFI
BDR MANAGER UPDATE REPORT**

NOVEMBER 2018 – FEBRUARY 2019

1.0 Governance

1.1 Resources

1.1.1 The BDR Senior Contracts Officer commenced work on 15th December 2018.

2.0 Contract Delivery

2.1 Bolton Road

1.1.1 Table 1 contains the information about the number of tonnes processed to February 2019. The invoice forecast tonnage for March will be adjusted to reflect the anticipated outturn and minimise adjustments at the annual reconciliation.

Table 1 – Year to date tonnes processed 1 April 2018 to 24 February 2019

Inputs		FY17/18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	FY18/19
Contract Waste (Limbs)														
Barnsley	A (Household)	52,560.84	4,262.19	4,854.19	4,324.18	4,129.00	4,654.52	3,926.30	4,387.13	4,530.69	4,236.06	4,902.12	3,302.08	47,508.45
	B (Commercial)	5,321.92	421.94	477.82	437.74	454.82	406.18	423.26	482.32	438.86	407.18	450.68	292.32	4,693.12
	C (HWRC)	5,287.12	550.30	514.92	446.64	438.34	461.26	425.56	414.94	384.53	480.68	472.94	359.70	4,949.81
	D (Public Highways etc)	1,137.75	97.80	95.56	88.86	93.74	99.22	85.48	86.84	95.06	80.84	100.02	73.35	996.77
	E (Grounds Maintenance)	-	-	-	-	-	-	-	-	-	-	-	-	-
Doncaster	A (Household)	67,475.77	5,595.74	6,023.39	5,775.83	5,312.21	5,994.43	5,341.56	5,552.50	5,965.82	5,674.28	6,360.50	4,583.82	62,180.08
	B (Commercial)	9,127.50	676.36	662.70	555.30	414.88	461.24	468.40	541.52	491.36	309.96	224.52	248.28	5,054.52
	C (HWRC)	8,293.80	778.32	718.84	643.14	605.44	648.54	603.02	563.14	524.50	615.98	636.26	459.90	6,797.08
	D (Public Highways etc)	-	-	-	-	-	-	-	-	-	-	-	-	-
	E (Grounds Maintenance)	-	-	-	-	-	-	-	-	-	-	-	-	-
Rotherham	A (Household)	57,499.13	4,900.23	5,186.51	4,684.07	4,752.16	4,919.28	4,349.24	4,991.02	4,745.50	4,514.41	5,357.50	3,189.42	51,589.34
	B (Commercial)	3,524.26	294.14	324.28	293.74	305.40	265.86	281.74	318.32	295.96	269.18	301.48	212.08	3,162.18
	C (HWRC)	8,209.26	725.74	610.28	532.10	522.70	565.84	501.30	469.96	440.14	507.16	513.30	421.20	5,809.72
	D (Public Highways etc)	-	-	-	-	-	-	-	-	-	-	-	-	-
	E (Grounds Maintenance)	-	-	-	-	-	-	-	-	-	-	-	-	-

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 24 February 2019

3rd Party	FY17/18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	FY18/19
Renewi Derby	14,034.24	985.26	532.38	619.80	852.46	1,287.54	1,057.98	2,228.82	2,106.80	1,426.98	613.26	1,499.90	13,211.18

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 24 February 2019

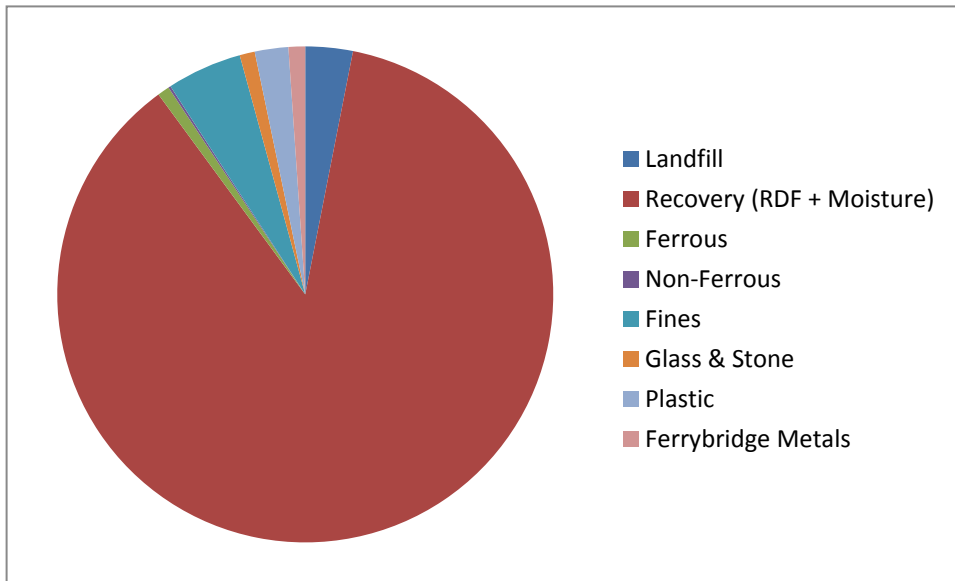
Performance	FY17/18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	FY18/19
Recycling (%)	15.14%	8.95%	13.25%	12.94%	13.43%	11.40%	11.64%	13.18%	12.27%	9.90%	7.74%	10.85%	11.41%
Diversion (%)	95.58%	89.30%	101.62%	99.91%	107.60%	92.19%	96.16%	98.20%	98.01%	90.73%	102.09%	103.73%	98.03%
Moisture Loss (%)		29.24%	30.39%	30.80%	30.19%	28.99%	30.38%	30.60%	28.40%	27.02%	27.77%	25.81%	29.11%

1.1.4 Contract recycling was 10.85% in February with the year to date recycling figure running at 11.41%. There have been problems with the glass clean up screen blocking which has impacted on the recycling rate. The equipment supplier is currently investigating the issue.

Table 4 - Contract Outputs

Council Outputs														
Landfill	9,972.78	447.17	410.06	1,129.34	458.32	325.18	485.18	376.21	410.33	574.58	1,080.58	646.75	6,343.70	
Recovery (RDF + Moisture)	183,767.03	15,215.31	17,903.62	16,088.42	16,664.72	15,429.93	14,292.81	15,685.99	15,877.53	14,289.91	18,688.19	12,586.80	172,723.23	
Ferrous	2,297.39	138.30	186.49	183.47	175.06	114.76	137.34	110.58	139.98	116.08	139.18	110.50	1,551.73	
Non-Ferrous	378.76	34.39	40.66	37.10	31.08	40.99	22.03	18.64	15.73	16.11	25.59	13.04	295.37	
Fines	11,040.17	661.47	1,183.78	1,117.67	1,070.79	562.88	338.45	811.64	756.43	630.50	460.92	381.44	7,975.96	
Glass & Stone	4,552.47	-	-	48.06	26.01	143.19	220.85	322.80	316.46	333.02	408.39	281.85	2,100.62	
Plastic	6,902.20	295.13	469.95	291.19	355.64	741.60	764.16	537.72	449.63	126.16	-	259.06	4,290.24	
Direct Delivered	106.17	-	-	-	-	-	-	-	-	-	-	-	-	
Recycling Sub-Total	25,277.17	1,129.28	1,880.87	1,677.48	1,658.58	1,603.42	1,482.83	1,801.38	1,678.22	1,221.87	1,034.08	1,045.90	16,213.92	
Ferrybridge Metals	2,133.73	192.91	219.80	193.50	205.03	194.55	175.08	191.51	201.45	185.82	241.23	166.51	2,167.40	
AWM-Recycling	284.08	-	-	-	-	-	-	-	-	-	-	-	-	
Fines CLO Uplift	2,067.33	123.86	221.67	209.29	200.51	105.40	63.38	151.98	141.64	118.07	86.31	71.43	1,493.54	
Recycling Total	29,762.31	1,446.05	2,322.34	2,080.27	2,064.12	1,903.38	1,721.29	2,144.87	2,021.32	1,525.76	1,361.62	1,283.84	19,874.85	
Outbound Total	219,016.98	16,791.76	20,194.55	18,895.24	18,781.62	17,358.53	16,260.83	17,863.59	17,966.09	16,086.37	20,802.84	14,279.45	195,280.85	

Figure 1 – Contract Outputs



1.1.5 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.

1.1.6 It should be noted that the average monthly figure for material to landfill from April 2018 to January 2019 is 3.09% or 96.41% diversion from landfill.

1.2 Complaints

Flies

2.2.1 Table 5 below illustrates the number of fly complaints by month, complaints dropped off from October 2018 onwards this is due to the seasonality of the fly cycle.

Table 5 - Fly complaints by month

April	May	June	July	August	September	October	November	December	January	February
3	5	49	10	8	1	0	0	0	0	0

2.2.2 In order to improve fly control particularly over the summer period Renewi have extended the pesticide treatment window to manage the growth of the fly population prior to the arrival of warmer weather. In addition, more robust control of raw waste stock levels in the reception and shredder pits has been implemented.

Odour

2.2.3 There has been an increase in odour complaints since September 2018 as detailed in table 6 below. Initially it was thought that this could be connected to a change in the bio-filter medium and investigations are continuing into the performance of the new media. However many of the complaints are not consistent with bio-filter odours either by description or intensity. There are several other potential sources of odours as described by the complainants in the surrounding area and the BDR Contract Management Team, Renewi and the Environment Agency are working closely to determine if the bio filters are the source of the odour. Testing on bio filter emissions is due to commence shortly. It should be noted that 26% of the complaints have arisen from the same source.

A revised Odour Management Plan has been submitted by Renewi to the EA and the EA Central team are reviewing this with a meeting proposed at the site between Renewi and the EA on 1st May.

There has been some leafleting and door knocking activity that may be impacting on the perception of the BDR facility by the local community and inflating the number of complaints. Whilst it is noted there has been a change in odour from the site, this is not regarded as malodourous by the EA.

Table 6 - Odour complaints by month

April	May	June	July	August	September	October	November	December	January	February
1	0	2	0	1	0	2	7	15	8	39

2.3 Fire Protection Improvements

2.3.1 The Fire Improvement Works project is currently in the design phase and is behind schedule.

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 building up in the screen. Laboratory tests to ascertain glass content in the

finest 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 Work has commenced on the replacement of the roof at Grange Lane transfer station. It is anticipated that the work will be completed by March 31st 2019.

2.6 Health and Safety

2.6.1 There were 11 Be Aware Safety (BOS) audits conducted during November 2018 and January 2019. 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 7 – Compliance from April 2018 to January 2019

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
Nov	69	2	0	2	0	0	0	0
Dec	59	0	0	0	0	0	0	2
Jan	57	1	0	0	0	0	0	1
YTD Total	660	12	0	13	0	1	0	5

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 The Significant Collection Change negotiations to accommodate the RMBC service changes are complete and the Deed of Variation is in draft form.

4.0 Financial

Table 8 - Operational Management Budget 2018/19

	Data			
Contract Manager detail ▼	Sum of Spend to date	Sum of Total Forecast 2018/19	Sum of Budget 2018-19	Sum of Variance 2018/19
Administration	22,187	22,798	22,765	33
Call off Finance	0	0	1,120	-1,120
Call off Legal	52,414	57,236	66,897	-9,661
Call off Technical	0	0	0	0
External Finance	9,830	13,830	30,000	-16,170
External Legal	1,082	1,082	50,000	-48,918
External Technical	17,195	19,195	24,850	-5,655
Management	98,488	109,740	117,075	-7,335
HWRC Project	0	0	0	0
Insurance Advisors	0	0	0	0
Grand Total	201,195	223,880	312,707	-88,827

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 budget 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)

5.1.1 Appendix 1 contains the minutes from the last Community Liaison Group (CLG) Meeting on 16 July 2018.

5.1.2 Renewis Corporate Social Responsibility fund is now open for applications with a deadline of 28th February 2019.

A major campaign is being launched to encourage more people in South Yorkshire to help the environment by composting their kitchen and garden waste. The Barnsley, Doncaster and Rotherham (BDR) Waste Partnership are organising competitions with prizes to get homes, schools and community groups started. There will be a poster competition for schools and a social media competition for residents.

Special events will be held across the region, and the campaign will offer lots of helpful tips and advice on the inexpensive and natural process that transforms the waste into a valuable and nutrient rich food for your garden.

6.0 Resources

3.1.4 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.

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

7.0 HWRC Procurement

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

7.1.2 A Project Initiation Document has been produced and work is commencing on investigating opportunities for a commercial service at HWRCs across BDR.

8.0 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, 1st October, 2018.

Attendance:

Non members:

1. Welcome. The chair welcomed everyone to the meeting including a new member, who introduced himself as a nearby resident in Bolton on Dearne wanting to represent the views of people with concerns about the impact of the facility.

2. Apologies. Noted. There was a discussion about the non-attendance again of representatives from Doncaster and Rotherham Councils.

Action: BDR Manager to raise this at Steering Committee.

3. Minutes of last meeting on 16th July were approved as a true record.

4. Issues arising. There were no issues arising.

5. 3SE update. Renewi Contract Director reported that work began in July on a major project to reduce the size and quantity of glass entering the AD plant in order to improve the compost like output. The work finished ahead of schedule and early tests showed good progress. Final contract testing would be completed by next March. In response to a question from the chair, it was confirmed that this would improve the quality of the output. Work was beginning on two further projects - detailed design work on fire improvement works, and measures to improve the air quality released from the AD facility by controlling the amount of ammonia in the exiting air. Work on this would start in November, and there would be no impact on the outside atmosphere. A three-week outage at Ferrybridge had not affected the facility, and FM1 had recently accepted its two millionth tonne of material, which had been delivered from the Manvers facility. Only 3.06 per cent of waste dealt with at Manvers had gone to landfill, which is better than the target set. There was a long discussion amongst CLG members about smells in the area generally, which some felt had got worse over the last year. One member complained of a rotting rubbish smell at 10pm, and it was agreed that members of the BDR and Renewi team with noses trained to do olfactory testing would meet him at his home when he notified them the smell was there. There was a general discussion amongst CLG members about the problems of smells on refuse collection rounds, and they asked that refuse vehicles should be cleaned regularly. The Operations Manager reported on an in depth piece of work into fly management. This involved inspecting the cleanliness of refuse vehicles and waste transfer stations in random spot checks, and bins left out by householders. The condition of some bins had been adversely affected by austerity measures which meant they were not replaced as often, and some had lids held together with tape. The work on fly management had been discussed with the Environment Agency and what changes in operating procedures and cleaning regimes could be made to improve the situation. Discussions had also taken place with other facilities elsewhere in the country to share best practice. Complaints had dropped off considerably in the last few months, but consideration was being given to continuing treatment regimes longer than usual, or starting them earlier in the New

Year. The chair acknowledged the work going on to tackle the fly problem, which he felt needed addressing as soon as possible.

Action: Trained members of BDR and Renewi team to meet CLG member at his home when notified that smell is evident and report back to next CLG meeting.

6. BDR update. The BDR Manager reported on a meeting of the Joint Waste Board earlier where the South Yorkshire Waste Strategy had been discussed. A senior officer would take charge of each one of the five themes and appoint a project leader for each. The new chair of the JWB was RMBC's Cabinet Member for Waste who was keen to promote better partnership working between the four local authorities. The new contract for HWRCs had been let to the existing contractor, but there would be operational changes and more emphasis on promoting re-use, and potentially providing facilities for SMEs which would be income generating. CLG members again raised concerns about the need for residents of BDR to be able to use any HWRC in the BDR area and the problems created by BMBC's residents' only permit policy, which the BMBC member said she would raise. This prompted a long discussion about the dangers of encouraging fly tipping, and the BDR Manager suggested a need for a piece of work on the impact of HWRC policies, particularly on consistency of message, and fly tipping. The CELO was being seconded to RMBC to help with engagement for the new waste collection service and a temporary replacement for her post had been recruited.

Action: Barnsley Council CLG member to raise the CLG's concerns about the impact of BMBC's resident permit only policy at HWRCs.

7. CELO update. The CELO confirmed her secondment to RMBC for a period of 11 months for four days a week, with one day a week still working at the Manvers facility. An assistant CELO had been appointed to focus on delivery work, information packs and schools visits, and details would be confirmed shortly. The person appointed would be attending the next CLG meeting. Two 2018 campaigns – Love Food Hate Waste and National Recycle Week had been completed and several hundred people had signed up to make the pledge to waste less food. Spaces were still available on the tour of the facility on November 20th. Demand for tours had decreased this year, but demand for talks on plastics had gone up.

8. Communications update. A great deal of time had been taken up with communication and publicity about National Recycle Week. This was the first time the four South Yorkshire local authorities had launched a joint campaign to mark the week. Publicity included a press release, social media campaign, radio station interview, and information on local authority and the BDR websites. However, the campaign had not been promoted much either locally or nationally, partly due to the charity WRAP which leads on it nationally not putting in as many resources as usual, probably due to budget cuts. Publicity and public reaction to the changes in RMBC's waste collection service, including a charge for green waste collections for the first time, were being monitored. Cuttings were also distributed about a scheme in Wales for monthly household waste collections, and a positive article about a three-year-old

boy with an interest in refuse collection vehicles being presented with his own model vehicle by RMBC waste service.

9. Any other business. The new CLG member said he felt complaints about the impact of the facility on areas like Bolton on Dearne may be going under-reported because residents feared it would affect house prices. The Contract Director felt this was counter-balanced by the use of social media.

10. Date and time of next meeting. This will be on Monday 14th January, 2019, 7pm at the Visitor Centre.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Summary Sheet

Council Report:

Barnsley, Doncaster and Rotherham Joint Waste Board

Title:

BDR Risk Register

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

No

Strategic Director Approving Submission of the Report:

BDR Steering Committee

Report Author(s):

Lisbeth Baxter

Ward(s) Affected:

None

Executive Summary:

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

Recommendation:

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

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

List of Appendices Included:

BDR Risk Register (appendix 1)

Background Papers:

BDR Risk Register Scoring Guide

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

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

Council Approval Required:

No

Exempt from the Press and Public:

No.

Title:
BDR Risk Register

1. Recommendations

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

2. Background

- 2.1 The BDR Joint Waste Board last considered the risk register at its meeting on 3rdDecember 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 sixteen 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	21/09/18	01/10/18	22/11/2018	3/12/2018	1/3/2019
Red	2	2	2	2	3
Amber	9	9	5	5	5
Green	4	4	8	8	8
Total	15	15	15	15	16

Target RAG Rating	20/09/18	1/10/18	22/11/2018	3/12/2018	1/3/2019
Red	0	0	0	0	0
Amber	7	7	5	4	5
Green	8	8	10	11	11
Total	15	15	15	15	16

- 3.6 Risk 9 Change in Law risk - this risk has been increased due to the release of the Waste and Resource Strategy and supporting consultations. The consultation outcomes may result in legislative change that will potentially have impacts on service design in the region.
- 3.10 Risk 7 Insurance risks remain the highest risks although insurance has been obtained for 2019/20. This is due to the hardening of the market and the requirement by the 3SE insurers for more mitigation equipment that has not as yet been installed.

3.11 Risk 16 is a new risk – This risk has been added due to the financial pressures that the Contractor has faced.

Monitoring

3.12 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				
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 Insurer 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	01/03/2019	↔
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	5	15	Consider the need for the Change in Law retention fund.	3	4	12	BDR MANAGER	01/03/2019	↑
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	01/03/2019	↔
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	Increased fly spraying during the fly season. Communicate to householders to wrap waste. Ensure biofilters are adequately maintained	3	3	9	BDR MANAGER	01/03/2019	↔
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	01/03/2019	↔
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	01/03/2019	↔
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	01/03/2019	NEW RISK
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 Promissory 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	01/03/2019	↔

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	01/03/2019	↔
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	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	01/03/2019	↔
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	01/03/2019	↔
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	01/03/2019	↔
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	01/03/2019	↔
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	2	4	Ensure succession planning is adequate. Invest in training for the current team Project Management and COTC.	2	1	2	BDR MANAGER	01/03/2019	↓
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	2	4	Ensure succession planning is adequate. Invest in training for the current team Project Management and COTC.	2	1	2	BDR MANAGER	01/03/2019	↓

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